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WHEN: Tuesday, September 11, 2007
9:00 a.m.–Noon

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Washington, DC 20002

RESERVATIONS: (202) 741-6008

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2007–0104]

Asian Longhorned Beetle; Additions to Quarantined Areas in New York

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Asian longhorned beetle regulations by expanding the boundaries of the quarantined areas in New York and restricting the interstate movement of regulated articles from these areas. This action is necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: This interim rule is effective August 20, 2007. We will consider all comments that we receive on or before October 19, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ‘‘Animal and Plant Health Inspection Service’’ from the agency drop-down menu, then click ‘‘Submit.’’ In the Docket ID column, select APHIS–2007–0104 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ‘‘User Tips’’ link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0104, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0104.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, ALB National Coordinator, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–4387.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries could experience severe economic losses. In addition, urban and forest ALB infestations will result in environmental damage, aesthetic deterioration, and a reduction in public enjoyment of recreational spaces.

The regulations in 7 CFR 301.51–1 through 301.51–9 restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States. Recent surveys conducted in New York by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that infestations of ALB have occurred on Prall's Island and in an area of Staten Island in Richmond County. These areas are outside the existing quarantined areas, and are in close proximity to the Middlesex/Union County quarantined area in New Jersey and could potentially reinfest that area. Officials of the U.S. Department of Agriculture and officials of State, county, and city agencies in New York are conducting intensive survey and eradication programs in the infested area, and the State of New York has quarantined the infested area and is restricting the intrastate movement of regulated articles from the quarantined area to prevent the further spread of ALB within that State. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined area to prevent the spread of ALB to other States and other countries.

The regulations in § 301.51–3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which ALB has been found by an inspector, where the Administrator has reason to believe that ALB is present, or where the Administrator considers regulation necessary because of its inseparability for quarantine enforcement purposes from localities where ALB has been found. Less than an entire State will be quarantined only if (1) the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles and (2) the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of ALB. In accordance with these criteria and the recent ALB findings described above, we are amending the list of quarantined areas in § 301.51–3(c) to include an additional area in Richmond County, NY. The expanded quarantined area is described in the regulatory text at the end of this document.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the artificial spread of ALB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

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

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule amends the ALB regulations by expanding the boundaries of the quarantined areas in New York and restricting the interstate movement of regulated articles from these areas. This action is necessary to prevent the artificial spread of the ALB to noninfested areas of the United States.

The Regulatory Flexibility Act (RFA) requires that agencies consider the economic impact of their rules on small entities, such as small businesses, organizations, and governmental jurisdictions. The businesses potentially affected by this rule are nurseries, tree care services, firewood retailers, lawn maintenance and landscaping companies, general contractors, garden centers, recyclers of waste material, and lumber and building material outlets. These businesses could be affected by the regulations in two ways. First, if a business wishes to move regulated articles interstate from a quarantined area, that business must either: (1) Enter into a compliance agreement with APHIS for the inspection and certification of regulated articles to be moved interstate from the quarantined area; or (2) present its regulated articles for inspection by an inspector and obtain a certificate or a limited permit, issued by the inspector, for the interstate movement of regulated articles. The inspections may be inconvenient, but not costly; businesses operating under a compliance agreement would perform the inspections themselves and for those businesses that elect not to enter into a compliance agreement, APHIS would provide the services of an inspector without cost. There is also no cost for the compliance agreement, certificate, or limited permit for the interstate movement of regulated articles.

Second, there is a possibility that, upon inspection, a regulated article could be determined by the inspector to be potentially infested with the ALB and, as a result, the inspector would not issue a certificate. In this case, the entity's ability to move regulated articles interstate would be restricted. However, the affected entity could conceivably obtain a limited permit under the conditions of § 301.51–5(b).

Additionally, entities may incur additional costs in disposing of regulated articles such as wood debris from tree pruning and removal.

Within the quarantined area added by this interim rule, there are approximately 15 entities potentially affected, including 2 nursery dealers, 1 nursery grower, 6 landscaping companies, 3 general contractors, 2 transfer stations, and a compost facility. While the size of these entities is unknown, it is reasonable to assume that most would be classified as small entities, based on the U.S. Small Business Administration's size standards.

Because the newly regulated area is primarily urban, the entities located in that area are more likely to be receiving regulated articles from outside the quarantined area than they are to be shipping regulated articles interstate to nonquarantined areas. It is unlikely, therefore, that most entities located in the newly regulated area would be moving regulated articles that would require inspection in the first place.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

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

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

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

■ 2. In § 301.51–3, paragraph (c), under the entry for New York, the entry for New York City is amended by designating the text as paragraph (1) and adding a new paragraph (2) to read as follows:

§ 301.51–3 Quarantined areas.

* * * * *

(c) * * *

New York

New York City. * * *

(2) That area in the Borough of Richmond in the City of New York bounded by a line drawn as follows: Beginning at a point on the New York/New Jersey State line due north of the intersection of Richmond Terrace and South Avenue; then south from that point to the intersection of South Avenue and Richmond Terrace; then south on South Avenue to Fahy Avenue; then east on Fahy Avenue to Arlene Street; then south on Arlene Street until

it becomes Park Drive North; then south on Park Drive North to Rivington Avenue; then east on Rivington Avenue to Mulberry Avenue; then south on Mulberry Avenue to Travis Avenue; then northwest on Travis Avenue to the point where it crosses Main Creek; then south along the west shoreline of Main Creek to Fresh Kills Creek; then west along the north shoreline of Fresh Kills Creek to Little Fresh Kills Creek; then west along the north shoreline of Little Fresh Kills Creek to the Arthur Kill; then west to the New York/New Jersey State line in the Arthur Kill; then north along the New York/New Jersey State line to the point of beginning.

* * * * *

Done in Washington, DC, this 14th day of August 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–16297 Filed 8–17–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 2004N–0382]

RIN 0910–ZA23

Food Labeling: Safe Handling Statements: Labeling of Shell Eggs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food labeling regulations to permit the egg industry to place the safe handling statement for shell eggs on the inside lid of egg cartons if the statement ''Keep Refrigerated'' appears on the principal display panel (PDP) or information panel. This final rule will provide the industry greater flexibility in the placement of safe handling instructions on egg cartons, while continuing to provide consumers with this important information. This action is in response to numerous requests from the egg industry.

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

FOR FURTHER INFORMATION CONTACT: Catalina Ferre-Hockensmith, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2371.

SUPPLEMENTARY INFORMATION:

I. Background

On December 5, 2000 (65 FR 76092), FDA (we) published a final rule (hereinafter referred to as the shell egg refrigeration and labeling final rule) to require a safe handling statement on cartons of shell eggs that have not been treated to destroy *Salmonella* microorganisms (§ 101.17(h) (21 CFR 101.17(h))). The regulation also requires retail establishments to store and display shell eggs under refrigeration (21 CFR 115.50). FDA issued the shell egg refrigeration and labeling final rule because of the number of outbreaks of foodborne illnesses and deaths caused by *Salmonella* Enteriditis that are associated with the consumption of shell eggs. After the publication of the shell egg refrigeration and labeling final rule, the egg industry asked FDA to allow safe handling statements to be placed on the inside lid of egg cartons because of: (1) The lack of equipment to print on the side panels of egg cartons (i.e., the information panel), (2) the high cost to purchase equipment to print on the sides of egg cartons, and (3) the high cost to change the graphic design of the PDP for each brand that manufacturers produce for each customer.

In the **Federal Register** of May 5, 2005 (70 FR 23813), FDA published a proposed rule (the 2005 proposed rule) to allow the egg industry to place the required safe handling statement on the inside lid of egg cartons, if the statement ''Keep Refrigerated'' appears on the PDP or information panel. We tentatively concluded in the proposed rule that the inside lid would serve as an acceptable panel for the safe handling instructions without diminishing the effectiveness of the message. We further tentatively concluded that providing flexibility to allow the placement of the safe handling statement for shell eggs on the inside lid of egg cartons if the statement ''Keep Refrigerated'' appears on the PDP or information panel may result in cost savings for the egg industry, and, thus, for consumers.

II. Comments and Agency's Responses

FDA received a total of eight responses, each containing one or more comments, to the proposal. The comments were from consumer groups, a State government agency, a consumer, a consulting firm, and a trade association. Some of these comments were about issues that are outside the scope of this rulemaking and will not be addressed in this document. The majority of the remaining comments supported the proposal. One comment directly opposed the proposal, whereas two comments supported the proposal based on suggested modifications to the proposal.

(Comment 1) The comment that opposed the proposal asserted that there is no ''lack of equipment'' for printing the safe handling statement on the side panel of egg cartons. The comment contended that all the egg industry has to do is order new packages.

(Response) As we stated in the 2005 proposed rule, the egg industry sent letters to FDA stating that placing the statement on the top or sides of the carton would result in a financial hardship for their companies because of, among other things, the lack of equipment to print on the side panels of egg cartons (i.e., the information panel) and the high cost to purchase equipment to print on the sides of egg cartons. One of these letters provided specific information on the high costs to purchase new equipment required for printing on the information panel and on the high costs to redesign the egg carton. The comment that opposed the proposal did not provide data or other information that shows that the industry has the necessary equipment. Consequently, we are not persuaded by this comment, and we maintain our view that allowing the safe handling instructions on the inside of the lid could result in cost savings for the industry and ultimately the consumer, while continuing to provide mandatory safe handling instructions to consumers.

(Comment 2) Several comments requested that FDA make format changes for the safe handling statement. Two comments stated that FDA should replace the current standard of ''conspicuous'' with specific formatting requirements for the safe handling statement, e.g., use of dark color, such as black, blue, dark blue, or brown on a light background. In addition, several comments stated that the type size of the safe handling statement should be increased and two of these comments suggested specific sizes, e.g., 12-point or larger and ''10-inch type'' [1] or larger. In addition, one of these comments stated that a survey of egg cartons found that the safe handling statement is printed in type as small as 7-point and, sometimes, the statement is printed directly on a gray cardboard carton, which makes the statement difficult to read. Therefore, according to this comment, a significant number of consumers may not notice or

[1] We believe that the comment did not actually mean ''10-inch'' type but meant another type size, such as a 10-point font.

may have difficulty reading this information.

(Response) We do not agree that specific formatting requirements for the safe handling statement are needed. Provisions in section 403(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(f)) and FDA implementing regulations in §§ 101.2 and 101.15 (21 CFR 101.2 and 101.15) address the prominence and conspicuousness of mandatory information on food labels. Specifically, § 101.2(c) provides that mandatory labeling information must appear prominently and conspicuously and should be at least one-sixteenth inch in height. In addition, § 101.15(a)(6) provides that labeling information may lack the necessary prominence and conspicuousness if it is crowded with other written or graphic matter or has insufficient background contrast. The comments did not provide data that show that the existing requirements in §§ 101.2 and 101.15 are not adequate when followed. In addition, the type size required in § 101.2 is a minimum type size and does not restrict manufacturers from using a larger type size to print information on food labels if they choose. Also, while the comments stated that the safe handling statement may be difficult to read, the comments did not provide any data that demonstrate that consumers are unable to read the statement. Therefore, we are not persuaded that specific formatting requirements are needed in this regulation in addition to the requirements already in place in §§ 101.2 and 101.15 to ensure that the safe handling statement is noticeable and legible.

We remind manufacturers that they must comply with FDA's regulations on the prominence and conspicuousness of mandatory information on food labels in §§ 101.2 and 101.15. In addition, we encourage manufacturers to print the safe handling statement in fonts larger than the minimum required if space is available on the carton.

(Comment 3) One comment stated that a referral statement should accompany the ''Keep Refrigerated'' statement. The comment argued that a referral statement is necessary so that consumers would know to look on the inside of the lid for safe handling instructions. However, the comment did not provide any supporting data.

(Response) We are not persuaded by the comment that a referral statement should accompany the ''Keep Refrigerated'' statement. In the proposal we did not propose to require a referral statement because we assumed that the number of consumers who would read the safe handling statement on the inside lid under this rule to be about the same as the number who read it on the outside of the carton. We base this assumption on the following reasons: (1) All consumers open egg cartons before consumption; and (2) the greater potential for larger font sizes and lower text density on the inside lid, which may equate to a larger number of consumers reading the safe handling statement.

However, in the proposed rule we asked for comment on whether it is necessary to require a referral statement on the outside lid when the safe handling instructions are placed on the inside lid. The comment did not provide any supporting data or other information that demonstrates that when consumers open egg cartons before consumption, they will not see the safe handling instructions. Therefore, we are not persuaded that there is a need for a referral statement to accompany the ''Keep Refrigerated'' statement.

III. Analysis of Economic Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The final rule provides additional options for placing the safe handling statement on egg cartons. No small business would be forced to use this option, and so the final rule imposes no costs on small businesses. For those small businesses choosing the option, the final rule reduces labeling costs. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

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

A. Need for This Regulation

The need for this regulation is to provide the shell egg industry, which includes egg producers, carton manufacturers, egg distributors, and retailers, additional flexibility in complying with FDA requirements for the placement of safe handling instructions on egg cartons, without reducing the prominence or conspicuousness of the information and without undermining the effectiveness of the shell egg refrigeration and labeling final rule. Allowing the inside lid to be used for the safe handling instructions may create cost savings for firms that were concerned that complying with the labeling requirement of the shell egg refrigeration and labeling final rule would be a financial hardship. This final rule allows for the safe handling instructions to be placed on the inside lid of egg cartons if the words ''Keep Refrigerated'' are placed on the PDP or information panel.

B. Comments

In response to the proposed rule, FDA received several comments. None of the comments provided information that would alter the conclusions of the economic impact analysis of the proposed rule.

C. Cost-Benefit Analysis

In the proposed rule, FDA evaluated three regulatory options to allow the safe handling statement to be printed on the inside lid of egg cartons. The options considered were the following: (1) No new regulatory action, (2) allow the safe handling statement to be placed on the inside lid with a referral statement on the outside of the carton if the words ''Keep Refrigerated'' are placed on the PDP or information panel, and (3) allow the safe handling statement to be placed on the inside lid with no referral statement required if the words ''Keep Refrigerated'' are placed on the PDP or information panel.

1. Costs: Potential Reduction in the Numbers of Consumers Reached

FDA estimated that the costs of this rule are likely to be zero. The only costs that could arise are from changes in the number of consumers who read the safe handling statement. The number of consumers who would read the safe handling statement on the inside lid under this rule is assumed to be about the same as the number who read it under the existing regulation. The reasons for this assumption are: (1) The consumer practice of looking inside the egg carton either at the time of purchase or at a time before consumption, and (2) the potential for more space on the inside lid of egg cartons because of its relatively larger surface area.

At least one study has shown that labels that are larger and have less text density attract more attention (Ref. 1). Another study has shown that larger font sizes enhance label legibility (Ref. 2). Because the inside lid may allow less text density and more space for printing the safe handling statement in larger font sizes, such placement may result in a larger number of consumers reading the safe handling statement than under the existing regulation. Because all consumers look inside the egg carton at some time before consumption, FDA concludes that there are no costs of this final rule.

2. Benefits: Cost Savings Realized by Egg Carton Manufacturers

The benefits from this rule are the costs savings to firms from avoiding placing the safe handling statement on the PDP or information panel. The estimates of the total cost savings for this rule are based on previous estimates of costs savings of option two in the proposed rule. Under option two, the costs savings for a firm from additional flexibility equal the difference between the sum of the costs of printing the safe handling statement on the inside lid and printing a referral statement and the costs of printing the safe handling statement on either the PDP or information panel. The agency estimated the cost savings associated with option two by computing the costs of full label redesign and of adding a safe handling statement using the FDA Labeling Cost Model, Final Report (Ref. 3). The range of cost savings from option two is estimated to be between $5 and $19 million, with a mean of $11 million, assuming a 12-month compliance period.

3. Comparing the Benefits of Option Two With Those of Option Three, the Chosen Option

A comparison of the estimates of the total costs savings reported for option two with those reported for option three, the chosen option, indicates the potential for substantial cost savings with option three. The larger cost savings from option three compared with option two reflects the lower cost from not requiring a referral statement on an outside panel in option three as well as the cost savings from a larger share of the industry choosing the inside lid statement under option three. The cost savings from option two and this final rule are reported in table 1 of this document.

TABLE 1.—COST SAVINGS OF OPTION TWO AND OF OPTION THREE, THE CHOSEN OPTION

Estimates of Cost Savings	Cost Savings of Option Two (12-Month Compliance)	Cost Savings of Option Three, the Chosen Option (12-Month Compliance)
Mean estimate	$11,032,000	$14,843,000
Low estimate (5th percentile)	$5,125,000	$8,039,000
High estimate (95th percentile)	$19,022,000	$24,645,000

4. Summary of Costs and Benefits of this Final Rule

FDA estimated the costs and benefits for three regulatory options for flexibility in the placement of the safe handling statement on egg cartons. The analysis concludes that the costs, measured as the public health effects of a decrease in the number of consumers that would read the safe handling statement, are zero for option three, the chosen option. We conclude that because all consumers open egg cartons before consumption, and given the potential for larger font sizes and lower text density on the inside lid, it is likely that most consumers will notice the safe handling statement on the inside lid if it is located there. The benefits from the options considered are measured as the cost savings from allowing firms additional flexibility of printing the safe handling statement on the inside lid. The estimated cost savings from option three, the chosen option in this final rule, range from $8 to $25 million, with a mean of $15 million, assuming a 12-month compliance period.

IV. Analysis of Environmental Impact

The agency has determined under 21 CFR 25.30(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Federalism

FDA has analyzed this rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule would have a preemptive effect on State law. Section 4(a) of the Executive Order requires agencies to ''construe * * * a Federal statute to preempt State law only where the statute contains an express preemption provision, or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.''

The shell egg refrigeration and labeling final rule set minimum national standards to ensure the safety of eggs for all consumers in this country. Because State and local public health officials are the primary enforcement officials in retail establishments, FDA has recognized that it must rely on these officials to provide the bulk of the enforcement of this regulation. If less stringent State or local refrigeration and labeling requirements are not preempted, enforcement of those less stringent requirements will interfere with the cooperative enforcement of the Federal egg refrigeration and labeling requirements. FDA believes that such cooperative enforcement is critical to effective implementation of this important food safety requirement.

Thus, although Congress did not expressly preempt State law in this area, FDA found in the shell egg refrigeration and labeling final rule that preemption is needed because State and local laws that are less stringent than the Federal requirements will significantly interfere with the important public health goals of this regulation (65 FR 76092 at 76109–76110). This final rule amends the shell egg refrigeration and labeling final rule to permit the egg industry to place the safe handling statement for shell eggs on the inside lid of egg cartons if the statement ''Keep Refrigerated'' appears on the PDP or information panel. FDA believes that preemption of State and local labeling requirements that are the same as or more stringent than the requirements of this regulation would not be necessary, as enforcement of such State and local requirements would not interfere with the food safety goals of this regulation. Further, it is likely that any states that enacted similar labeling requirements to those in this final rule would change those requirements to be consistent with any changes made by FDA as a result of this rulemaking. Accordingly, the preemptive effect of this rule would be limited to State or local requirements that are not as stringent as the requirements of this regulation. Requirements that are the same as or more stringent than FDA's requirement would remain in effect.

Further, section 4(e) of the Executive Order provides that ''when an agency proposes to act through adjudication or rulemaking to preempt State law, the agency shall provide all affected State and local officials notice and an opportunity for appropriate participation in the proceedings.'' FDA provided the States with an opportunity for appropriate participation in this rulemaking when it sought input from all stakeholders through publication of the 2005 proposed rule. FDA received two comments from a State Department of Agriculture, which agreed with the proposal.

In addition, on March 12, 2007, FDA's Division of Federal and State Relations provided notice by fax and e-mail transmission to State health commissioners, State agriculture commissioners, and food program directors of FDA's intended amendment to its food labeling regulations to permit the egg industry to place the safe handling statement for shell eggs on the inside lid of egg cartons if the statement ''Keep Refrigerated'' appears on the PDP or information panel (§ 101.17(h)). The notice provided the States with further opportunity for input on this rulemaking. It advised the States of the intended publication of the final rule and encouraged State and local governments to review the notice and to provide any comments to the docket (Docket Number 2004N–0382), opened May 5, 2005, when the 2005 proposed rule was published in the **Federal Register**, by a date 30 days from the date of the notice (i.e., by April 11, 2007). FDA received no comments in response to this notice. The notice has been filed in the previously referenced docket.

For the reasons set forth previously in this document, the agency believes that it has complied with all of the applicable requirements under the Executive order. In conclusion, FDA has determined that the preemptive effects of this rule are consistent with Executive Order 13132.

VII. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Tuominen, R., ''Why Do Some Yellow Page Advertisements Capture Attention Better Than Others?,'' *Acta Odontologica Scandinavia*, 59: 79–82, 2001.

2. Dietrich, D.A., ''Enhancing Label Readability for Over-the-Counter Pharmaceuticals by Elderly Consumers,'' *Journal of Safety Research*, 27: 132, 1996.

3. RTI International, ''FDA Labeling Cost Model, Final Report,'' prepared by Mary Muth, Erica Gledhill, and Shawn Karns, RTI, prepared for Amber Jessup, FDA, Center for Food Safety and Applied Nutrition, April 2002.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended as follows:

PART 101—FOOD LABELING

■ 1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371; 42 U.S.C. 243, 264, 271.

■ 2. Section 101.17 is amended by revising paragraph (h)(2) to read as follows:

§ 101.17 Food labeling warning, notice, and safe handling statements.

* * * * *

(h) * * *

(2) The label statement required by paragraph (h)(1) of this section shall appear prominently and conspicuously, with the words ''SAFE HANDLING INSTRUCTIONS'' in bold type, on the principal display panel, the information panel, or on the inside of the lid of egg cartons. If this statement appears on the inside of the lid, the words ''Keep Refrigerated'' must appear on the principal display panel or information panel.

* * * * *

Dated: May 25, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–16272 Filed 8–17–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 208

RIN 1510–AB07

Management of Federal Agency Disbursements

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: On August 7, 2006, the Financial Management Service (FMS) published an interim final rule amending 31 CFR Part 208 (Part 208) to facilitate the delivery of Federal payments to victims of disasters and emergencies. See 71 FR 44584. The interim final rule was published without prior notice and comment and took effect immediately upon publication due to the need to be prepared to deliver Federal assistance and benefit payments during the 2006 hurricane season. However, we invited comments on the interim rule and indicated that we would consider all comments received. We have reviewed and considered the comments received on the interim rule and are adopting that rule as final without change.

DATES: Effective August 20, 2007, the interim rule published on August 7, 2006 (71 FR 44584) is confirmed as final.

ADDRESSES: You can download this rule at the following Web site: *http://www.fms.treas.gov/ach.* You may also inspect and copy this rule at: Treasury Department Library, Freedom of Information Act (FOIA) Collection, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Before visiting, you must call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Sally Phillips, Director, EFT Strategy Division, at (202) 874–7106 or *sally.phillips@fms.treas.gov;* or Natalie H. Diana, Senior Counsel, at (202) 874–6680 or *natalie.diana@fms.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background

Part 208 implements the provisions of 31 U.S.C. 3332, which generally requires that Federal payments be made by electronic funds transfer (EFT). Under 31 U.S.C. 3332, the Secretary of the Treasury (Secretary) must ensure that any individual required to receive a Federal payment by EFT have access to an account at a financial institution at a reasonable cost and with certain consumer protections. On August 7, 2006, Treasury issued an interim final rule amending Part 208 in order to facilitate the delivery of Federal benefit and assistance payments to victims of emergencies and disasters. The purpose of the interim rule was to provide regulatory authority for Treasury, in the event of a disaster or emergency, to establish accounts at a financial institution for affected individuals in order to allow for the delivery by EFT of Federal payments.

The possibility that a future emergency or disaster could disrupt the delivery of Federal payments through conventional methods such as direct deposit and check was made apparent by Hurricane Katrina in 2005. During the aftermath of Hurricane Katrina, many individuals who had been displaced from their homes were in immediate need of financial assistance. As Hurricane Katrina illustrated, in the extraordinary circumstance of a disaster, many individuals may not have access to their bank accounts and may not be able to readily establish new bank accounts. Such individuals would have no way to receive an electronic Federal assistance or benefit payment. Moreover, the postal delivery of checks may be delayed or disrupted in a disaster situation, at the very time when the expeditious delivery of Federal assistance and benefit payments is critical in assisting people in disaster situations who urgently need funds in order to pay for food, clothing and shelter. Even where Treasury checks can be expeditiously delivered to disaster victims, individuals who have been displaced from their homes may be unable to establish their identities due to lost or inaccessible documentation. As a result, financial institutions may be unwilling to cash Treasury checks for these individuals, because they cannot determine the identity of the individual or whether a Treasury check that an individual is seeking to cash has been stolen and fraudulently endorsed. Finally, check payments may raise security concerns in disaster situations, since individuals who cash checks will typically be carrying significant amounts of cash in order to make purchases.

In light of these concerns, we published an interim final rule to provide regulatory authority for Treasury to establish accounts at financial institutions for victims of a disaster or emergency in order to allow for the electronic delivery of Federal payments.

Summary and Response to Comments

We received three comment letters on the interim final rule. One comment letter, from a national payments association, expressed support for the rule and noted that the rule appears to provide the flexibility that would be critical in the event of a future disaster or emergency that disrupts the delivery of payments. The letter also urged Treasury give advance consideration to issues such as how long accounts would remain open, where people would go to open accounts and how ACH files would be transferred if there were no electricity and/or telecommunications capacity. Another comment letter, from a trade association, agreed with the need for flexibility in disaster situations but urged Treasury to provide disaster victims with the opportunity to receive Federal payments through the financial institution of their choosing whenever possible. The letter also urged Treasury to use all available communications media to apprise disaster victims, the financial services sector and emergency assistance organizations of the plan to deliver Federal payments in the aftermath of a disaster.

The third comment letter was from a Federal agency. The agency questioned how Treasury could deliver payments electronically in the event that the infrastructure supporting direct deposit were disrupted. The agency also raised other questions, such as how financial institutions would provide account access to disaster victims who do not have documentary evidence of their identities. Finally, the agency argued that agency relief personnel and individual victims are in the best position to decide how disaster relief payments should be delivered, and that individuals should not be required to receive payments electronically through accounts established for them by Treasury.

We are aware that, depending on the nature of an emergency, the delivery of payments by direct deposit could be disrupted by damage to the payment system infrastructure. The purpose of the amendment to Part 208 was to provide Treasury with maximum flexibility for developing payment solutions even in the event of disruptions to payment networks, electricity and/or telecommunications. For example, in the event that the direct deposit network were not operational, it might be possible to deliver payments via other established electronic payment networks, such as ATM networks and credit/debit card networks, or through other means that might be developed depending upon the contingencies of a particular situation. In the event that individuals could not provide the standard identity documents that financial institutions typically require, Treasury would work with benefit and relief agencies and financial institutions to issue passwords that disaster victims could use to access payments following the agencies' confirmation of victims' identities on the basis of verifiable information held by the agency.

It is important to note that the interim final rule permits, but does not require, Treasury to establish accounts for disaster victims. Treasury intends to work closely with benefit and relief agencies to determine how best to deliver funds in the event of an emergency. Because it is impossible to know in advance precisely the circumstances that a future disaster or emergency could present, the rule allows the terms and conditions of such accounts to be established on the basis of whatever is appropriate in a given situation. Thus, for example, Treasury might consider establishing accounts for disaster victims through which relief and assistance funds could be accessed at ATMs and/or point-of-sale locations. Alternatively, in more exigent circumstances, Treasury might work with one or more financial institutions to provide electronic funds access through proprietary arrangements with retailers, charitable organizations or other unconventional means of access. The interim final rule gives Treasury the authority to quickly establish accounts for disaster and emergency victims, as well as the flexibility to determine what features such accounts should have in order to meet the needs of agencies and payment recipients.

Amendment of Part 208

The interim rule amended 31 CFR Part 208 by adding a new § 208.11 that provides that Treasury may establish accounts at financial institutions for victims of a disaster or emergency in order to allow for the electronic delivery of Federal payments. New § 208.11 gives the Secretary flexibility to determine what features such accounts should have in light of the particular nature of the disaster or emergency. Sections 208.4, 208.6, 208.7 and 210.5 of title 31 CFR do not apply to the establishment of accounts or issuance of payments pursuant to this section. For example, the waivers set forth in § 208.4 are not applicable in situations where Treasury is establishing accounts for the express purpose of allowing for the delivery by EFT of Federal payments to disaster victims. The requirement in §§ 208.6 and 210.5 that a Federal non-vendor electronic payment be deposited to a deposit account in the name of the recipient does not apply to accounts established pursuant to § 208.11, nor are agencies required to notify check recipients and newly-eligible payment recipients of options available to them, as is normally required under § 208.7. Further, Treasury will be able to deliver payments to accounts established pursuant to § 208.11, notwithstanding any other instructions from the payment recipient.

Regulatory Analyses

Request for Comment on Plain Language

On June 1, 1998, the President issued a memorandum directing each agency in the Executive branch to write its rules in plain language. This directive is effective for all new proposed and final rulemaking documents issued on or after January 1, 1999. We invite comment on how to make this final rule clearer. For example, you may wish to discuss: (1) Whether we have organized the material to suit your needs; (2) whether the requirements of this final rule are clear; or (3) whether there is something else we could do to make this rule easier to understand.

Regulatory Planning and Review

The final rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Regulatory Flexibility Act Analysis

Because no notice of proposed rulemaking was required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) do not apply.

List of Subjects in 31 CFR Part 208

Accounting, Automated Clearing House, Banks, Banking, Electronic funds transfer, Financial institutions, Government payments.

Adoption of the Amendment

■ For the reasons set out in the preamble, under the authority of 5 U.S.C. 301 the interim rule amending 31 CFR Part 208 published at 71 FR 44584 is adopted as a final rule without change.

Dated: August 14, 2007.

Kenneth R. Papaj,

Commissioner.

[FR Doc. 07–4053 Filed 8–17–07; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD–2006–HA–0207]

RIN 0720–AB15

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Reserve Select for Members of the Selected Reserve

AGENCY: Office of the Secretary, DoD.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule revises requirements and procedures for TRICARE Reserve Select and restructures eligibility to include all Selected Reservists, except for those individuals either enrolled or eligible to enroll in a health benefit plan under Chapter 89 of Title 5, United States Code. The rule is being published as an interim final rule with comment period in order to comply with statutory effective dates.

DATES: *Effective Date:* This rule is effective October 1, 2007. Submit comments on or before September 19, 2007.

ADDRESSES: You may submit comments, identified by docket number and or RIN number and title, 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://regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Jody Donehoo, TRICARE Management Activity, TRICARE Operations, telephone (703) 681–0039.

Questions regarding payment of specific claims under the TRICARE allowable charge method should be addressed to the appropriate TRICARE contractor.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

A previous interim final rule was published in the **Federal Register** on March 16, 2005, (70 FR 12798–12805) that established requirements and procedures to implement TRICARE Reserve Select under section 701 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA–05) (Pub. L. 108–375). Section 701 of NDAA–05 authorized premium-based medical coverage for certain members of the Selected Reserve and their family members. By April 2005, Selected Reserve members who served on active duty in support of a contingency operation and fulfilled other statutory qualifications could purchase TRICARE Reserve Select coverage for periods proportional to their period of active duty.

A second interim final rule was published in the **Federal Register** on June 21, 2006, (71 FR 35527–35537). That interim final rule revised requirements and procedures for TRICARE Reserve Select pursuant to sections 701 and 702 of the National Defense Authorization Act for Fiscal Year 2006 (NDAA–06) (Pub. L. 109–163). Section 701 enhanced the existing TRICARE Reserve Select program. Section 702 added two new tiers of premium sharing by the government (50 percent and 85 percent member portion) to the existing premium tier (28 percent member portion), making TRICARE Reserve Select available to all Selected Reservists.

Before a final rule could be issued subsequent to the interim final rule published in the **Federal Register** on June 21, 2006, (71 FR 35527–35537) for the TRICARE Reserve Select program, Section 706 of the NDAA–07 amended the statutory provisions in sections 701 and 702 of the NDAA–06 which were implemented in the interim final rule.

Therefore, this interim rule addresses provisions of the National Defense Authorization Act for Fiscal Year 2007 (NDAA–07) (Pub. L. 109–364). First, section 706 of the NDAA–07 expands the availability of the 28 percent premium tier to all Selected Reservists with one exception. Those individuals either enrolled or eligible to enroll in a health benefit plan under Chapter 89 of Title 5, United States Code are specifically excepted from eligibility under this legislation. Second, this section eliminates fixed length periods of coverage. Third, this section eliminates the 50 percent and 85 percent premium tiers to reflect the repeal of Section 1076b of Title 10, United States Code, in its entirety.

The law authorizing the TRICARE Reserve Select program uses the term ''eligibility'' to identify conditions under which a Reserve component member may purchase coverage. For purposes of program administration, the terms ''qualifying'' or ''qualified'' shall generally be used in lieu of such terms as ''eligibility'' or ''eligible'' to refer to a Reserve component member who meets the program requirements allowing purchase of TRICARE Reserve Select coverage.

The latter interim rule (June 21, 2006) introduced certain terminology for TRICARE Reserve Select intended to reflect critical elements that distinguish it from other long-established TRICARE health programs. For instance, the effective date of eligibility for TRICARE has long been understood to mean that the eligible individual may obtain care under the military health system as of that date. However, that is not what it means in the context of TRICARE Reserve Select. To avoid the inevitable misunderstanding, this rule uses the term ''qualify'' to mean that the member has satisfied all the ''qualifications'' that must be met before the member is authorized to purchase coverage. Only then may the member purchase coverage by submitting a completed request in the appropriate format along with payment of the applicable one month premium. The term ''coverage'' indicates the benefit of TRICARE covering claims submitted by TRICARE authorized providers, hospitals, and suppliers for payment of covered services, supplies, and equipment.

II. TRICARE Reserve Select Program

A. *Establishment of the TRICARE Reserve Select Program* (paragraph 199.24(a)). This paragraph describes the nature, purpose, statutory basis, scope, and major features of TRICARE Reserve Select, a premium-based medical coverage program that was made available worldwide to certain members of the Selected Reserve and their family members. TRICARE Reserve Select is authorized by 10 U.S.C. 1076d.

The major features of the program include the following. TRICARE Reserve Select coverage is available for purchase by any Selected Reserve member if the member fulfills all of the statutory qualifications. The amount of the premium that members pay is prescribed by the Secretary of Defense as one premium for member-only coverage and a second premium for member and family coverage. The statute eliminates the former tiered premium rate structure of TRICARE Reserve Select. Additionally, TRICARE rules apply unless otherwise specified; certain special TRICARE programs are not part of TRICARE Reserve Select, including the Extended Care Health Option (ECHO) program, the Special Supplemental Food Program (also known as the Women, Infants, and Children—Overseas Program), and the Supplemental Health Care Program, except when referred by a Military Treatment Facility (MTF) provider for incidental consults and the MTF provider maintains clinical control over the episode of care. The TRICARE Dental Program is already available under 10 U.S.C. 1076a to all members of the Selected Reserve and their family members whether or not they purchase TRICARE Reserve Select coverage.

Under TRICARE Reserve Select, Selected Reserve members who fulfill all of the statutory qualifications may purchase either the member-only type of coverage or the member and family type of coverage by submitting a completed request in the appropriate format along with payment of the applicable monthly premium at the time of enrollment. When their coverage becomes effective, TRICARE Reserve Select beneficiaries receive the TRICARE Standard (and Extra) benefit. TRICARE Reserve Select features the deductible and cost share provisions of the TRICARE Standard (and Extra) plan for active duty family members (ADFM) for both the member and covered family members.

B. *TRICARE Reserve Select premiums* (paragraph 199.24(b)). Members are charged premiums for coverage under TRICARE Reserve Select that represent 28 percent of the total annual premium amount that the Assistant Secretary of Defense, Health Affairs (ASD(HA)) determines on an appropriate actuarial basis as being appropriate for coverage under the TRICARE Standard (and Extra) benefit for the TRICARE Reserve Select eligible population. Premiums are to be paid monthly, except as otherwise established as part of the administrative implementation of TRICARE Reserve Select.

Annual rates for the first year TRICARE Reserve Select was offered (2005) were based on the calendar year annual premiums for the Blue Cross and Blue Shield Standard Service Benefit Plan under the Federal Employees Health Benefits Program, a nationwide plan closely resembling TRICARE Standard (and Extra) coverage, with an adjustment based on estimated differences in covered populations, as determined by the ASD(HA).

Based on an analysis of demographic differences between Blue Cross and Blue Shield members and beneficiaries eligible for TRICARE Reserve Select, the adjustment amount in calendar year 2005 represented a 32 percent reduction from the Blue Cross and Blue Shield annual premium for member-only coverage and represented an 8 percent reduction from the Blue Cross and Blue Shield annual premium for member and family coverage. (The difference in the percentage reductions between member-only and member and family premiums is due to the disproportionately high number of high cost, single, elderly retiree federal employees covered by Blue Cross and Blue Shield member-only coverage).

TRICARE Reserve Select monthly premium rates are established and updated annually, on a calendar year basis, to maintain an appropriate relationship with the annual changes in Blue Cross and Blue Shield premiums, or by other adjustment methodology determined to be appropriate by the ASD(HA) for each of the two types of coverage, member-only coverage and member and family coverage, on a calendar year basis. The monthly rate for each month of a calendar year is one-twelfth of the annual rate for that calendar year.

In addition to these annual premium changes, premium adjustments may also be made prospectively for any calendar year to reflect any significant program changes or any actual experience in the costs of administering the TRICARE Reserve Select Program.

A surviving family member of a Reserve Component service member who qualified for TRICARE Reserve Select coverage as described in paragraph (c)(3) of this section will pay premium rates as follows. The premium amount shall be at the member-only rate if there is only one surviving family member to be covered by TRICARE Reserve Select and at the member and family rate if there are two or more survivors to be covered.

C. *Eligibility for qualifying to purchase TRICARE Reserve Select coverage* (paragraph 199.24(c)). This paragraph defines the statutory conditions under which members of a Reserve component may qualify to purchase TRICARE Reserve Select coverage. Section 706 of NDAA–07 restructures the availability of the 28 percent premium tier by requiring only two qualifying conditions.

The qualifying condition to be ''a member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces,'' remains in force while all of the other former qualifying conditions are eliminated. The member's Service personnel office is responsible for keeping the Defense Enrollment Eligibility Reporting System (DEERS) current with eligibility data.

One exclusionary qualifying condition is added that excludes ''a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5 U.S.C,'' from purchasing TRICARE Reserve Select coverage.

If a member of the Selected Reserve dies while in a period of TRICARE Reserve Select coverage, the family member(s) may purchase new or continue existing TRICARE Reserve Select coverage for up to six months beyond the date of the member's death upon payment of monthly premiums.

D. *Procedures* (paragraph 199.24(d)).

—*Purchasing Coverage.* A qualified member, including surviving family members, may purchase one of two types of coverage: member-only coverage or member and family coverage. Immediate family members of the Reserve component member, as defined in section 199.3(b)(2)(i) (except former spouses) and 199.3 (b)(2)(ii) of this Part, may be included in such family coverage. To purchase either type of TRICARE Reserve Select coverage for effective dates of coverage described below, Reserve component members qualified under paragraph 199.24(c) must complete and submit a request in the appropriate format, along with an initial payment of the monthly premium share required under paragraph 199.24(b), to the appropriate TRICARE contractor in accordance with deadlines and other procedures established by the ASD(HA).

—*Continuation Coverage.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage with an effective date immediately following the date of termination of coverage under another TRICARE program in which the member is the sponsor.

—*Qualifying Life Event.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage on the occasion of a qualifying life event that changes the immediate family composition (e.g., birth, adoption, divorce, etc.) that is eligible for coverage under TRICARE Reserve Select. The effective date for TRICARE Reserve Select coverage will be the date of the qualifying life event. It is the responsibility of the member to provide his or her personnel office with the necessary evidence required to substantiate the change in immediate family composition. Personnel officials will update DEERS in the usual manner. The appropriate TRICARE contractor will then take appropriate action upon receipt of the completed request in the appropriate format along with payment of the applicable monthly premium.

—*Open Enrollment.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage at any time. The effective date of coverage will coincide with the first day of a month.

—*Survivor coverage under TRICARE Reserve Select.* Deadlines and other procedures may be established for a surviving family member of a Reserve Component service member who qualified for TRICARE Reserve Select coverage as described in paragraph (c)(3) of this section to purchase new TRICARE Reserve Select coverage or continue existing TRICARE Reserve Select coverage for up to six months beyond the date of the member's death. The effective date of coverage will be the day following the date of the member's death.

—*Changing type of coverage.* TRICARE Reserve Select members may request to change type of coverage during open enrollment or on the occasion of a qualifying life event that changes immediate family composition as described above by submitting a completed request in the appropriate format.

—*Termination.* Termination of coverage for the member will result in termination of coverage for the member's family members in TRICARE Reserve Select, except for qualified survivors of Reserve component members covered by TRICARE Reserve Select at the time of death.

—Coverage will terminate whenever a member ceases to meet the qualifications for the program or a request for termination in the appropriate format is received in accordance with established procedures.

—Coverage may terminate for members who gain coverage under another TRICARE program in which the member is the sponsor.

—Failure to make a premium payment in a timely manner may result in termination of coverage for the member and any covered family members and will result in denial of claims for services received after the effective date of termination.

—The member may request termination of coverage at any time by submitting a completed request in the appropriate format in accordance with established deadlines and procedures. Members whose coverage under TRICARE Reserve Select terminates upon their request or for failure to pay premiums will not be allowed to purchase coverage again under TRICARE Reserve Select for a period of one year following the effective date of termination.

—Coverage for survivors as described herein shall terminate six months after the date of death of the covered Reserve component member.

—*Processing.* Upon receipt of a completed request in the appropriate format the appropriate TRICARE contractor will process enrollment actions into DEERS in accordance with deadlines and other procedures established by the ASD(HA).

—*Periodic revision.* Periodically, certain features, rules or procedures of TRICARE Reserve Select may be revised. If such revisions will have a significant effect on members' costs or access to care, members may be given the opportunity to change their type of coverage.

E. *Relationship to Continued Health Care Benefits Program (CHCBP)* (paragraph 199.24(e)). This paragraph addresses the relationship between TRICARE Reserve Select and the CHCBP. CHCBP is a program that (among other things) allows members released from active duty to purchase continued health care coverage through TRICARE. Coverage under TRICARE Reserve Select counts as coverage under a health benefit plan for purposes of individuals qualifying for the Continued Health Care Benefits Program (CHCBP) under section 199.20(d)(1)(ii)(B) or section 199.20(d)(1)(iii)(B) of this Part. Some members and family members will be eligible for TRICARE Reserve Select, and may also be eligible for CHCBP at the time of release from active duty.

This paragraph of the regulation provides that if a member purchases TRICARE Reserve Select coverage that is later terminated, the member or the covered family members may then purchase CHCBP coverage for whatever period is remaining of the original 18-month eligibility. For example, in the case that TRICARE Reserve Select coverage that is terminated because of transfer or discharge of a member from the Selected Reserve (such as through a reduction in force or base closure) is within 18 months of release from active duty, the member could choose to continue health care coverage under CHCBP for the remainder of the period at the applicable CHCBP premiums.

F. *Preemption of State laws* (paragraph 199.24(f)). This paragraph explains that the preemptions of State and local laws established for the TRICARE program also apply to TRICARE Reserve Select. Any State or local law or regulation pertaining to health insurance, prepaid health plans, or other health care delivery, administration, and financing methods is preempted and does not apply in connection with TRICARE Reserve Select.

This includes State and local laws imposing premium taxes on health insurance carriers, underwriters or other plan managers, or similar taxes on such entities. Preemption does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees or other payments are applicable to a broad range of business activity. For the purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health services contracts, interpretations shall be consistent with those applicable to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

G. *Administration* (paragraph 199.24(g)). This paragraph provides that the ASD(HA) may establish other rules and procedures necessary for the effective administration of TRICARE Reserve Select.

III. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action that would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Congressional Review Act establishes certain procedures for major rules, defined as those with similar major impacts. The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation that would have significant impact on a substantial number of small entities. This interim final rule is not subject to any of those requirements because it would not have any of these substantial impacts. Any substantial impacts associated with implementation of TRICARE Reserve Select are already determined by statute and are outside any discretionary action of DoD or effect of this regulation.

This rule, however, does address novel policy issues relating to implementation of a new medical benefits program for members of the armed forces. Thus, this rule has been reviewed by the Office of Management and Budget under E.O. 12866.

This rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511).

We have examined the impact(s) of the interim final rule under Executive Order 13132 and it does not have policies that have federalism implications that would 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, therefore, consultation with State and local officials is not required.

This rule is being published as an interim final rule with comment period contrary to the normal procedure of soliciting public comment under a proposed rule first, in order to comply with the requirements of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109–364, section 706, which was enacted on January 6, 2007. This section provides in pertinent part that ''The Secretary of Defense shall ensure that health care under TRICARE Standard is provided under section 1076d of title 10, United States Code, as amended by this section beginning not later than October 1, 2007.'' In order to comply with the statutorily mandated start date, this rule is being published as an interim final rule, with an effective date of October, 1, 2007. Public comments are welcome and will be considered before publication of the final rule.

List of Subjects in 32 CFR part 199

Claims, handicapped, health insurance, and military personnel.

■ Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

■ 2. Section 199.2(b) is amended by revising the definition of ''TRICARE Reserve Select'' to read as follows:

§ 199.2 Definitions.

* * * * *

(b) * * *

TRICARE Reserve Select. The program established under 10 U.S.C. 1076d and § 199.24 of this Part.

■ 3. Section 199.24 is revised to read as follows:

§ 199.24 TRICARE Reserve Select.

(a) *Establishment.* TRICARE Reserve Select is established for the purpose of offering TRICARE Standard and Extra health coverage to qualified members of the Selected Reserve and their immediate family members.

(1) *Purpose.* TRICARE Reserve Select is a premium-based health plan that is available for purchase by members of the Selected Reserve and certain survivors of Selected Reserve members as specified in paragraph (c) of this section.

(2) *Statutory Authority.* TRICARE Reserve Select is authorized by 10 U.S.C. 1076d.

(3) *Scope of the Program.* TRICARE Reserve Select is applicable in the 50 United States, the District of Columbia, Puerto Rico, and, to the extent practicable, other areas where members of the Selected Reserve serve. In locations other than the 50 states of the United States and the District of Columbia, the Assistant Secretary of Defense (Health Affairs) may authorize modifications to the program rules and procedures as may be appropriate to the area involved.

(4) *Terminology.* Certain terminology is introduced for TRICARE Reserve Select intended to reflect critical elements that distinguish it from other long-established TRICARE health programs. For instance, the effective date of eligibility for TRICARE has long been understood to mean that the eligible individual may obtain care under the military health system as of that date. However, that is not what it means in the context of TRICARE Reserve Select. To avoid the inevitable misunderstanding, this regulation uses the term ''qualify'' to mean that the member has satisfied all the ''qualifications'' that must be met before the member is authorized to purchase coverage. Only then may the member purchase coverage by submitting a completed request in the appropriate format along with payment of the applicable one month premium. The term ''coverage'' indicates the benefit of TRICARE Standard or Extra covering claims submitted for payment of covered services, supplies, and equipment furnished by TRICARE authorized providers, hospitals, and suppliers.

(5) *Major Features of TRICARE Reserve Select.* The major features of the program include the following:

(i) *TRICARE rules applicable.*

(A) Unless specified in this section or otherwise prescribed by the ASD(HA), provisions of 32 CFR Part 199 apply to TRICARE Reserve Select.

(B) Certain special programs established in 32 CFR Part 199 are not available to members covered under TRICARE Reserve Select. These include the Extended Care Health Option Program (see § 199.5), the Special Supplemental Food Program (see § 199.23), and the Supplemental Health Care Program (see § 199.16) except when referred by a Military Treatment Facility (MTF) provider for incidental consults and the MTF provider maintains clinical control over the episode of care. The TRICARE Dental Program (see § 199.13) is independent of this program and is otherwise available to all members of the Selected Reserve and their eligible family members whether or not they purchase TRICARE Reserve Select coverage.

(ii) *Premiums.* TRICARE Reserve Select coverage is available for purchase by any Selected Reserve member if the member fulfills all of the statutory qualifications. A member of the Selected Reserve covered under TRICARE Reserve Select shall pay 28 percent of the total amount that the ASD(HA) determines on an appropriate actuarial basis as being appropriate for that coverage. There is one premium rate for member-only coverage and one premium rate for member and family coverage.

(iii) *Procedures.* Under TRICARE Reserve Select, Reserve component members who fulfilled all of the statutory qualifications may purchase either the member-only type of coverage or the member and family type of coverage by submitting a completed request in the appropriate format along with payment of the applicable one month premium. Rules and procedures for purchasing coverage and paying applicable premiums are prescribed in this section.

(iv) *Benefits.* When their coverage becomes effective, TRICARE Reserve Select beneficiaries receive the TRICARE Standard (and Extra) benefit including access to military treatment facility services and pharmacies, as described in § 199.17 of this Part. TRICARE Reserve Select coverage features the deductible and cost share provisions of the TRICARE Standard (and Extra) plan for active duty family members for both the member and the member's covered family members. The TRICARE Standard (and Extra) plan is described in § 199.17 of this Part.

(b) *TRICARE Reserve Select premiums.* Members are charged premiums for coverage under TRICARE Reserve Select that represent 28 percent of the total annual premium amount that the Assistant Secretary of Defense, Health Affairs (ASD(HA)) determines on an appropriate actuarial basis as being appropriate for coverage under the TRICARE Standard (and Extra) benefit for the TRICARE Reserve Select eligible population. Premiums are to be paid monthly, except as otherwise provided through administrative implementation, pursuant to procedures established by the ASD(HA).

(1) *Annual establishment of rates.* (i) TRICARE Reserve Select monthly premium rates shall be established and updated annually on a calendar year basis to maintain an appropriate relationship with the annual changes in premiums for the Blue Cross and Blue Shield Standard Service Benefit Plan under the Federal Employees Health Benefits Program, a nationwide plan closely resembling TRICARE Standard (and Extra) coverage, or by other adjustment methodology determined to be appropriate by the ASD(HA) for each of the two types of coverage, member-only and member and family as described in paragraphs (d)(2) of this section.

(ii) Annual rates for the first year TRICARE Reserve Select was offered (calendar year 2005) were based on the Federal Blue Cross and Blue Shield annual premiums, with adjustments based on estimated differences in covered populations, as determined by the ASD(HA).

(2) *Premium adjustments.* In addition to the determinations described in paragraph (b)(1) of this section, premium adjustments may be made prospectively for any calendar year to reflect any significant program changes or any actual experience in the costs of administering the TRICARE Reserve Select Program.

(3) *Survivor coverage under TRICARE Reserve Select.* A surviving family member of a Reserve Component service member who qualified for TRICARE Reserve Select coverage as described in paragraph (c)(3) of this section will pay premium rates as follows. The premium amount shall be at the member-only rate if there is only one surviving family member to be covered by TRICARE Reserve Select and at the member and family rate if there are two or more survivors to be covered.

(c) *Eligibility for (qualifying to purchase) TRICARE Reserve Select coverage*—(1) *General.* The law authorizing the TRICARE Reserve Select program uses the term ''eligibility'' to identify conditions under which a Reserve component member may purchase coverage. For purposes of program administration, the terms ''qualifying'' or ''qualified'' shall generally be used in lieu of such terms as ''eligibility'' or ''eligible'' to refer to a Reserve component member who meets the program requirements allowing purchase of TRICARE Reserve Select coverage. The member's Service personnel office is responsible for keeping DEERS current with eligibility data.

(2) *Member Purchase.* A member who is a member of a Reserve component of the Armed Forces qualifies to purchase TRICARE Reserve Select coverage if the member meets both the following conditions:

(i) Is a member of the Selected Reserve of the Ready Reserve.

(ii) Is not enrolled in, or eligible to enroll in, a health benefits plan under Chapter 89 of Title 5, U.S.C.

(3) *Survivor coverage under TRICARE Reserve Select.* If a member of the Selected Reserve dies while in a period of TRICARE Reserve Select coverage, the family member(s) may purchase new or continue existing TRICARE Reserve Select coverage for up to six months beyond the date of the member's death.

(d) *Procedures*—(1) *Purchasing Coverage.* A qualified member may purchase one of two types of coverage: member-only coverage or member and family coverage. Immediate family members of the Reserve component member, as defined in § 199.3(b)(2)(i) (except former spouses) and § 199.3 (b)(2)(ii) of this Part, may be included in such family coverage. To purchase either type of TRICARE Reserve Select coverage for effective dates of coverage described below, Reserve component members qualified under § 199.24(c) must submit a request in the appropriate format, along with an initial payment of the applicable monthly premium required by paragraph (b) of this section to the appropriate TRICARE contractor in accordance with deadlines and other procedures established by the ASD(HA).

(i) *Continuation Coverage.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage with an effective date immediately following the date of termination of coverage under another TRICARE program in which the member is the sponsor.

(ii) *Qualifying Life Event.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage on the occasion of a qualifying life event that changes the immediate family composition (e.g., birth, adoption, divorce, etc.) that is eligible for coverage under TRICARE Reserve Select. The effective date for TRICARE Reserve Select coverage will be the date of the qualifying life event. It is the responsibility of the member to provide his or her personnel office with the necessary evidence required to substantiate the change in immediate family composition. Personnel officials will update DEERS in the usual manner. The appropriate TRICARE contractor will then take appropriate action upon receipt of the completed request in the appropriate format along with payment of the applicable one month premium.

(iii) *Open Enrollment.* Deadlines and other procedures may be established for a qualified member to purchase TRICARE Reserve Select coverage at any time. The effective date of coverage will coincide with the first day of a month.

(iv) *Survivor coverage under TRICARE Reserve Select.* Deadlines and other procedures may be established for a surviving family member of a Reserve Component service member who qualified for TRICARE Reserve Select coverage as described in paragraph (c)(3) of this section to purchase new TRICARE Reserve Select coverage or continue existing TRICARE Reserve Select coverage for up to six months beyond the date of the member's death. The effective date of coverage will be the day following the date of the member's death.

(2) *Changing type of coverage.* TRICARE Reserve Select members may request to change type of coverage during open enrollment or on the occasion of a qualifying life event that changes immediate family composition as described in paragraph (d)(1)(ii) of this section by submitting a completed request in the appropriate format.

(3) *Termination.* Termination of coverage for the member will result in termination of coverage for the member's family members in TRICARE Reserve Select, except as described in paragraphs (d)(1)(iv) of this section. The termination will become effective in accordance with procedures established by the ASD(HA). Members whose coverage under TRICARE Reserve Select terminates under paragraph (d)(3)(iii) or (iv) of this section will not be allowed to purchase coverage again under TRICARE Reserve Select for a period of one year following the effective the date of termination.

(i) Coverage shall terminate for members who no longer qualify for TRICARE Reserve Select as specified in paragraph (c) of this section, including when the member's service in the Selected Reserve terminates.

(ii) Coverage may terminate for members who gain coverage under another TRICARE program in which the member is the sponsor.

(iii) Coverage may terminate for members who fail to make a premium payment in accordance with procedures established by the ASD(HA).

(iv) Members may request termination of coverage at any time by submitting a completed request in the appropriate format in accordance with established deadlines and procedures.

(v) Coverage for survivors as described in paragraph (d)(1)(iv) of this section shall terminate six months after the date of death of the covered Reserve component member.

(4) *Processing.* Upon receipt of a completed request in the appropriate format, the appropriate TRICARE contractor will process enrollment actions into DEERS in accordance with deadlines and other procedures established by the ASD(HA).

(5) *Periodic revision.* Periodically, certain features, rules or procedures of TRICARE Reserve Select may be revised. If such revisions will have a significant effect on members' costs or access to care, members may be given the opportunity to change their type of coverage or terminate coverage coincident with the revisions.

(e) *Relationship to Continued Health Care Benefits Program.* Coverage under TRICARE Reserve Select counts as coverage under a health benefit plan for purposes of individuals qualifying for the Continued Health Care Benefits Program (CHCBP) under section 199.20(d)(1)(ii)(B) or section 199.20(d)(1)(iii)(B) of this Part. If at the time a member who qualifies under paragraph (c) of this section purchases coverage in TRICARE Reserve Select, and the member was also eligible to enroll in the Continued Health Care Benefits Program (CHCBP) under section 199.20(d)(1)(i) of this Part (except to the extent eligibility in CHCBP was affected by enrollment in TRICARE Reserve Select), enrollment in TRICARE Reserve Select will be deemed to also constitute preliminary enrollment in CHCBP. If for any reason the member's coverage under TRICARE Reserve Select terminates before the date that is 18 months after discharge or release from the most recent period of active duty upon which CHCBP eligibility was based, the member or the member's family members eligible to be included in CHCBP coverage may, within 30 days of the effective date of the termination of TRICARE Reserve Select coverage, begin CHCBP coverage by following the applicable procedures to purchase CHCBP coverage. The period of coverage will be as provided in § 199.20(d)(6) of this Part.

(f) *Preemption of State laws.* (1) Pursuant to 10 U.S.C. 1103, the Department of Defense has determined that in the administration of chapter 55 of title 10, U.S. Code, preemption of State and local laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods is necessary to achieve important Federal interests, including but not limited to the assurance of uniform national health programs for military families and the operation of such programs, at the lowest possible cost to the Department of Defense, that have a direct and substantial effect on the conduct of military affairs and national security policy of the United States. This determination is applicable to contracts that implement this section.

(2) Based on the determination set forth in paragraph (f)(1) of this section, any State or local law or regulation pertaining to health insurance, prepaid health plans, or other health care delivery, administration, and financing methods is preempted and does not apply in connection with TRICARE Reserve Select. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to TRICARE Reserve Select. (However, the Department of Defense may, by contract, establish legal obligations on the part of DoD contractors to conform with requirements similar to or identical to requirements of State or local laws or regulations with respect to TRICARE Reserve Select).

(3) The preemption of State and local laws set forth in paragraph (f)(2) of this section includes State and local laws imposing premium taxes on health insurance carriers or underwriters or other plan managers, or similar taxes on such entities. Such laws are laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods, within the meaning of 10 U.S.C. 1103. Preemption, however, does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees or other payments are applicable to a broad range of business activity. For the purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health services contracts, interpretations shall be consistent with those applicable

to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

(g) *Administration.* The ASD(HA) may establish other rules and procedures for the effective administration of TRICARE Reserve Select, and may authorize exceptions to requirements of this section, if permitted by law, based on extraordinary circumstances.

Dated: August 14, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E7–16300 Filed 8–17–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. CGD05–07–063]

RIN 1625–AA08

Special Local Regulations for Marine Events; Spa Creek and Severn River, Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the ''Annapolis Triathlon'', an event to be held September 9, 2007 on the waters of Spa Creek and the Severn River at Annapolis, MD. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Severn River and Spa Creek during the Annapolis Triathlon swimming event.

DATES: This rule is effective from 6 a.m. to 10:30 a.m. on September 9, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–07–063 and are available for inspection or copying at Commander (dpi), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Houck, Marine Event Coordinator, Coast Guard Sector Baltimore, at (410) 576–2674 or e-mail at *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The publishing of an NPRM would be impracticable and contrary to public interest since immediate action is needed to minimize potential danger to the participants and the public during the event. The necessary information to determine whether the marine event poses a threat to persons and vessels was not provided with sufficient time to publish an NPRM. The danger posed by the large volume of marine traffic in the Annapolis harbor area makes special local regulations necessary to provide for the safety of swimmers, event support vessels, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On-scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, support vessels, spectator craft and other vessels transiting the event area. However advance notification will be made to users of Annapolis harbor via marine information broadcasts, local notice to mariners, commercial radio stations and area newspapers.

Background and Purpose

On September 9, 2007, the City of Annapolis and the Annapolis Triathlon Club will sponsor the ''Annapolis Triathlon''. The swimming segment of the event will consist of approximately 1500 swimmers competing across a one mile course located within Annapolis Harbor, at the entrance of Spa Creek and extending outward to the Severn River. The competition will begin at the Annapolis City dock. The participants will swim along an oval shaped course and across to the finish line located at the Annapolis City dock, swimming approximately one-mile, contained within the inner Annapolis Harbor area. Approximately 30 support vessels will accompany the swimmers. Due to the need for vessel control during the swimming event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, support craft and other transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Severn River and Spa Creek at Annapolis, Maryland. The temporary special local regulations will be in effect from 6 a.m. to 10:30 a.m. on September 9, 2007. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Vessel traffic may be allowed to transit the regulated area at slow speed as the swim progresses, when the Coast Guard Patrol Commander determines it is safe to do so. The Patrol Commander will notify the public of specific enforcement times by Marine Radio Safety Broadcast. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

Although this regulation restricts vessel traffic from transiting a portion of the Severn River and Spa Creek during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, area newspapers and radio stations so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this section of the Severn River and or Spa Creek during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period, from 6 a.m. to 10:30 a.m. on September 9, 2007. Vessels desiring to transit the event area will be able to transit the regulated area at slow speed as the swim progresses, when the Coast Guard Patrol Commander determines it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we will assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Fifth Coast Guard District at the address listed under **ADDRESSES**. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. We have made a determination that this action is not likely to have a significant effect on the human environment. The proposed marine event consisting of approximately 1500 participants swimming along a one-mile oval race course within Annapolis Harbor does not introduce any significant environmental impacts in the area of the event and or adjacent waterways.

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

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add temporary § 100.35-T05–063 to read as follows:

§ 100.35–T05–063, Spa Creek, Severn River, Annapolis, MD.

(a) *Regulated area.* The regulated area is established for waters within Annapolis Harbor including the Severn River and Spa Creek from shoreline to shoreline, bounded on the east by a line drawn at longitude 076°2833 W, and bounded on the west by the Spa Creek—Annapolis Bascule Bridge. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore to act on his behalf.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all swimmers and support vessels participating in the Annapolis Triathlon under the auspices of the marine event permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the Annapolis Triathlon swim course.

(d) *Enforcement period.* This section will be enforced from 6 a.m. to 10:30 a.m. on September 9, 2007.

Dated: August 11, 2007.

Neil O. Buschman,

Captain, U.S. Coast Guard Commander, Fifth Coast Guard District Acting.

[FR Doc. E7–16263 Filed 8–17–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–R04–OAR–2007–0229–200713(a); FRL 8453–6]

Approval of Implementation Plans of Tennessee: Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted on September 8, 2006. This revision incorporates provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR), promulgated on May 12, 2005, and subsequently revised on April 28, 2006, and December 13, 2006, and the CAIR Federal Implementation Plan (FIP) concerning Sulfur Dioxide (SO_2), Nitrogen Oxides (NO_X) annual, and NO_X ozone season emissions for the State of Tennessee, promulgated on April 28, 2006, and subsequently revised December 13, 2006. On February 8, 2007, Tennessee requested that EPA only act on a portion of the September 8, 2006 submittal as an abbreviated SIP. Consequently, EPA is approving an abbreviated SIP revision that addresses the methodology to be used to allocate annual and ozone season NO_X allowances under the CAIR FIPs and opt-in provisions for the SO_2, NO_X annual, and NO_X ozone season trading programs. EPA is not making any changes to the CAIR FIP, but is amending, to the extent EPA approves Tennessee's SIP revision, the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

DATES: This direct final rule is effective October 19, 2007 without further notice, unless EPA receives adverse comment by September 19, 2007. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2007–0229, by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail: hou.james@epa.gov*.
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2007–0229, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2007–0229. 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 through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. The *http://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 *http://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 and any form of encryption and should 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 electronic docket are listed in the *http://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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT:

James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8965. Mr. Hou can also be reached via electronic mail at *hou.james@epa.gov*.

SUPPLEMENTARY INFORMATION:

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I. What Action Is EPA Taking?

CAIR SIP Approval

EPA is approving a revision to Tennessee's SIP, submitted on September 8, 2006, that would modify the application of certain provisions of the CAIR FIP concerning SO_2, NO_X annual, and NO_X ozone season emissions. (As discussed below, this less comprehensive CAIR SIP is termed an abbreviated SIP.) Tennessee is subject to the CAIR FIPs that implement the CAIR requirements by requiring certain electric generating units (EGUs) to participate in the EPA-administered Federal CAIR SO_2, NO_X annual, and NO_X ozone season cap-and-trade programs. The SIP revision provides a methodology for allocating NO_X allowances for the NO_X annual and NO_X ozone season trading programs. The CAIR FIPs provide that this methodology, if approved, will be used to allocate NO_X allowances to sources in Tennessee, instead of the federal allocation methodology otherwise provided in the FIP. The SIP revision also provides for individual units not otherwise subject to the CAIR trading programs to opt into such trading programs. EPA is approving (1) Tennessee's methodology for allocating allowances to units subject to the CAIR trading programs under the current applicability provisions in the CAIR FIP NO_X annual and ozone season trading rules and (2) the opt-in unit provisions adopted by Tennessee for the CAIR FIP NO_X annual, SO_2, and NO_X ozone season trading programs.

Consistent with the flexibility provided in the FIPs, these provisions will also be used to replace or supplement, as appropriate, the corresponding provisions in the CAIR FIPs for Tennessee. EPA is not making any changes to the CAIR FIP, but is amending, to the extent EPA approves Tennessee's SIP revision, the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

II. What is the Regulatory History of the CAIR and the CAIR FIPs?

The CAIR was published by EPA on May 12, 2005 (70 FR 25162). In this rule, EPA determined that 28 States and the District of Columbia contribute significantly to nonattainment and interfere with maintenance of the national ambient air quality standards (NAAQS) for fine particulates ($PM_{2.5}$) and/or 8-hour ozone in downwind States in the eastern part of the country. As a result, EPA required those upwind States to revise their SIPs to include control measures that reduce emissions of SO_2, which is a precursor to $PM_{2.5}$ formation, and/or NO_X, which is a precursor to both ozone and $PM_{2.5}$ formation. For jurisdictions that contribute significantly to downwind $PM_{2.5}$ nonattainment, CAIR sets annual State-wide emission reduction requirements (i.e., budgets) for SO_2 and annual State-wide emission reduction requirements for NO_X. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets State-wide emission reduction requirements for NO_X for the ozone season (May 1st to September 30th). Under CAIR, States may implement these emission budgets by participating in the EPA-administered cap-and-trade programs or by adopting any other control measures.

CAIR explains to subject States what must be included in SIPs to address the requirements of section 110(a)(2)(D) of the Clean Air Act (CAA) with regard to interstate transport with respect to the 8-hour ozone and $PM_{2.5}$ NAAQS. EPA made national findings, effective May 25, 2005, that the States had failed to submit SIPs meeting the requirements of section 110(a)(2)(D). The SIPs were due in July 2000, 3 years after the promulgation of the 8-hour ozone and $PM_{2.5}$ NAAQS. These findings started a 2-year clock for EPA to promulgate a FIP to address the requirements of section 110(a)(2)(D). Under CAA section 110(c)(1), EPA may issue a FIP anytime after such findings are made and must do so within two years, unless a SIP revision correcting the deficiency is approved by EPA before the FIP is promulgated.

On April 28, 2006, EPA promulgated FIPs for all States covered by CAIR in order to ensure the emissions reductions required by CAIR are achieved on schedule. Each CAIR State is subject to the FIPs until the State fully adopts, and EPA approves, a SIP revision meeting the requirements of CAIR. The CAIR FIPs require certain EGUs to participate in the EPA-administered CAIR SO_2, NO_X annual, and NO_X ozone-season model trading programs, as appropriate. The CAIR FIP SO_2, NO_X annual, and NO_X ozone season trading programs impose essentially the same requirements as, and are integrated with, the respective CAIR SIP trading programs. The integration of the CAIR FIP and SIP trading programs means that these trading programs will work together to create effectively a single trading program for each regulated pollutant (SO_2, NO_X annual, and NO_X ozone season) in all States covered by CAIR FIP or SIP trading program for that pollutant. The CAIR FIPs also allow States to submit abbreviated SIP revisions that, if approved by EPA, will automatically replace or supplement the corresponding CAIR FIP provisions (e.g., the methodology for allocating NO_X allowances to sources in the state), while the CAIR FIP remains in place for all other provisions.

On April 28, 2006, EPA published two more CAIR-related final rules that added the States of Delaware and New Jersey to the list of States subject to CAIR for $PM_{2.5}$ and announced EPA's final decisions on reconsideration of five issues without making any substantive changes to the CAIR requirements.

III. What are the General Requirements of CAIR and the CAIR FIPs?

CAIR establishes State-wide emission budgets for SO_2 and NO_X and is to be implemented in two phases. The first phase of NO_X reductions starts in 2009 and continues through 2014, while the first phase of SO_2 reductions starts in 2010 and continues through 2014. The second phase of reductions for both NO_X and SO_2 starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) Requiring EGUs to participate in the EPA-administered cap-and-trade programs; or, (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO_2 and NO_X budgets.

The May 12, 2005, and April 28, 2006, CAIR rules provide model rules that States must adopt (with certain limited changes, if desired) if they want to participate in the EPA-administered trading programs.

With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception is for States that include all non-EGUs from their NO_X SIP Call trading programs in their CAIR NO_X ozone season trading programs.

IV. What are the Types of CAIR SIP Submittals?

States have the flexibility to choose the type of control measures they will use to meet the requirements of CAIR. EPA anticipates that most States will choose to meet the CAIR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAIR cap-and-trade programs. For such States, EPA has provided two approaches for submitting and obtaining approval for CAIR SIP revisions. States may submit full SIP revisions that adopt the model CAIR cap-and-trade rules. If approved, these SIP revisions will fully replace the CAIR FIPs. Alternatively, States may submit abbreviated SIP revisions. These SIP revisions will not replace the CAIR FIPs; however, the CAIR FIPs provide that, when approved, the provisions in these abbreviated SIP revisions will be used instead of or in conjunction with, as appropriate, the corresponding provisions of the CAIR FIPs (e.g., the NO_X allowance allocation methodology).

A State submitting an abbreviated SIP revision may submit limited SIP revisions to tailor the CAIR FIP cap-and-trade programs to the state submitting the revision. Specifically, an abbreviated SIP revision may establish certain applicability and allowance allocation provisions that, the CAIR FIPs provide, will be used instead of or in conjunction with the corresponding provisions in the CAIR FIP rules in that State. Specifically, the abbreviated SIP revisions may:

1. Include NO_X SIP Call trading sources that are not EGUs under CAIR in the CAIR FIP NO_X ozone season trading program;
2. Provide for allocation of NO_X annual or ozone season allowances by the State, rather than the Administrator of the EPA or the Administrator's duly authorized representative (Administrator), and using a methodology chosen by the State;
3. Provide for allocation of NO_X annual allowances from the Compliance Supplement Pool (CSP) by the State, rather than by the Administrator, and using the State's choice of allowed, alternative methodologies; or
4. Allow units that are not otherwise CAIR units to opt individually into the CAIR FIP cap-and-trade programs under the opt-in provisions in the CAIR FIP rules.

With approval of an abbreviated SIP revision, the CAIR FIP remains in place, as tailored to sources in the State by that approved SIP revision.

Abbreviated SIP revisions can be submitted in lieu of, or as part of, CAIR full SIP revisions. States may want to designate part of their full SIP as an abbreviated SIP for EPA to act on first when the timing of the State's submission might not provide EPA with sufficient time to approve the full SIP prior to the deadline for recording NO_X allocations. This will help ensure that the elements of the trading programs where flexibility is allowed are implemented according to the State's decisions. Submission of an abbreviated SIP revision does not preclude future submission of a CAIR full SIP revision. In this case, the September 8, 2006 submittal from Tennessee has been submitted as an abbreviated SIP revision.

V. Analysis of Tennessee's CAIR SIP Submittal

A. State Budgets for Allowance Allocations

The CAIR NO_X annual and ozone season budgets were developed from historical heat input data for EGUs. Using these data, EPA calculated annual and ozone season regional heat input values, which were multiplied by 0.15 pounds per million British thermal units (lb/mmBtu), for phase 1, and 0.125 lb/mmBtu, for phase 2, to obtain regional NO_X budgets for 2009–2014 and for 2015 and thereafter, respectively. EPA derived the State NO_X annual and ozone season budgets from the regional budgets using State heat input data adjusted by fuel factors.

The CAIR State SO_2 budgets were derived by discounting the tonnage of emissions authorized by annual allowance allocations under the Acid Rain Program under title IV of the CAA. Under CAIR, each allowance allocated under the Acid Rain Program for the years in phase 1 of CAIR (2010 through 2014) authorizes 0.50 ton of SO_2 emissions in the CAIR trading program, and each Acid Rain Program allowance allocated for the years in phase 2 of CAIR (2015 and thereafter) authorizes 0.35 ton of SO_2 emissions in the CAIR trading program.

The CAIR FIPs established the budgets for Tennessee as 50,973 (2009–2014) and 42,478 (2015-thereafter) tons for NO_X annual emissions, 22,842 (2009–2014) and 19,035 (2015–thereafter) tons for NO_X ozone season emissions, and 137,216 (2010–2014) and 96,051 (2015–thereafter) tons for SO_2 emissions. Tennessee's SIP revision, being approved in this action, does not affect these budgets, which are total amounts of allowances available for allocation for each year under the EPA-administered cap-and-trade programs under the CAIR FIPs. In short, the abbreviated SIP revision only affects allocations of allowances under the established budgets.

B. CAIR Cap-and-Trade Programs

The CAIR NO_X annual and ozone-season FIPs both largely mirror the structure of the NO_X SIP Call model trading rule in 40 CFR part 96, subparts A through I. While the provisions of the NO_X annual and ozone-season FIPs are similar, there are some differences. For example, the NO_X annual FIP (but not the NO_X ozone season FIP) provides for a CSP, which is discussed below and under which allowances may be awarded for early reductions of NO_X annual emissions. As a further example, the NO_X ozone season FIP reflects the fact that the CAIR NO_X ozone season trading program replaces the NO_X SIP Call trading program after the 2008 ozone season and is coordinated with the NO_X SIP Call program. The NO_X ozone season FIP provides incentives for early emissions reductions by allowing banked, pre-2009 NO_X SIP Call allowances to be used for compliance in the CAIR NO_X ozone-season trading program. In addition, States have the option of continuing to meet their NO_X SIP Call requirement by participating in the CAIR NO_X ozone season trading program and including all their NO_X SIP Call trading sources in that program.

The provisions of the CAIR SO_2 FIP are also similar to the provisions of the NO_X annual and ozone season FIPs. However, the SO_2 FIP is coordinated with the ongoing Acid Rain SO_2 cap-and-trade program under CAA title IV. The SO_2 FIP uses the title IV allowances for compliance, with each allowance allocated for 2010–2014 authorizing only 0.50 ton of emissions and each allowance allocated for 2015 and thereafter authorizing only 0.35 ton of emissions. Banked title IV allowances allocated for years before 2010 can be used at any time in the CAIR SO_2 cap-and-trade program, with each such allowance authorizing 1 ton of emissions. Title IV allowances are to be freely transferable among sources covered by the Acid Rain Program and sources covered by the CAIR SO_2 cap-and-trade program.

EPA used the CAIR model trading rules as the basis for the trading programs in the CAIR FIPs. The CAIR FIP trading rules are virtually identical to the CAIR model trading rules, with changes made to account for federal rather than state implementation. The CAIR model SO_2, NO_X annual, and NO_X ozone season trading rules and the respective CAIR FIP trading rules are designed to work together as integrated SO_2, NO_X annual, and NO_X ozone season trading programs.

Tennessee is subject to the CAIR FIPs for ozone and $PM_{2.5}$ and the CAIR FIP trading programs for SO_2, NO_X annual, and NO_X ozone season apply to sources in Tennessee. Consistent with the flexibility it gives to States, the CAIR FIPs provide that States may submit abbreviated SIP revisions that will replace or supplement, as appropriate, certain provisions of the CAIR FIP trading programs. The September 8, 2006, submission of Tennessee is such an abbreviated SIP revision.

C. Applicability Provisions for Non-EGU NO_X SIP Call Sources

In general, the CAIR FIP trading programs apply to any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990, or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 megawatt electrical (MWe) producing electricity for sale.

States have the option of bringing in, for the CAIR NO_X ozone season program only, those units in the State's NO_X SIP Call trading program that are not EGUs as defined under CAIR. EPA advises States exercising this option to use provisions for applicability that are substantively identical to the provisions in 40 CFR 96.304 and add the applicability provisions in the State's NO_X SIP Call trading rule for non-EGUs to the applicability provisions in 40 CFR 96.304 in order to include in the CAIR NO_X ozone season trading program all units required to be in the State's NO_X SIP Call trading program that are not already included under 40 CFR 96.304. Under this option, the CAIR NO_X ozone season program must cover all large industrial boilers and combustion turbines, as well as any small EGUs (i.e. units serving a generator with a nameplate capacity of 25 MWe or less), that the State currently requires to be in the NO_X SIP Call trading program.

Consistent with the flexibility given to States in the CAIR FIP, Tennessee has not chosen to expand the applicability provisions of the CAIR NOX ozone season trading program to include all non-EGUs in the State's NO_X SIP Call trading program.

D. NO_X Allowance Allocations

Under the NO_X allowance allocation methodology in the CAIR model trading rules and in the CAIR FIP, NO_X annual and ozone season allowances are allocated to units that have operated for five years, based on heat input data from a three-year period that are adjusted for fuel type by using fuel factors of 1.0 for coal, 0.6 for oil, and 0.4 for other fuels. The CAIR model trading rules and the CAIR FIP also provide a new unit set-aside from which units without five years of operation are allocated allowances based on the units' prior year emissions.

The CAIR FIP provides States the flexibility to establish a different NO_X allowance allocation methodology that will be used to allocate allowances to sources in the States, if certain requirements are met concerning the timing of submission of units' allocations to the Administrator for recordation and the total amount of allowances allocated for each control period. In adopting alternative NO_X allowance allocation methodologies, States have flexibility with regard to:

1. The cost to recipients of the allowances, which may be distributed for free or auctioned;
2. The frequency of allocations;
3. The basis for allocating allowances, which may be distributed, for example, based on historical heat input or electric and thermal output; and
4. The use of allowance set-asides and, if used, their size.

Consistent with the flexibility given to States in the CAIR FIPs, Tennessee has chosen to replace the provisions of the CAIR NO_X annual FIP concerning the allocation of NO_X annual allowances, with its own methodology. Tennessee has chosen to distribute NO_X annual allowances, by adopting by reference the CAIR NO_X annual trading program model rule at 40 CFR 96.142. EPA is proposing to approve Tennessee's allocation provisions, i.e., parts 1200–3–27.10(1) and (2) (section 96.142) of Tennessee's CAIR NO_X annual trading program.

Consistent with the flexibility given to States in the CAIR FIPs, Tennessee has chosen to replace the provisions of the CAIR NO_X ozone season FIP concerning allowance allocations with its own methodology. Tennessee has chosen to distribute NO_X ozone season allowances by adopting, with certain revisions, the CAIR NO_X ozone season trading program model rule at 40 CFR 96.342 for units subject to the CAIR trading program under the CAIR FIP NO_X ozone season applicability provisions. EPA is approving these Tennessee allocation provisions, *i.e.*, parts 1200–3–27–.11(2)(c)1.(i) through (iv) of Tennessee's CAIR NO_X ozone season trading program. Tennessee has indicated that it may subsequently seek approval to exercise the option under CAIR of expanding the current applicability provisions in the CAIR NO_X ozone season trading program to include units that are not otherwise subject to the trading program but are subject to Tennessee's NO_X SIP Call trading program. However, under today's approval, only the allocation methodology for units covered by the current CAIR FIP NO_X ozone season provisions is being approved, and only CAIR NO_X ozone season allowance allocations submitted by Tennessee for those units will be recorded by EPA. In addition, EPA notes that Tennessee's allocation provisions in the abbreviated SIP reference certain applicability provisions in Tennessee's rule that have not been submitted as part of the abbreviated SIP. Because Tennessee's purpose in submitting these allocation provisions is for them to be used, in lieu of the CAIR FIP allocation provisions, to allocate allowances to units that are CAIR NO_X ozone season units under the CAIR FIP trading program, EPA interprets the references (*i.e.*, ''parts [1200–3–27–.11](2)(a)1. and (2)(a)2.'') as referring to 40 CFR 97.304(a) and (b), which are the applicability provisions of the CAIR FIP NO_X ozone season rules.

E. Allocation of NO_X Allowances From the Compliance Supplement Pool

The CSP provides an incentive for early reductions in NO_X annual emissions. The CSP consists of 200,000 CAIR NO_X annual allowances of vintage 2009 for the entire CAIR region, and a State's share of the CSP is based upon the State's share of the projected emission reductions under CAIR. States may distribute CSP allowances, one allowance for each ton of early reduction, to sources that make NO_X reductions during 2007 or 2008 beyond what is required by any applicable State or Federal emission limitation. States also may distribute CSP allowances based upon a demonstration of need for an extension of the 2009 deadline for implementing emission controls.

The CAIR NO_X annual FIP establishes specific methodologies for allocations of CSP allowances. States may choose an allowed, alternative CSP allocation methodology to be used to allocate CSP allowances to sources in those States.

Consistent with the flexibility given to States in the FIP, Tennessee has not chosen to modify the provisions of the CAIR NO_X annual FIP concerning the allocation of allowances from the CSP.

F. Individual Opt-in Units

The opt-in provisions allow for certain non-EGUs (i.e., boilers, combustion turbines, and other stationary fossil-fuel-fired devices) that do not meet the applicability criteria for a CAIR trading program to participate voluntarily in (i.e., opt into) the CAIR trading program. A non-EGU may opt into one or more of the CAIR trading programs. In order to qualify to opt into a CAIR trading program, a unit must vent all emissions through a stack and be able to meet monitoring, recordkeeping, and recording requirements of 40 CFR part 75. The owners and operators seeking to opt a unit into a CAIR trading program must apply for a CAIR opt-in permit. If the unit is issued a CAIR opt-in permit, the unit becomes a CAIR unit, is allocated allowances, and must meet the same allowance-holding and emissions monitoring and reporting requirements as other units subject to the CAIR trading program. The opt-in provisions provide for two methodologies for allocating allowances for opt-in units, one methodology that applies to opt-in units in general and a second methodology that allocates allowances only to opt-in units that the owners and operators intend to repower before January 1, 2015.

States have several options concerning the opt-in provisions. The rules for each of the CAIR FIP trading programs include opt-in provisions that are essentially the same as those in the respective CAIR SIP model rules, except that the CAIR FIP opt-in provisions become effective in a State only if the State's abbreviated SIP revision adopts the opt-in provisions. The State may adopt the opt-in provisions entirely or may adopt them but exclude one of the allowance allocation methodologies. The State also has the option of not adopting any opt-in provisions in the abbreviated SIP revision and thereby providing for the CAIR FIP trading program to be implemented in the State without the ability for units to opt into the program.

Consistent with the flexibility given to States in the FIPs, Tennessee has chosen to allow non-EGUs meeting certain requirements to participate in the CAIR NO_X annual trading program by adopting by reference EPA's model rule provisions for opt-in units in 40 CFR part 96, subpart II of the CAIR NO_X annual trading program.

Consistent with the flexibility given to States in the FIPs, Tennessee has chosen to permit non-EGUs meeting certain requirements to participate in the CAIR NO_X ozone season trading program by adopting by reference EPA's model rule provisions for opt-in units in 40 CFR part 96, subpart IIII of the CAIR NO_X ozone season trading program.

Consistent with the flexibility given to States in the FIPs, Tennessee has chosen to allow certain non-EGUs to opt into the CAIR SO_2 trading program by adopting by reference EPA's model rule provisions for opt-in units in 40 CFR part 96, subpart III of the CAIR SO_2 trading program.

In adopting by reference the CAIR opt-in provisions, Tennessee has included in its rule a full written version of those provisions, which contains some technical errors in the language, and does not specifically reference the CAIR model rule provisions related to opt-in units in other subparts of the CAIR model trading rules. Because Tennessee clearly intends to adopt entirely the CAIR model rule opt-in provisions and because Tennessee has indicated that it will correct the relatively minor errors in the rule text, EPA interprets the Tennessee provisions as substantively identical to the CAIR model rule opt-in provisions and is therefore approving Tennessee's allowing of opt-in units in the CAIR FIP NO_X annual, NO_X ozone season, and SO_2 trading programs. Under the approval, the opt-in provisions in these CAIR FIP trading programs will apply to units in Tennessee.

VI. Final Action

EPA is approving Tennessee's abbreviated CAIR SIP revision submitted on September 8, 2006. Tennessee is covered by the CAIR FIPs, which requires participation in the EPA-administered CAIR FIP cap-and-trade programs for SO_2, NO_X annual, and NO_X ozone season emissions. Under this abbreviated SIP revision and consistent with the flexibility given to States in the FIPs, Tennessee adopts provisions for allocating allowances under the CAIR FIP NO_X annual and ozone season trading programs. EPA is approving Tennessee's CAIR NO_X annual and ozone season allocation provisions (interpreted as discussed above) for units subject to the CAIR trading programs under the current CAIR FIP NO_X annual and ozone season applicability provisions. In addition, Tennessee adopts in the abbreviated SIP revision provisions that allow for individual non-EGUs to opt into the CAIR FIP SO_2, NO_X annual, and NO_X ozone season cap-and-trade programs. EPA is approving Tennessee's allowing for opt-in units (consistent with the above-discussed interpretation) and therefore the application of the opt-in provisions in these CAIR FIP trading programs to units in Tennessee.

As provided for in the CAIR FIPs, these provisions in the abbreviated SIP revision will replace or supplement the corresponding provisions of the CAIR FIPs in Tennessee. The abbreviated SIP revision meets the applicable requirements in 40 CFR 51.123(p) and (ee), with regard to NO_X annual and NO_X ozone season emissions, and 40 CFR 51.124(r), with regard to SO_2 emissions. EPA is not making any changes to the CAIR FIP, but is amending, to the extent EPA approves Tennessee's SIP revision, the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

EPA is approving the aforementioned changes to the SIP. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 19, 2007 without further notice unless the Agency receives adverse comments by September 19, 2007.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 19, 2007 and no further action will be taken on the proposed rule.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 19, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 97

Environmental protection, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: July 31, 2007.

J.I. Palmer Jr.,

Regional Administrator, Region 4.

■ 40 CFR parts 52 and 97 are amended as follows:

PART 52—[AMENDED]

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

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

Subpart (RR)—(Tennessee)

■ 2. In (52.2220(c) Table 1 is amended as follows:

■ a. Under Chapter 1200–3–14 by adding entry for ''Section 1200–3–14.04'' in numerical order,

■ b. Under Chapter 1200–3–27 by adding entries for ''Section 1200–3–27.10'' and ''Section 1200–3–27.11'' in numerical order.

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 1.—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * *	* * *	*		*
Chapter 1200–3–14 Control of Sulfur Dioxide Emissions				
* * *	* * *	*		*
Section 1200–3–14.04	CAIR SO_2 Annual Trading Program	11/06/06	8/20/07 [Insert citation of publication]	
* * *	* * *	*		*
Chapter 1200–3–27 Nitrogen Oxides				
* * *	* * *	*		*
Section 1200–3–27.10	CAIR NO_X Annual Trading Program	11/06/06	8/20/07 [Insert citation of publication]	
Section 1200–3–27.11	CAIR NO_X Ozone Season Trading Program	11/06/06	8/20/07 [Insert citation of publication]	
* * *	* * *	*		*

PART 97—[AMENDED]

■ 3. The authority citation for part 97 continues to read as follows:

Authority: 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, *et seq.*

■ 4. Appendix A to Subpart EE is amended by adding in alphabetical order the entry ''Tennessee'' under paragraph 1. to read as follows:

Appendix A to Subpart EE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations:

1. * * *

Tennessee

* * * * *

■ 5. Appendix A to Subpart II of Part 97 is amended by adding in alphabetical order the entry ''Tennessee'' under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart II of Part 97—States With Approved State Implementation Plan Revisions Concerning CAIR NO_X Opt-In Units

1. * * *

Tennessee

2. * * *

Tennessee

■ 6. Appendix A to Subpart III of Part 97 is amended by adding in alphabetical order the entry ''Tennessee'' under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart III of Part 97—States With Approved State Implementation Plan Revisions Concerning CAIR SO_2 Opt-In Units

1. * * *

Tennessee

2. * * *

Tennessee

■ 7. Appendix A to Subpart EEEE of Part 97 is amended by adding in alphabetical order the entry ''Tennessee'' under the introductory text to read as follows:

Appendix A to Subpart EEEE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations

* * * * *

Tennessee

■ 8. Appendix A to Subpart IIII of Part 97 is amended by adding in alphabetical order the entry ''Tennessee'' under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart IIII of Part 97–States With Approved State Implementation Plan Revisions Concerning CAIR NO_X Ozone Season Opt-in Units

1. * * *

Tennessee

2. * * *

Tennessee

[FR Doc. E7–15782 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7987]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

FOR FURTHER INFORMATION CONTACT: David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

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

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Alabama:				
Clayhatchee, Town of, Dale County	010415	January 6, 1995, Emerg;—, Reg; August 18, 2007, Susp.	08/16/2007	08/16/2007.
Dale County, Unincorporated Areas	010060	September 10, 1975, Emerg; July 4, 1989, Reg; August 18, 2007, Susp.	......do*	Do.
Kentucky:				
Elizabeth, City of, Hardin County	210095	May 23, 1975, Emerg; December 2, 1980, Reg; August 18, 2007, Susp.	......do	Do.
Hardin County, Unincorporated Areas	210094	February 1, 1979, Emerg; November 4, 1988, Reg; August 18, 2007, Susp.	......do	Do.
Vine Grove, City of, Hardin County	210096	July 18, 1995, Emerg; July 18, 1995, Reg; August 18, 2007, Susp.	......do	Do.
North Carolina:				
Durham, City of, Durham County	370086	July 13, 1973, Emerg; January 17, 1979, Reg; August 2, 2007, Susp.	08/02/2007	08/02/2007.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Durham County, Unincorporated Areas	370085	March 16, 1973, Emerg; February 15, 1979, Reg; August 2, 2007, Susp.	......do*	Do.
Lincoln County, Unincorporated Areas	370146	January 27, 1976, Emerg; December 1, 1981, Reg; August 18, 2007, Susp.	08/16/2007	08/16/2007.
Lincolnton, City of, Lincoln County	370147	November 3, 1975, Emerg; December 1, 1981, Reg; August 18, 2007, Susp.	......do*	Do.
Region VI				
Louisiana:				
Ascension Parish, Unincorporated Areas.	220013	April 26, 1973, Emerg; September 2, 1981, Reg; August 18, 2007, Susp.	......do	Do.
Donaldsonville, City of, Ascension County.	220014	April 25, 1973, Emerg; May 15, 1980, Reg; August 18, 2007, Susp.	......do	Do.
Sorrento, Town of, Ascension County ..	220016	April 30, 1973, Emerg; June 1,1978, Reg; August 18, 2007, Susp.	......do	Do.

*Do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: August 13, 2007.

David I. Maurstad,

Assistant Administrator Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E7–16279 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–B–7730 and B–7729]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

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

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

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

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

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

California: Ventura ...	City of Simi Valley, (06–09–B562P).	March 22, 2007; March 29, 2007; *Ventura County Star.*	The Honorable Paul Miller, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	June 28, 2007	060421
Ohio:					
Hamilton	Village of Fairfax, (07–05–0437P).	February 7, 2007; February 14, 2007; *The Community Press.*	The Honorable Theodore Shannon, Mayor, Village of Fairfax, 5903 Haw-thorne Avenue, Fairfax, OH 45227.	February 22, 2007	390215
Hamilton	City of Cincinnati, (07–05–0437P).	February 7, 2007; February 14, 2007; *The Community Press.*	The Honorable Mark Mallory, Mayor, City of Cincinnati, 801 Plum Street, Room 150, Cincinnati, OH 45202.	February 22, 2007	390210
Wisconsin: Iowa	Unincorporated areas of Iowa County, (07–05–0219P).	January 18, 2007; January 25, 2007; *The Dodgeville Chronicle.*	The Honorable Mark Masters, Chairman, Iowa County Board, 222 North Iowa Street, Dodgeville, WI 53533.	December 20, 2006	550522

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 9, 2007.

David I. Maurstad,

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

[FR Doc. E7–16286 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Tuscaloosa (FEMA Docket No: B–7716).	City of Northport (06–04–C176P).	February 14, 2007; February 21, 2007; *The Northport Gazette*.	The Honorable Harvey Fretwell, Mayor, City of Newport, Northport City Hall, 3500 McFarland Boulevard, Northport, AL 35476.	March 1, 2007	010202
Alaska: Anchorage (FEMA Docket No: B–7716).	Municipality of Anchorage (06–10–B606P).	December 21, 2006; December 28, 2006; *Anchorage Daily News*.	The Honorable Mark Begich, Mayor, Municipality of Anchorage, P.O. Box 196650, Anchorage, AK 99519–6650.	November 29, 2006	020005
Arizona:					
Coconino (FEMA Docket No: B–7717).	City of Williams (07–09–0126P).	February 22, 2007; March 1, 2007; *Arizona Daily Sun*.	The Honorable Ken Edes, Mayor, City of Williams, 113 South First Street, Williams, AZ 86046.	May 31, 2007	040027
Coconino (FEMA Docket No: B–7717).	Unincorporated areas of Coconino County (07–09–0126P).	February 22, 2007; March 1, 2007; *Arizona Daily Sun*.	The Honorable Matt Ryan, Chairman, Coconino County, Board of Supervisors, 219 East Cherry Avenue, Flagstaff, AZ 86001.	May 31, 2007	040019
Maricopa (FEMA Docket No: B–7717).	Town of Buckeye (07–09–0135P).	March 22, 2007; March 29, 2007; *Arizona Business Gazette*.	The Honorable Bobby Bryant, Mayor, Town of Buckeye, 100 North Apache Road, Suite A, Goodyear, AZ 85326.	June 28, 2007	040039
Maricopa (FEMA Docket No: B–7717).	Unincorporated areas of Maricopa County (07–09–0135P).	March 22, 2007; March 29, 2007; *Arizona Business Gazette*.	The Honorable Max Wilson, Chairman, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	June 28, 2007	040037
Pima (FEMA Docket No: B–7716).	City of Tucson (06–09–BA36P).	February 15, 2007; February 22, 2007; *The Daily Territorial*.	The Honorable Bob Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, AZ 85726.	January 26, 2007	040076
Pima (FEMA Docket No: B–7716).	City of Tucson (06–09–BG63P).	December 14, 2006; December 21, 2006; *The Daily Territorial*.	The Honorable Bob Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, AZ 85726.	November 22, 2006	040076
Yavapai (FEMA Docket No: B–7717).	City of Chino Valley (07–09–0415P).	March 15, 2007; March 22, 2007; *Prescott Daily Courier*.	The Honorable Karen Fann, Mayor, Town of Chino Valley, P.O. Box 406, Chino Valley, AZ 86323.	February 27, 2007	040094
Arkansas:					
Benton (FEMA Docket No: B–7716).	City of Bentonville (07–06–0537P).	February 9, 2007; February 15, 2007; *Arkansas Democrat Gazette*.	The Honorable Terry L. Coberly, Mayor, City of Bentonville, 117 West Central Avenue, Bentonville, AR 72712.	May 17, 2007	050012
Pulaski (FEMA Docket No: B–7716).	Unincorporated areas of Pulaski County (06–06–BF55P).	February 8, 2007; February 15, 2007; *Arkansas Democrat Gazette*.	The Honorable Floyd G. Villines, County Judge, Pulaski County Courthouse, 201 South Broadway, Little Rock, AR 72201.	May 17, 2007	050179
Sebastian (FEMA Docket No: B–7716).	City of Fort Smith (05–06–1080P).	February 8, 2007; February 15, 2007; *Times Record*.	The Honorable C. Ray Baker, Jr., Mayor, City of Fort Smith, P.O. Box 1908, Fort Smith, AR 72902.	March 8, 2007	055013
Sebastian (FEMA Docket No: B–7716).	City of Fort Smith (05–06–1081P).	February 9, 2007; February 16, 2007; *Times Record*.	The Honorable C. Ray Baker, Jr., Mayor, City of Fort Smith, 623 Garrison Avenue, Fort Smith, AR 72901.	March 8, 2007	055013
California:					
Orange (FEMA Docket No: B–7716).	City of Orange (07–09–0201P).	February 22, 2007; March 1, 2007; *The Orange County Register*.	The Honorable Carolyn V. Cavecche, Mayor, City of Orange, 300 East Chapman Avenue, Orange, CA 92866.	May 31, 2007	060228
Orange (FEMA Docket No: B–7474).	City of San Juan Capistrano (05–09–0793P).	September 21, 2006; September 28, 2006; *The Orange County Register*.	The Honorable David M. Swerdlin, Mayor, City of San Juan Capistrano, City Hall, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675.	August 31, 2006	060231
Orange (FEMA Docket No: B–7716).	City of Tustin (07–09–0201P).	February 22, 2007; March 1, 2007; *The Orange County Register*.	The Honorable Lou Bone, Mayor, City of Tustin, 300 Centennial Way, Tustin, CA 92780,.	May 31, 2007	060235
Orange (FEMA Docket No: B–7716).	Unincorporated areas of Orange County (07–09–0201P).	February 22, 2007; March 1, 2007; *The Orange County Register*.	The Honorable Chris Norby, Chairman, Orange County Board of Supervisors, 333 West Santa Ana Boulevard, Santa Ana, CA 92701.	May 31, 2007	060212
Riverside (FEMA Docket No: B–7717).	City of Corona (06–09–BB68P).	February 15, 2007; February 22, 2007; *The Press-Enterprise*.	The Honorable Eugene Montenez, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	January 30, 2007	060250
Riverside (FEMA Docket No: B–7717).	Unincorporated areas of Riverside County (06–09–BD43P).	January 11, 2007; January 18, 2007; *The Press-Enterprise*.	The Honorable Bob Buster, Chairman, Riverside County, Board of Supervisors, 4080 Lemon Street, Fifth Floor, Riverside, CA 92501.	April 19, 2007	060245
San Diego (FEMA Docket No: B–7716).	City of Poway (06–09–BE88P).	January 11, 2007; January 18, 2007; *San Diego Transcript*.	The Honorable Robert C. Emergy, Mayor, City of Poway, P.O. Box 789, Poway, CA 92074–0789.	April 19, 2007	060702

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
San Diego (FEMA Docket No: B–7717).	City of San Marcos (06–09–BE72P).	March 8, 2007; March 15, 2007; *San Diego Transcript*.	The Honorable James Desmond, Mayor, City of San Marcos, One Civic Center Drive, San Marcos, CA 92069.	February 23, 2007	060296
Yuba (FEMA Docket No: B–7716).	Unincorporated areas of Yuba County (06–09–B119P).	January 18, 2007; January 25, 2007; *The Appeal-Democrat*.	Mr. Robert Bendorf, Yuba County Administrator, 915 Eighth Street, Suite 115, Marysville, CA 95901.	January 29, 2007	060427
Colorado:					
El Paso (FEMA Docket No: B–7719).	City of Colorado Springs (06–08–A647P).	December 27, 2006; January 3, 2007; *El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	April 4, 2007	080060
El Paso (FEMA Docket No: B–7716).	City of Fountain (06–08–B110P).	January 3, 2007; January 10, 2007; *El Paso County Advertiser and News*.	The Honorable Jeri Howells, Mayor, City of Fountain, 116 South Main Street, Fountain, CO 80817.	January 18, 2007	080061
El Paso (FEMA Docket No: B–7716).	Unincorporated areas of El Paso County (06–08–B110P).	January 3, 2007; January 10, 2007; *El Paso County Advertiser and News*.	The Honorable Sallie Clark, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	January 18, 2007	080059
Jefferson (FEMA Docket No: B–7716).	City of Lakewood (06–08–B627P).	January 4, 2007; January 11, 2007; *The Golden Transcript*.	The Honorable Steve Burkholder, Mayor, City of Lakewood, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, CO 80226.	December 11, 2006	085075
Larimer (FEMA Docket No: B–7716).	City of Fort Collins (06–08–B336P).	January 18, 2007; January 25, 2007; *Fort Collins Coloradoan*.	The Honorable Doug Hutchinson, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522–0580.	April 19, 2007	080102
Larimer (FEMA Docket No: B–7716).	Unincorporated areas of Larimer County (06–08–B336P).	January 18, 2007; January 25, 2007; *Fort Collins Coloradoan*.	The Honorable Glenn Gibson, Chairman, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522–1190.	April 19, 2007	080101
Florida:					
Charlotte (FEMA Docket No: B–7716).	City of Punta Gorda (07–04–1137P).	February 22, 2007; March 1, 2007; *Charlotte Sun*.	The Honorable Larry Friedman, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, FL 33950.	January 29, 2007	120062
Collier (FEMA Docket No: B–7716).	City of Naples (06–04–BH21P).	February 8, 2007; February 15, 2007; *Naples Daily News*.	The Honorable Bill Barnett, Mayor, City of Naples, 735 Eight Street South, Naples, FL 34102.	January 16, 2007	125130
Martin (FEMA Docket No: B–7716).	Unincorporated areas of Martin County (06–04–C015P).	February 22, 2007; March 1, 2007; *The Stuart News*.	Mr. Duncan Ballantyne, County Administrator, Martin County, 2401 Southeast Monterey Road, Stuart, FL 34996.	May 31, 2007	120161
Pasco (FEMA Docket No: B–7716).	Unincorporated areas of Pasco County (05–04–0987P).	February 8, 2007; February 15, 2007; *Pasco Times*.	The Honorable Ann Hildebrand, Chairman, Pasco County, Board of Commissioners, 7530 Little Road, New Port Richey, FL 34654.	May 17, 2007	120230
Polk (FEMA Docket No: B–7716).	City of Haines City (06–04–BI19P).	February 1, 2007; February 8, 2007; *The Polk County Democrat*.	The Honorable Horace West, Mayor, City of Haines City, P.O. Box 1507, Haines City, FL 33845.	January 22, 2007	120266
Walton (FEMA Docket No: B–7716).	City of Freeport (06–04–BC49P).	January 30, 2007; February 7, 2007; *Northwest Florida Daily News*.	The Honorable J. M. Marse, Mayor, City of Freeport, P.O. Box 339, Freeport, FL 32439.	December 20, 2006	120319
Georgia:					
Columbia (FEMA Docket No: B–7716).	Unincorporated areas of Columbia County (06–04–B133P).	February 21, 2007; February 28, 2007; *Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	May 30, 2007	130059
Fulton (FEMA Docket No: B–7716).	City of Atlanta (06–04–C646P).	February 22, 2007; March 1, 2007; *Fulton County Daily Report*.	The Honorable Shirley Franklin, Mayor, City of Atlanta, 55 Trinity Avenue, Atlanta, GA 30303.	January 31, 2007	135157
Fulton (FEMA Docket No: B–7716).	City of East Point (06–04–C646P).	February 22, 2007; March 1, 2007; *Fulton County Daily Report*.	The Honorable Joseph L. Macon, Mayor, City of East Point, 2777 East Point Street, East Point, GA 30344.	January 31, 2007	130087
Gwinnett (FEMA Docket No: B–7717).	City of Duluth (06–04–BO22P).	March 22, 2007; March 29, 2007; *Gwinnett Daily Post*.	The Honorable Shirley Fanning-Lasseter, Mayor, City of Duluth, 3578 West Lawrenceville Street, Duluth, GA 30096.	February 28, 2007	130098
Lamar (FEMA Docket No: B–7717).	City of Barnesville (06–04–BZ31P).	January 16, 2007; January 23, 2007; *The Herald-Gazette*.	The Honorable Dewaine T. Bell, Mayor, City of Barnesville, 109 Forsyth Street, Barnesville, GA 30204.	April 24, 2007	130207
Hawaii: Maui (FEMA Docket No: B–7716).	Unincorporated areas of Maui County (05–09–A226P).	February 15, 2007; February 22, 2007; *Maui News*.	The Honorable Charmaine Tavares, Mayor, Maui County, 200 South High Street, Ninth Floor, Wailuku, Maui, HI 96793.	May 24, 2007	150003
Iowa:					
Bremer (FEMA Docket No: B–7717).	City of Denver (06–07–B991P).	February 22, 2007; March 1, 2007; *The Waverly Democrat*.	The Honorable Mike Isaacson, Mayor, City of Denver, 100 Washington Street, Denver, IA 50622.	May 31, 2007	190026
Bremer (FEMA Docket No: B–7717).	Unincorporated areas of Bremer County, (06–07–B991P).	February 22, 2007; March 1, 2007, *The Waverly Democrat*.	The Honorable Steven Reuter Head, Bremer County Board of Supervisors, 415 East Bremer Avenue, Waverly, IA 50677.	May 31, 2007	190847
Illinois:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Cook (FEMA Docket No: B–7716).	Village of South Barrington, (06–05–BT49P).	March 1, 2007; March 8, 2007, *Daily Herald*.	Mr. Frank J Munao, Jr., President, Village of South Barrington, Village Hall, 30 South Barrington Road, Barrington, IL 60010.	June 7, 2007	170161
Kankakee (FEMA Docket No: B–7716).	Village of Bradley (06–05–BJ19P).	January 18, 2007; January 25, 2007, *Kankakee Daily Journal*.	The Honorable Gael K. Kent, Mayor, Village of Bradley, 147 South Michigan, Bradley, IL 60915.	December 22, 2006	170338
Kankakee (FEMA Docket No: B–7716).	Unincorporated areas of Kankakee County (06–05–BJ19P).	January 18, 2007; January 25, 2007, *Kankakee Daily Journal*.	The Honorable Karl Kruse, Chairman, Kankakee County Board, 189 East Court Street, Fifth Floor, Kankakee, IL 60901.	December 22, 2006	170336
Lake (FEMA Docket No: B–7716).	Village of Lake Villa (06–05–BU68P).	February 22, 2007; March 1, 2007, *The News Sun*.	The Honorable Frank M. Loffredo, Mayor, Village of Lake Villa, P.O. Box 519, Lake Villa, IL 60046.	May 31, 2007	170375
Kansas: Sedgwick (FEMA Docket No: B–7716).	City of Wichita (06–07–B210P).	February 15, 2007; February 22, 2007, *The Wichita Eagle*.	The Honorable Carlos Mayans, Mayor, City of Wichita, City Hall, 455 North Main Street, Wichita, KS 67202.	May 24, 2007	200328
Maryland: Carroll (FEMA Docket No: B–7716).	Unincorporated areas of Carroll County (06–03–B843P).	March 1, 2007; March 8, 2007, *Carroll County Times*.	The Honorable Julia W. Gouge, President, Carroll County, Board of Commissioners, 225 North Center Street, Room 300, Westminster, MD 21157.	March 15, 2007	240015
Michigan: Washtenaw (FEMA Docket No: B–7716).	City of Ann Arbor (07–05–0217P).	February 22, 2007; March 1, 2007, *The Ann Arbor News*.	The Honorable John Hieftje, Mayor, City of Ann Arbor, 100 North 5th Avenue, Ann Arbor, MI 48104.	January 23, 2007	260213
Minnesota:					
Anoka (FEMA Docket No: B–7716).	City of Blaine (06–05–BY83P).	February 23, 2007; March 2, 2007, *Blaine/Spring Lake Park Life*.	The Honorable Thomas Ryan, Mayor, City of Blaine, 10801 Town Square Drive NE, Blaine, MN 55449.	January 31, 2007	270007
Olmsted (FEMA Docket No: B–7716).	City of Rochester (06–05–B433P).	March 8, 2007; March 15, 2007, *Post-Bulletin*.	The Honorable Ardell F. Brede, Mayor, City of Rochester, City Hall, 201 Fourth Street, Southeast, Room 281, Rochester, MN 55904.	February 14, 2007	275246
Olmsted (FEMA Docket No: B–7716).	Unincorporated areas of Olmsted County (06–05–B433P).	March 8, 2007; March 15, 2007, *Post-Bulletin*.	The Honorable Ken Brown, Commissioner, District 2, Olmsted County Board of Commissioners, 151 Fourth Street, Southeast Rochester, MN 55904.	February 14, 2007	270626
Polk (FEMA Docket No: B–7716).	City of Crookston (07–05–1774P).	February 15, 2007; February 22, 2007, *The Crookston Daily Times*.	The Honorable Dave Genereaux, Mayor, City Of Crookston, 124 North Broadway, Crookston, MN 56716.	February 26, 2007	270364
Missouri:					
Greene (FEMA Docket No: B–7717).	City of Springfield (05–07–0451P).	February 15, 2007; February 22, 2007, *Springfield News-Leader*.	The Honorable Thomas J. Carlson, Mayor, City of Springfield, 840 Boonville Avenue, Springfield, MO 65802.	May 24, 2007	290149
Greene (FEMA Docket No: B–7717).	Unincorporated areas of Greene County (05–07–0451P).	February 15, 2007; February 22, 2007, *Springfield News-Leader*.	The Honorable David Coonrod, Presiding Commissioner, Greene County Commission, 933 North Robberson, Springfield, MO 65802.	May 24, 2007	290782
Nevada: Clark (FEMA Docket No: B–7716).	City of North Las Vegas (06–09–BD79P).	December 21, 2006; December 28, 2006, *Las Vegas Review-Journal*.	The Honorable Michael L. Montandon, Mayor, City of North Las Vegas, 2200 Civic Center Drive, North Las Vegas, NV 89030.	November 30, 2006	320007
New Jersey: Bergen (FEMA Docket No: B–7716).	Borough of Allendale (07–02–0297P).	February 23, 2007; March 2, 2007, *The Record*.	The Honorable Vince Barra, Mayor, Borough of Allendale, 500 West Crescent Avenue, Allendale, NJ 07401.	February 26, 2007	340019
New York: Westchester (FEMA Docket No: B–7716).	City of New Rochelle (06–02–B832P).	January 25, 2007; February 1, 2007, *The Journal News*.	The Honorable Noam Bramson, Mayor, City of New Rochelle, 515 North Avenue, New Rochelle, NY 10801.	July 5, 2007	360922
Ohio:					
Butler (FEMA Docket No: B–7717).	Unincorporated areas of Butler County (06–05–B014P).	January 11, 2007; January 18, 2007, *The Middletown Journal*.	The Honorable Gregory V. Jolivette, President, Butler County, Board of Commissioners, 315 High Street, Sixth Floor, Hamilton, OH 45011.	April 19, 2007	390037
Cuyahoga (FEMA Docket No: B–7717).	City of Shaker Heights (05–05–A485P).	March 1, 2007; March 8, 2007, *Bedford Times*.	The Honorable Judith H. Rawson, Mayor, City of Shaker Heights, 3400 Lee Road, Shaker Heights, OH 44120.	June 7, 2007	390129
Greene (FEMA Docket No: B–7716).	Unincorporated areas of Greene County (06–05–BJ18P).	December 30, 2006; January 6, 2007, *Xenia Daily Gazette*.	The Honorable Ralph Harper, President, Greene County Board of Commissioners, 35 Greene Street, Xenia, OH 45385.	April 9, 2007	390193
Montgomery (FEMA Docket No: B–7716).	City of Kettering (06–05–BJ18P).	December 30, 2006; January 6, 2007, *Kettering-Oakwood Times*.	The Honorable Don Patterson, Mayor, City of Kettering, 3600 Shroyer Road, Kettering, OH 45429.	April 9, 2007	390412
Oklahoma:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Rogers (FEMA Docket No: B–7716).	Unincorporated areas of Rogers County (06–06–BD69P).	February 15, 2007; February 22, 2007; *Claremore Daily Progress*.	The Honorable Kenneth Crutchfield, County Commissioner, Rogers County 219 South Missouri, Claremore, OK 74017.	May 24, 2007	405379
Tulsa (FEMA Docket No: B–7716).	City of Tulsa (06–06–BH35P).	February 8, 2007; February 15, 2007; *Tulsa World*.	The Honorable Kathy Taylor, Mayor, City of Tulsa 200 Civic Center, 11th Floor, Tulsa, OK 74103.	May 17, 2007	405381
Washington (FEMA Docket No: B–7716).	Unincorporated areas of Washington County (06–06–BD69P).	February 15, 2007; February 22, 2007; *Claremore Daily Progress*.	The Honorable Linda D. Herndon, County Commissioner, Washington County, Washington County Administration Office 400 South Johnstone, Room 201, Bartlesville, OK 74003..	May 24, 2007	400459
Oregon: Multnomah (FEMA Docket No: B–7716).	City of Fairview (06–10–B082P).	December 20, 2006; December 27, 2006; *The Gresham Outlook*.	The Honorable Mike Weatherby, Mayor, City of Fairview 1300 Northeast Village Street, Fairview, OR 97024..	March 28, 2007	410180
Puerto Rico: Puerto Rico (FEMA Docket No: B–7716).	Commonwealth of Puerto Rico (07–02–0109P).	March 1, 2007; March 8, 2007; *El San Juan Star*.	The Honorable Anibal Acevedo-Vila, Governor of the Commonwealth of Puerto Rico, P.O. Box 82, La Fortaleza, San Juan, PR 00901.	June 7, 2007	720000
South Carolina:					
Charleston (FEMA Docket No: B–7716).	Town of Mount Pleasant (07–04–0382P).	February 14, 2007; February 21, 2007; *Moultrie News*.	The Honorable Harry M. Hallman, Jr., Mayor, Town of Mount Pleasant, Post Office Box 745, Mount Pleasant, SC 29465.	January 29, 2007	455417
Horry (FEMA Docket No: B–7716).	Unincorporated areas of Horry County (06–04–B279P).	January 18, 2007; January 25, 2007; *Horry Independent*.	The Honorable Elizabeth Gilland, Chairmain, Board of Commissioners, Horry County 1511 Elm Street, Conway, SC 29526.	April 26, 2007	450104
Lexington (FEMA Docket No: B–7716).	Unincorporated areas of Lexington County (06–04–BI42P).	February 22, 2007; March 1, 2007; *The Lexington County Chronicle*.	The Honorable M. Todd Cullum, Chairman, Lexington County Council, 212 South Lake Drive, Lexington, SC 29072.	January 31, 2007	450129
South Dakota:					
Lawrence (FEMA Docket No: B–7716).	City of Spearfish (06–08–B498P).	February 15, 2007; February 22, 2007; *Black Hills Pioneer*.	The Honorable Jerry Krambech, Mayor, City of Spearfish 223 Vermont Street, Spearfish, SD 57783.	January 25, 2007	460046
Pennington (FEMA Docket No: B–7716).	Unincorporated areas of Pennington County (06–08–B381P).	January 18, 2007; January 25, 2007; *Rapid City Journal*.	The Honorable Ken Davis, Chairman, Pennington County Board of Commissioners, 315 Saint Joseph Street, Suite 156, Rapid City, SD 57701.	January 22, 2007	460064
Tennessee: Shelby (FEMA Docket No: B–7716).	Unincorporated areas of Shelby County (04–04–A415P).	January 11, 2007; January 18, 2007; *The Daily News*.	The Honorable A. C. Wharton, Jr., Mayor, Shelby County 160 North Main Street, Suite 850, Memphis, TN 38103.	April 19, 2007	470214
Texas:					
Collin (FEMA Docket No: B–7716).	Town of Fairview (06–06–B959P).	January 11, 2007; January 18, 2007; *McKinney Courier Gazette*.	The Honorable Sim Israeloff, Mayor, Town of Fairview 500 South Highway 5, Fairview, TX 75069.	April 19, 2007	481069
Collin (FEMA Docket No: B–7716).	Unincorporated areas of Collin County (06–06–B959P).	January 11, 2007; January 18, 2007; *McKinney Courier Gazette*.	The Honorable Ron Harris, Collin County Judge, 210 South McDonald Street, Suite 626, McKinney, TX 75069.	April 19, 2007	480130
Dallas (FEMA Docket No: B–7716).	City of Irving (06–06–BD58P).	March 8, 2007; March 15, 2007; *Dallas Morning News*.	The Honorable Herbert A. Gears, Mayor, City of Irving, 825 W. Irving Blvd., Irving, TX 75060.	June 14, 2007	480180
Denton (FEMA Docket No: B–7716).	City of Denton (06–06–BH76P).	March 15, 2007; March 22, 2007; *Denton Record-Chronicle*.	The Honorable Perry McNeill, Mayor, City of Denton 215 East McKinney Street, Denton, TX 76201.	February 27, 2007	480194
Denton (FEMA Docket No: B–7716).	City of Denton (06–06–BJ01P).	February 15, 2007; February 22, 2007; *Denton Record-Chronicle*.	The Honorable Perry McNeill, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	January 26, 2007	480194
Denton (FEMA Docket No: B–7716).	Town of Shady Shores (06–06–BJ01P).	February 15, 2007; February 22, 2007; *Denton Record-Chronicle*.	The Honorable Olive Stephens, Mayor, Town of Shady Shores, P.O. Box 362, Lake Dallas, TX 75065.	January 26, 2007	481135
Erath (FEMA Docket No: B–7716).	City of Stephenville (07–06–0505P).	January 25, 2007; February 1, 2007; *Stephenville Empire-Tribune*.	The Honorable Rusty Jergins, Mayor, City of Stephenville 298 West Washington Street, Stephenville, TX 76401.	May 3, 2007	480220
Fort Bend, Harris and Waller (FEMA Docket No: B–7716).	City of Katy (06–06–B244P).	February 15, 2007; February 22, 2007; *Fort Bend Herald*.	The Honorable Doyle G. Callender, Mayor, City of Katy, P.O. Box 617, Katy, TX 77492.	February 26, 2007	480301
Fort Bend (FEMA Docket No: B–7716).	Village of Pleak (06–06–BG61P).	February 22, 2007; March 1, 2007; *Fort Bend Herald*.	The Honorable Margie Krenek, Mayor, Village of Pleak 6621 FM 2218 South, Richmond, TX 77469.	May 31, 2007	481615
Fort Bend (FEMA Docket No: B–7716).	City of Rosenberg (06–06–BG61P).	February 22, 2007; March 1, 2007; *Fort Bend Herald*.	The Honorable Joe M. Gurecky, Mayor, City of Rosenberg, P.O. Box 32, Rosenberg, TX 77471.	May 31, 2007	480232

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Fort Bend (FEMA Docket No: B–7716).	Unincorporated areas of Fort Bend County (06–06–B244P).	February 15, 2007; February 22, 2007; *Fort Bend Herald*.	The Honorable Robert E. Hebert, Ph.D., Fort Bend County Judge, 301 Jackson Street, Richmond, TX 77469.	February 26, 2007	480228
Fort Bend (FEMA Docket No: B–7716).	Unincorporated areas of Fort Bend County (06–06–BG61P).	February 22, 2007; March 1, 2007; *Fort Bend Herald*.	The Honorable Robert E. Hebert, Ph.D., Fort Bend County Judge, 301 Jackson Street, Richmond, TX 77469.	May 31, 2007	480228
Harris (FEMA Docket No: B–7716).	City of Houston (06–06–BJ02P).	February 15, 2007; February 22, 2007; *Houston Chronicle*.	The Honorable Bill White, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	January 25, 2007	480296
Harris (FEMA Docket No: B–7716).	Unincorporated areas of Harris County (06–06–BJ02P).	February 15, 2007; February 22, 2007; *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002.	January 25, 2007	480287
Johnson (FEMA Docket No: B–7716).	City of Burleson 05–06–0645P).	January 10, 2007; January 17, 2007; *Burleson Star*.	The Honorable Kenneth Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	January 19, 2007	485459
Jones and Taylor (FEMA Docket No: B–7716).	City of Abilene (06–06–BD70P).	January 18, 2007; January 25, 2007; *Abilene Reporter-News*.	The Honorable Norm Archibald, Mayor, City of Abilene, 717 Byrd Drive, Abilene, TX 79601.	April 19, 2007	485450
Kendall (FEMA Docket No: B–7716).	Unincorporated areas of Kendall County (06–06–B858P).	January 19, 2007; January 26, 2007; *The Boerne Star*.	The Honorable Eddie John Vogt, Kendall County Judge, Kendall County Courthouse, 201 East San Antonio Street, Boerne, TX 78006.	April 27, 2007	480417
Lubbock (FEMA Docket No: B–7716).	City of Lubbock (06–06–BD46P).	March 8, 2007; March 15, 2007; *Lubbock Avalanche-Journal*.	The Honorable David Miller, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, TX 79457.	June 14, 2007	480452
Tarrant (FEMA Docket No: B–7716).	City of Fort Worth (06–06–B718P).	November 30, 2006; December 7, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J Moncrief, Mayor, City of Forth Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 8, 2007	480596
Tarrant (FEMA Docket No: B–7716).	City of Fort Worth (06–06–BH34P).	February 8, 2007; February 15, 2007; *Denton Record-Chronicle*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	May 17, 2007	480596
Tarrant (FEMA Docket No: B–7716).	City of Fort Worth (06–06–BK38P).	March 1, 2007; March 8, 2007; *Fort Worth Star-Telegram*.	The Honorable Mike J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	June 7, 2007	480596
Tarrant (FEMA Docket No: B–7716).	Unincorporated areas of Tarrant County (06–06–B718P).	November 30, 2006; December 7, 2006; *Fort Worth Star-Telegram*.	The Honorable Tom Vandergriff, County Judge, Tarrant County, 100 East Weatherford Street, Suite 502A, Fort Worth, TX 76196.	March 8, 2007	480582
Tarrant (FEMA Docket No: B–7716).	City of Fort Worth (07–06–0103P).	November 30, 2006; December 7, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 8, 2007	480596
Travis (FEMA Docket No: B–7716).	City of Austin (06–06–B467P).	January 18, 2007; January 25, 2007; *Austin American-Statesman*.	The Honorable Will Wynn, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	December 29, 2006	480264
Williamson (FEMA Docket No: B–7716).	City of Cedar Park (06–06–BI70P).	February 21, 2007; February 28, 2007; *Hill County News*.	The Honorable Bob Lemon, Mayor, City of Cedar Park, City Hall, 600 North Bell Boulevard, Cedar Park, TX 78613.	May 30, 2007	481282
Virginia:					
Fauquier (FEMA Docket No: B–7717).	Unincorporated areas of Fauquier County (06–03–B867P).	February 28, 2007; March 7, 2007; *Fauquier Times-Democrat*.	The Honorable Ray Graham, Chairman, Fauquier County, Board of Supervisors, Warren Green Building, 10 Hotel Street, Suite 208 Warrenton, VA 20186.	June 6, 2007	510055
Fauquier (FEMA Docket No: B–7716).	Unincorporated areas of Fauquier County (06–03–B895P).	February 7, 2007; February 14, 2007; *Fauquier Times*.	The Honorable Ray Graham, Chairman, Fauquier County, Board of Supervisors, Warren Green Building, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	January 18, 2007	510055
Washington: King (FEMA Docket No: B–7717)	City of Issaquah (06–10–B001P).	March 7, 2007; March 14, 2007; *The Issaquah Press*.	The Honorable Ava Frisinger, Mayor, City of Issaquah, P.O. Box 1307, Issaquah, WA 98027.	June 13, 2007	530079

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 10, 2007.

David I. Maurstad,

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

[FR Doc. E7–16280 Filed 8–17–07; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 20 and 21

RIN 1018-AV15

Migratory Bird Permits; Regulations for Managing Resident Canada Goose Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: On August 10, 2006, the U.S. Fish and Wildlife Service (Service or ''we'') published a final rule on resident Canada goose management. This final rule clarifies and slightly modifies several program requirements regarding eligibility, definitions, methodologies, and dates.

DATES: This final rule becomes effective on August 20, 2007.

ADDRESSES: You may inspect comments received on the proposed rule during normal business hours in Room 4107, 4501 North Fairfax Drive, Arlington, Virginia. You may obtain copies of the FEIS from the above address or from the Division of Migratory Bird Management Web site at *http://fws.gov/migratorybirds/issues/cangeese/finaleis.htm.*

FOR FURTHER INFORMATION CONTACT: Robert Blohm, Chief, Division of Migratory Bird Management, or Ron Kokel (703) 358–1714 (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Authority and Responsibility

Migratory birds are protected under four bilateral migratory bird treaties the United States entered into with Great Britain (for Canada in 1916 as amended in 1999), the United Mexican States (1936 as amended in 1972 and 1999), Japan (1972 as amended in 1974), and the Soviet Union (1978). Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. 703–711), and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712). The Migratory Bird Treaty Act (Act), which implements the above-mentioned treaties, provides that, subject to and to carry out the purposes of the treaties, the Secretary of the Interior is authorized and directed to determine when, to what extent, and by what means allowing hunting, killing, and other forms of taking of migratory birds, their nests, and eggs is compatible with the conventions. The Act requires the Secretary to implement a determination by adopting regulations permitting and governing those activities.

Canada geese are Federally protected by the Act by reason of the fact that they are listed as migratory birds in all four treaties. Because Canada geese are covered by all four treaties, regulations must meet the requirements of the most restrictive of the four. For Canada geese, this is the treaty with Canada. All regulations concerning resident Canada geese are compatible with its terms, with particular reference to Articles VII, V, and II.

Each treaty not only permits sport hunting, but permits the take of migratory birds for other reasons, including scientific, educational, propagative, or other specific purposes consistent with the conservation principles of the various Conventions. More specifically, Article VII, Article II (paragraph 3), and Article V of ''The Protocol Between the Government of the United States of America and the Government of Canada Amending the 1916 Convention between the United Kingdom and the United States of America for the Protection of Migratory Birds in Canada and the United States'' provides specific limitations on allowing the take of migratory birds for reasons other than sport hunting. Article VII authorizes the take, kill, etc., of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests. Article V relates to the taking of nests and eggs, and Article II, paragraph 3, states that, in order to ensure the long-term conservation of migratory birds, migratory bird populations shall be managed in accord with listed conservation principles.

The other treaties are less restrictive. The treaties with both Japan (Article III, paragraph 1, subparagraph (b)) and the Soviet Union (Article II, paragraph 1, subparagraph (d)) provide specific exceptions to migratory bird take prohibitions for the purpose of protecting persons and property. The treaty with Mexico requires, with regard to migratory game birds, only that there be a ''closed season'' on hunting and that hunting be limited to 4 months in each year.

Regulations governing the issuance of permits to take, capture, kill, possess, and transport migratory birds are promulgated in title 50, Code of Federal Regulations (CFR), parts 13 and 21, and issued by the Service. The Service annually promulgates regulations governing the take, possession, and transportation of migratory birds under sport hunting seasons in 50 CFR part 20.

Background

On August 10, 2006, we published in the **Federal Register** (71 FR 45964), a final rule establishing regulations in 50 CFR parts 20 and 21 authorizing State wildlife agencies, private landowners, and airports to conduct (or allow) indirect and/or direct population control management activities, including the take of birds, on resident Canada goose populations. Since publication of the August 10 rule, several questions and issues have been raised by the public regarding various restrictions and requirements of the new regulations.

On March 22, 2007, we published in the **Federal Register** (72 FR 13459) a proposed rule to clarify and slightly modify several program requirements regarding eligibility, definitions, methodologies, and dates. This final rule addresses comments we received on the March 22 proposed rule and modifies regulations contained in 50 CFR parts 20 and 21 pertaining to several program requirements regarding eligibility, definitions, methodologies, and dates.

Public Comments and Responses

We received public comments on the March 22 proposed rule from four State wildlife resource agencies: The Missouri Department of Conservation (Missouri), the New York Division of Fish, Wildlife, and Marine Resources (New York), the Wisconsin Department of Natural Resources (Wisconsin), and the Wyoming Game and Fish Department (Wyoming). We considered all comments.

In general, New York and Wyoming supported all of the proposed changes and clarifications, and Wisconsin supported the clarification of methods for nest and egg destruction and the inclusion of local units of government in the nest and egg depredation order. Other, more specific comments are described, and responded to, below:

(1) New York sees no biological reason to limit the definition of ''resident Canada geese'' to Canada geese nesting within the lower 48 States or District of Columbia during the months of March, April, May, or June. New York recommends expanding the

definition to resident Canada geese to include those geese that nest in those areas at any time. Such an expansion would allow the take of nests and eggs at any time in the lower 48 States.

While we agree with New York that the removal of any Canada goose nests in either February or July would have no biological impact on resident Canada goose populations, we also believe that the current definition of resident Canada geese allows the take of resident Canada goose nests and eggs in 98 percent of all such circumstances. Further, any goose nest discovered in February would likely be available for nest destruction activities in March. Thus, we see no need to significantly alter the existing definition. However, if future data demonstrate that expanding the current definition would further assist in dealing with the conflicts and problems caused by resident Canada geese, we would reexamine the issue.

(2) Wyoming expressed concern that the public may not be aware that any particular State wildlife agency could have additional or stricter requirements than those contained in the Federal regulations. Wyoming encouraged the Service to include cautionary statements in the text of each control and depredation order.

We have consistently stated that States and Tribes may always be more restrictive than Federal regulations. All of the regulations authorizing the specific control and depredation orders have explicit language stating that ''Nothing in this section authorizes the destruction of resident Canada goose nests or the take of resident Canada goose eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the landowner is authorized to operate under the program and possesses the appropriate State or Tribal permits, when required. Moreover, this section does not authorize the killing of any migratory bird species or destruction of their nest or eggs other than resident Canada geese [§ 21.50(d)(7)],'' or similar language [see § 21.49(d)(6); § 21.51(d)(9); and § 21.52(d)(7)]. Further, we have added specific State-supplied information on our Resident Canada Goose Nest and Egg Registration Web site (*https://epermits.fws.gov/eRCGR*) informing the public about State participation and any additional State requirements.

(3) Wisconsin does not support the use of expanded hunting methods and opportunities during September 16–30 and Missouri does not support the use of any expanded hunting methods and opportunities at any time during September. Missouri further believed that (a) the expanded hunting methods would have a minimal impact on resident Canada geese; (b) a September 16 regular goose season framework opening date and additional regular season days could be more effective for increasing harvest of resident Canada goose populations; and (c) population estimates for resident Canada geese in the Mississippi Flyway appear to have stabilized during the last 5 years.

Traditionally we have used special Canada goose seasons in September to specifically target resident goose populations and address some of the conflicts and problems caused by overabundant resident Canada geese. The objectives identified in the November 2005 Final Environmental Impact Statement (FEIS) (notices of availability published November 18, 2005, at 70 FR 69966 and 70 FR 69985) include reducing the resident Canada goose population to levels more inline with the Flyway Councils' established goals and objectives. To accomplish these objectives requires extraordinary measures. Currently available harvest and population data clearly indicate that current harvest is not able to significantly impact resident Canada goose population growth rates on other than a local scale. We estimated that the additional use of these methods during the September special seasons could increase harvest by at least 25 percent, or an additional 140,000 geese annually. As we stated in the FEIS and the August 10 final rule, we believe that implementation of these new hunting methods will help contribute to the overall program's objective of stabilizing and reducing resident Canada goose populations.

At the same time we realize that there are those who believe that we have unnecessarily liberalized the allowable hunting methods; and, therefore, sacrificed hunting ethics in our perceived shortsightedness. However, given the extraordinary circumstances of these populations, the many challenges of reducing the populations on a national scale, and the Flyways' and our long-range population goals, we expanded the allowable hunting methods to the extent we believe necessary to help assist in reducing resident Canada goose populations. Once we have attained these objectives, we will initiate action to rescind these liberalizations.

When we ultimately decided to authorize these expanded hunting methods in September Canada goose seasons, we also decided to restrict any management-take type action to the month of August. We made this decision with the full knowledge that extending such an action into September would likely result in the take of some migrant geese. In particular, areas in the upper midwest (Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, and Montana) would have some level of migrant geese taken. Since the management take component, as with the entire scope of the EIS, is specifically directed at resident Canada geese, we could not reliably extend the management take component into September. Thus, to proceed cautiously and to ensure that other migratory game bird populations were not impacted by such measures, we eliminated the management take component from any portion of the open Treaty period (after August 31) and limited the use of expanded hunting methods to September 1 to 15. Based on data from the numerous experimental September Canada goose seasons conducted in the early implementation of these seasons, we know that the period after September 15 is highly temporally and spatially variable on whether or not a specific area contains migrant geese (either appreciable numbers or an appreciable percentage). Because of the potential for these expanded methods to significantly affect harvest, we stated that the use of these methods of take (i.e., electronic calls, unplugged shotguns, and the allowance of shooting hours to one-half hour after sunset) should be limited to the extent possible to those areas that are relatively ''free'' of migrant geese. Thus, initially, we decided to restrict the use of these new methods to the September 1 to 15 period and review their use after September 15 on a case-by-case basis. While we stand by this previous decision, we remain open to discussion in the future, especially if any new data is presented. Further, as always, Flyway Councils may be more restrictive in their recommendations to member States, and States may be more restrictive in their implementation decisions.

Regarding Missouri's comment that a September 16 regular goose season framework opening date and additional regular season days could be more effective for increasing harvest of resident Canada goose populations, this issue presents a number of biological and administrative issues. While we agree that such actions could increase harvest pressure on resident Canada geese, a September 16 framework opening date throughout not only the Mississippi Flyway, but also the Atlantic and Central Flyways, would require establishing the regular season during the early-season regulations process, which presents a number of administrative problems and has nationwide implications.

(4) Missouri recommends a July 15 (or July 30) reporting deadline for nest and egg destruction information. Missouri is concerned that the quality of reported information could suffer with a June 30 deadline for nest and egg destruction activities and an October 31 deadline for reporting information.

While we encourage registrants to report nest destruction information in a timely manner, our established reporting deadline is consistent with other reporting deadlines for migratory bird permits. However, if future data demonstrate that the current October 31 reporting deadline could be contributing to reporting data of a less than desired quality, we will reexamine the issue.

Regulatory Changes and Modifications

Definition of Resident Canada Geese

The current definition of resident Canada geese contained in § 20.11 and § 21.3 states that ''Canada geese that nest within the lower 48 States in the months of March, April, May, or June, or reside within the lower 48 States and the District of Columbia in the months of April, May, June, July, or August'' are considered resident Canada geese. We have modified the first portion of this definition by inserting ''and the District of Columbia'' following the word ''States'' to clarify that those Canada geese that nest within the District of Columbia in the months of March, April, May, or June, are included. It was not our original intention to exclude the District of Columbia from the definition.

Expanded Hunting Methods During September Special Seasons

One of the components in the resident Canada goose management program is to provide expanded hunting methods and opportunities to increase the sport harvest of resident Canada geese above that which results from existing September special Canada goose seasons. The regulatory changes in § 20.21(b) and (g) codified in the August 10 final rule provide State wildlife management agencies and Tribal entities the option of authorizing the use of electronic calls and unplugged shotguns during the first portion of existing, operational September Canada goose seasons (i.e., September 1–15). The August 10 final rule also stated that utilization of these additional hunting methods during any new special seasons or other existing, operational special seasons (i.e., September 16–30) could be approved by the Service and would require demonstration of a minimal impact to migrant Canada goose populations. Further, these seasons would be authorized on a case-by-case basis through the normal migratory bird hunting regulatory process. All of these expanded hunting methods and opportunities must be conducted outside of any other open waterfowl season (i.e., when all other waterfowl and crane hunting seasons were closed).

However, the regulatory changes codified in the August 10, 2006, final rule did not allow for utilization of these additional hunting methods outside of the September 1–15 period, although this was clearly our intent. We have modified § 20.21(b) and (g) to allow State selection of these expanded hunting methods during the September 16–30 period, when approved in the annual regulatory schedule in subpart K of part 20.

Clarification of Airports' Radius

Since publication of the August 10 final rule we have received questions regarding interpretation of the 3-mile radius restriction on resident Canada goose activities at airports and military airfields. We have clarified this restriction by specifically including areas within the airport, and the military base on which a military airfield is located, and inserting the term ''outer boundary.'' Thus, resident Canada goose management activities at airports and military airfields would be restricted to areas within the airport, or the military base on which a military airfield is located, and within a 3-mile radius of the outer boundaries of such a facility.

Eligibility and Participation in the Nest and Egg Depredation Order

Currently, § 21.50 authorizes private landowners and managers of public lands to destroy resident Canada goose nests and eggs on property under their jurisdiction when necessary to resolve or prevent injury to people, property, agricultural crops, or other interests. We have modified this eligibility to also include homeowners' associations and village, town, municipal, and county governments (collectively termed local governments). Homeowners' associations and local governments would be allowed to register under the nest and egg depredation order and conduct nest and egg destruction anywhere within their jurisdiction, provided that they have landowner permission to conduct such activities.

Our modification is based on several factors. First, we currently issue individual depredation permits allowing resident Canada goose nest and egg destruction to these groups, particularly in the northeastern United States. We believe the extension of eligibility to these groups to operate under the nest and egg depredation order is not outside the intent of the depredation order, is formalization of an already established practice under our permit system, and is simply an administrative modification. Second, since the publication of the August 10 rule, we have received numerous public comments requesting this modification. Modification of this requirement will help ensure public satisfaction and satisfy our original objective of providing affected States and the public with flexibility sufficient to deal with the problems caused by resident Canada geese. Lastly, since local governments are in an obvious position of local authority and jurisdiction, we believe they are a logical extension of our existing landowner definition. The changes include referring to these persons and entities collectively as ''registrants.'' Necessary conforming changes in a number of subsections were also made.

Nest and Egg Destruction Methodologies Under § 21.50

We modified the approved methodologies for nest and egg destruction under the depredation order for resident Canada geese nests and eggs in § 21.50(d)(3). Currently, the regulations state that eggs may be oiled or eggs and nest material may be removed and disposed of. All of the other depredation and control orders pertaining to resident Canada geese (§§ 21.49, 21.51, and 21.52) allow egg oiling and egg and nest destruction. We believe the latter language is more comprehensive and includes such methodologies as egg addling (egg shaking), puncturing, and egg replacement. It was not our intent to be more restrictive regarding nest and egg destruction methodologies under the nest and egg depredation order than the other resident Canada goose depredation and control orders or what we currently allow on permits allowing nest and egg destruction. We believe this modification is minor in nature, satisfies numerous public requests for clarification and alignment, simplifies restrictions, and maintains the original intent of the regulation.

Web Address Under § 21.50

We modified the web address for registering and submitting annual reports of the take of nests and eggs under the depredation order for resident Canada geese nests and eggs in § 21.50(d)(1) and (6).

Applicable Dates of § 21.61 Population Control

We corrected § 21.61(d)(2) to read ''August 31'' rather than ''August 30.'' This was strictly an oversight.

Effective Date

Under the Administrative Procedure Act (5 U.S.C. 553(d)), we waive the 30-day period before the rule becomes effective and find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the APA, and so this rule will take effect immediately upon publication. It is not in the public interest to delay the effective date of this rule. In many parts of the country, especially the northeastern and midwestern States, special September hunting seasons for resident Canada geese will take place. Any delay in the effective date of this rule could impact States' ability to implement expanded hunting methods and opportunities this September. It is in the best interest of the States and the public to clarify and slightly modify several program requirements regarding eligibility, definitions, methodologies, and dates to allow State wildlife agencies and affected publics the ability to reduce the number and frequency of injurious resident Canada geese.

NEPA Considerations

In compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), and the Council on Environmental Quality's regulation for implementing NEPA (40 CFR 1500–1508), we published the availability of a Draft Environmental Impact Statement (DEIS) on March 7, 2002 (67 FR 10431), followed by a 91-day comment period. We subsequently reopened the comment period for 60 additional days (68 FR 50546, August 21, 2003). On November 18, 2005, both the Service and the Environmental Protection Agency published notices of availability for the Final Environmental Impact Statement (FEIS) in the **Federal Register** (70 FR 69966 and 70 FR 69985). On August 10, 2006, we published our Record of Decision (ROD) in the **Federal Register** (71 FR 45964). The FEIS is available to the public (see **ADDRESSES**). These changes to the resident Canada goose regulations fall within the scope of the FEIS.

Endangered Species Act Consideration

Section 7(a)(2) of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531–1543; 87 Stat. 884) provides that ''Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *.'' We completed a biological evaluation and informal consultation (both available upon request; see **ADDRESSES**) under Section 7 of the ESA for the action described in the August 10 final rule. In the letter of concurrence between the Division of Migratory Bird Management and the Division of Endangered Species, we concluded that the inclusion of specific conservation measures in the final rule satisfied concerns about certain species and that the action was not likely to adversely affect any threatened, endangered, or candidate species.

Prior to issuance of this final rule on these modifications, in a memo of concurrence between the Division of Migratory Bird Management and the Division of Endangered Species, we concluded that the proposed modifications and clarifications are not likely to adversely affect any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species (available upon request; see **ADDRESSES**).

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires the preparation of flexibility analyses for actions that will have a significant economic impact on a substantial number of small entities, which includes small businesses, organizations, or governmental jurisdictions. We discussed these impacts in the August 10 final rule. For the reasons detailed in that rule, we have determined that a Regulatory Flexibility Act analysis is not required.

Executive Order 12866

In accordance with the criteria in Executive Order 12866, this action is not a significant regulatory action subject to Office of Management and Budget (OMB) review. This rule will not have an annual economic effect of $100 million or adversely affect any economic sector, productivity, competition, jobs, the environment, or other units of government. Therefore, a cost-benefit economic analysis is not required. This action will not create inconsistencies with other agencies' actions or otherwise interfere with an action taken or planned by another agency. The Federal agency most interested in this action is Wildlife Services of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. The action is consistent with the policies and guidelines of other Department of the Interior bureaus. This action will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This action will not raise novel legal or policy issues because we have previously managed resident Canada geese under the Migratory Bird Treaty Act.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not have an annual effect on the economy of $100 million or more; nor will it cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act and Information Collection

This rule does not contain any new information collection or recordkeeping requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). OMB has approved and assigned control number 1018–0133, which expires on 08/31/2009, to the regulations concerning the control and management of resident Canada geese. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector. The purpose of the act is to strengthen the partnership between the Federal Government and State, local, and tribal governments and to end the imposition, in the absence of full consideration by Congress, of Federal mandates on these governments without adequate Federal funding, in a manner that may displace other essential governmental priorities. We have determined, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this action will not ''significantly or uniquely'' affect small governments, and will not produce a Federal mandate of $100 million or more in any given year on local or State government or private entities. Therefore, this action is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

We have determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity, has been written to minimize litigation, provides a clear legal standard for affected conduct, and specifies in clear language the effect on existing Federal law or regulation. We do not anticipate that this rule will require any additional involvement of the justice system beyond enforcement of provisions of the Migratory Bird Treaty Act of 1918 that have already been implemented through previous rulemakings.

Takings Implication Assessment

In accordance with Executive Order 12630, this action, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This action will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this action will help alleviate private and public property damage and concerns related to public health and safety and allow the exercise of otherwise unavailable privileges.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given statutory responsibility over these species by the Migratory Bird Treaty Act. While legally this responsibility rests solely with the Federal Government, it is in the best interest of the migratory bird resource for us to work cooperatively with the Flyway Councils and States to develop and implement the various migratory bird management plans and strategies.

The August 10 final rule and this rule were developed following extensive input from the Flyway Councils, States, and Wildlife Services. Individual Flyway management plans were developed and approved by the four Flyway Councils, and States actively participated in the scoping process for the DEIS. This rule does not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. The rule allows States the latitude to develop and implement their own resident Canada goose management action plan within the frameworks of the selected alternative. Therefore, in accordance with Executive Order 13132, this rule does not have significant federalism effects and does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have determined that this rule has no effects on Federally-recognized Indian tribes.

Energy Effects—Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under Executive Order 12866 and is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Parts 20 and 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

■ For the reasons stated in the preamble, we hereby amend parts 20 and 21 of subchapter B, chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

■ 2. Amend § 20.11 by revising paragraph (n) to read as follows:

§ 20.11 What terms do I need to understand?

* * * * *

(n) *Resident Canada geese* means Canada geese that nest within the lower 48 States and the District of Columbia in the months of March, April, May, or June, or reside within the lower 48 States and the District of Columbia in the months of April, May, June, July, or August.

■ 3. Revise paragraphs (b) and (g) of § 20.21 to read as follows:

§ 20.21 What hunting methods are illegal?

* * * * *

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. However, this restriction does not apply during:

(1) A light-goose-only season (greater and lesser snow geese and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) A Canada goose only season when all other waterfowl and crane hunting seasons, excluding falconry, are closed in the Atlantic, Central, and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, as set forth below:

(i) During the period of September 1 to September 15; and

(ii) During the period of September 16 to September 30, when approved in the annual regulatory schedule in subpart K of this part.

* * * * *

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. However, this restriction does not apply during:

(1) A light-goose-only season (greater and lesser snow geese and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are

closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) A Canada goose only season when all other waterfowl and crane hunting seasons, excluding falconry, are closed in the Atlantic, Central, and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, as set forth below:

(i) During the period of September 1 to September 15; and

(ii) During the period of September 16 to September 30, when approved in the annual regulatory schedule in subpart K of this part.

* * * * *

PART 21—[AMENDED]

■ 4. The authority citation for part 21 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703); Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712(2)); Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

■ 5. In subpart A, amend § 21.3 by revising the definition for ''Resident Canada geese'' to read as follows:

§ 21.3 Definitions.

* * * * *

Resident Canada geese means Canada geese that nest within the lower 48 States and the District of Columbia in the months of March, April, May, or June, or reside within the lower 48 States and the District of Columbia in the months of April, May, June, July, or August.

* * * * *

■ 6. In subpart D, amend § 21.49 by revising paragraph (d)(5) to read as follows:

§ 21.49 Control order for resident Canada geese at airports and military airfields.

* * * * *

(d) * * *

(5) Resident Canada geese may be taken only within the airport, or the military base on which a military airfield is located, or within a 3-mile radius of the outer boundary of such a facility. Airports and military airfields or their agents must first obtain all necessary authorizations from landowners for all management activities conducted outside the airport or military airfield's boundaries and be in compliance with all State and local laws and regulations.

* * * * *

■ 7. In subpart D, amend § 21.50 by revising paragraphs (b), (c), (d)(1) through (d)(7), the introductory text of (d)(8), and (e) to read as follows:

§ 21.50 Depredation order for resident Canada geese nests and eggs.

* * * * *

(b) *What is the depredation order for resident Canada geese nests and eggs, and what is its purpose?* The nest and egg depredation order for resident Canada geese authorizes private landowners and managers of public lands (landowners); homeowners' associations; and village, town, municipality, and county governments (local governments); and the employees or agents of any of these persons or entities to destroy resident Canada goose nests and eggs on property under their jurisdiction when necessary to resolve or prevent injury to people, property, agricultural crops, or other interests.

(c) *Who may participate in the depredation order?* Only landowners, homeowners' associations, and local governments (and their employees or their agents) in the lower 48 States and the District of Columbia are eligible to implement the resident Canada goose nest and egg depredation order.

(d) * * *

(1) Before any management actions can be taken, landowners, homeowners' associations, and local governments must register with the Service at *https://epermits.fws.gov/eRCGR.* Landowners, homeowners' associations, and local governments (collectively termed ''registrants'') must also register each employee or agent working on their behalf. Once registered, registrants and agents will be authorized to act under the depredation order.

(2) Registrants authorized to operate under the depredation order must use nonlethal goose management techniques to the extent they deem appropriate in an effort to minimize take.

(3) Methods of nest and egg destruction or take are at the registrant's discretion from among the following:

(i) Egg oiling, using 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, and

(ii) Egg and nest destruction, including but not limited to the removal and disposal of eggs and nest material.

(4) Registrants may conduct resident Canada goose nest and egg destruction activities between March 1 and June 30. Homeowners' associations and local governments or their agents must obtain landowner consent prior to destroying nests and eggs on private property within the homeowners' association or local government's jurisdiction and be in compliance with all State and local laws and regulations.

(5) Registrants authorized to operate under the depredation order may possess, transport, and dispose of resident Canada goose nests and eggs taken under this section. Registrants authorized to operate under the program may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada goose nest or egg taken under this section.

(6) Registrants exercising the privileges granted by this section must submit an annual report summarizing activities, including the date, numbers, and location of nests and eggs taken by October 31 of each year at *https://epermits.fws.gov/eRCGR* before any subsequent registration for the following year.

(7) Nothing in this section authorizes the destruction of resident Canada goose nests or the take of resident Canada goose eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the registrant is authorized to operate under the program and possesses the appropriate State or Tribal permits, when required. Moreover, this section does not authorize the killing of any migratory bird species or destruction of their nest or eggs other than resident Canada geese.

(8) Registrants may not undertake any actions under this section if the activities adversely affect species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, registrants must:

* * * * *

(e) *Can the depredation order be suspended?* We reserve the right to suspend or revoke this authorization for a particular landowner, homeowners' association, or local government if we find that the registrant has not adhered to the terms and conditions specified in the depredation order. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§ 13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this depredation order. For purposes of § 13.29(e), appeals must be made to the Director. Additionally, at such time that we determine that resident Canada goose populations no longer need to be reduced in order to resolve or prevent injury to people, property, agricultural crops, or other interests, we may choose to terminate part or all of the depredation order by subsequent regulation. In all cases, we will annually review the necessity and effectiveness of the depredation order.

* * * * *

■ 8. In subpart E, amend § 21.61 by revising paragraph (d)(2) to read as follows:

§ 21.61 Population control of resident Canada geese.

* * * * *

(d) * * *

(2) Control activities may be conducted under this section only between August 1 and August 31.

* * * * *

Dated: August 10, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E7–16306 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register

Vol. 72, No. 160

Monday, August 20, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 315 and 316

RIN 3206–AL29

Disabled Veterans Documentation

AGENCY: Office of Personnel Management

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise its regulation regarding documentation required for noncompetitive temporary and term appointments, and conversion of 30 percent or more disabled veterans from nonpermanent appointments. The intended purpose of this change is to provide consistency with the policy of the Department of Veterans Affairs (VA).

DATES: We will consider comments received on or before October 19, 2007.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal at: *http://www.regulations.gov*. All submissions received through the Portal must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking.

You may also send or deliver written comments to Deputy Associate Director for Talent and Capacity Policy, U.S. Office of Personnel Management, Room 6551, 1900 E Street, NW., Washington, DC 20415–9700; (202) 606–2329.

FOR FURTHER INFORMATION CONTACT: Darlene Phelps by telephone at (202) 606–0830; by TTY at (202) 606–3134; by fax at (202) 606–0390; or by e-mail at *Darlene.Phelps@opm.gov.*

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs (VA) considers any VA disability letter issued in 1991 or later as proof of a permanent disability, unless the letter specifically states otherwise. We are modifying sections 316.302(b)(4) and 316.402(b)(4), and 315.707(a)(2)(ii) and (iii) to be consistent with VA's policy. These modifications will clarify that a 30 percent or more disabled veteran, who has proof of disability from the VA dated 1991 or later is eligible for a noncompetitive temporary or term appointment. The employee may be noncompetitively converted to the competitive service at any time during such an appointment. In addition, we are adding a reference to section 315.707(a)(2)(ii) and (iii) to include disability determinations from a branch of the Armed Forces, as these entities may also certify the existence of 30 percent or more disability.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it would apply only to Federal agencies and employees.

Paperwork Reduction Act

The information collection requirements contained in this proposed rule are currently approved by OMB under 3206–0001. This proposed regulation does not seek to modify this approved collection.

List of Subjects in 5 CFR Parts 315 and 316

Government employees.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

Accordingly, OPM proposes to amend 5 CFR parts 315 and 316 as follows:

PART 315—CAREER AND CAREER CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted; and E.O. 13162; sections 315.601 and 315.609 also issued under 5 U.S.C. 8151. Section 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp., p. 111. Section 315.606 also issued under E.O. 11219, 3 CFR, 1964–1965 Comp., p. 303. Sec 315.607 also issued under 22 U.S.C. 2506. Section 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp., p. 293. Section 315.610 also issued under 5 U.S.C. 3304(d). Section 315.611 also issued under Section 511, Pub. L. 106–117, 113 Stat. 1575–76 Section 315.708 also issued under E.O. 13318. Section 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp., p. 229. Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 3 CFR, 1978 Comp., p. 264.

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

2. In § 315.707 revise paragraphs (a)(2)(ii) and (iii) to read as follows:

§ 315.707 Disabled veterans.

(a) * * *

(2) * * *

(ii) Have been rated by the Department of Veterans Affairs since 1991 or later, or by a branch of the Armed Forces at any time, as having a compensable service-connected disability of 30 percent or more; or

(iii) Have been rated by the Department of Veterans Affairs at the time of a qualifying temporary appointment effected within the year immediately preceding, or a term appointment effected within four years immediately preceding the conversion.

* * * * *

PART 316—TEMPORARY AND TERM EMPLOYMENT

3. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Subpart C—Term Employment

4. In § 316.302 revise paragraph (b)(4) to read as follows:

§ 316.302 Selection of term employees.

(b) * * *

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more). The disability must be documented by a notice of retirement of discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

* * * * *

Subpart D—Temporary Limited Employment

5. In § 316.402 revise paragraph (b)(4) to read as follows:

§ 316.402 Procedures for making temporary appointments.

(b) * * *

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more). The disability must be documented by a notice of retirement of discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

* * * * *

[FR Doc. E7–16285 Filed 8–17–07; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28843; Directorate Identifier 2007–CE–065–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Model DG–500MB Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

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

> In some cases the electric motor of the spindle drive detached itself from the spindle drive, causing the powerplant to retract itself after engine shutdown. In another case the attachment fork on the spindle drive failed with the same consequences.

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

DATES: We must receive comments on this proposed AD by September 19, 2007.

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

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–28843; Directorate Identifier 2007–CE–065–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Luftfahrt-Bundesamt (LBA), which is the aviation authority for the Federal Republic of Germany, has issued AD D–2006–060, dated March 6, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> In some cases the electric motor of the spindle drive detached itself from the spindle drive, causing the powerplant to retract itself after engine shutdown. In another case the attachment fork on the spindle drive failed with the same consequences.

The MCAI requires you to modify the affected parts and exchange pages in the flight, maintenance, and repair manuals.

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

Relevant Service Information

DG Flugzeugbau GmbH has issued Technical Note No. 843–24, dated January 31, 2006; Working instruction No. 1, dated January 23, 2006; Working instruction No. 2, dated January 30, 2006; Drawing 5M210, Spindle drive Stross BSA 10 assembly, issued: January 22, 2003, revised: May 19, 2006; and Drawing 5M211, Spindle drive Stross BSA 10 assembly with strengthened fork 8M233''f'', issued: January 23, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 5 products of U.S. registry. We also estimate that it would take about 5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $422 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $4,110, or $822 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

DG Flugzeugbau GmbH: Docket No. FAA–2007–28843; Directorate Identifier 2007–CE–065–AD.

Comments Due Date

(a) We must receive comments by September 19, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model DG–500MB gliders, all serial numbers, certificated in any category.

Subject

(d) *Air Transport Association of America (ATA) Code 24:* Electric Power.

Reason

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

''In some cases the electric motor of the spindle drive detached itself from the spindle drive, causing the powerplant to retract itself after engine shutdown. In another case the attachment fork on the spindle drive failed with the same consequences.''

The MCAI requires you to modify the affected parts and exchange pages in the flight, maintenance, and repair manuals.

Actions and Compliance

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

(1) Within 90 days after the effective date of this AD:

(i) Secure the connection between the spindle drive ''Stross BSA10'' and the spindle drive motor following DG Flugzeugbau GmbH Working instruction No. 1, dated January 23, 2006, as referenced in DG Flugzeugbau GmbH Technical Note No. 843–24, dated January 31, 2006.

(ii) Replace the fork 8M233/1 from the spindle drive with the strengthened fork 8M233''f''; replace the bearing support with the modified support 8M229''e''; and secure the spindle drive fork between the spindle drive ''Stross BSA10'' and the spindle drive motor following DG Flugzeugbau GmbH Working instruction No. 2, dated January 30, 2006, as referenced in DG Flugzeugbau GmbH Technical Note No. 843–24, dated January 31, 2006; DG Flugzeugbau GmbH Drawing 5M210, Spindle drive Stross BSA 10 assembly, issued: January 22, 2003, revised: May 19, 2006; and DG Flugzeugbau GmbH Drawing 5M211, Spindle drive Stross BSA 10 assembly with strengthened fork 8M233''f'', issued: January 23, 2006.

(2) Before further flight after completing the actions required by paragraphs (f)(1)(i) and (f)(1)(ii) of this AD, insert the new Flight Manual pages 0.1, 0.3, 0.4, 2.8, 3.7, 3.8, 4.1, 4.25, and 4.26; the new Maintenance Manual pages 1, 2, 3, 4, 5, 42, 49, 68, 89, 89a, 93; the new Repair Manual pages 1, 2, 7, and 8; and Enclosure 1 into your maintenance program (maintenance manual), following DG Flugzeugbau GmbH Technical Note No. 843–24, dated January 31, 2006.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows:

The MCAI requires inspection of the fork and the bearing support with replacement if cracks are found. The MCAI does not require repetitive inspection of the parts. This AD requires mandatory replacement of these parts with redesigned parts. The FAA believes mandatory replacement rather than inspection will prevent failure of these parts in the future.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Federal Republic of Germany Luftfahrt-Bundesamt AD D–2006–060, dated March 6, 2006; DG Flugzeugbau GmbH Technical Note No. 843–24, dated January 31, 2006; DG Flugzeugbau GmbH Working instruction No. 1, dated January 23, 2006; DG Flugzeugbau GmbH Working instruction No. 2, dated January 30, 2006; DG Flugzeugbau GmbH Drawing 5M210, Spindle drive Stross BSA 10 assembly, issued:

January 22, 2003, revised May 19, 2006; and DG Flugzeugbau GmbH Drawing 5M211, Spindle drive Stross BSA 10 assembly with strengthened fork 8M233''f'', dated January 23, 2006, for related information.

Issued in Kansas City, Missouri, on August 14, 2007.

Terry L. Chasteen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–16302 Filed 8–17–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM07–3–000]

Facilities Design, Connections and Maintenance Reliability Standards

August 13, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to section 215 of the Federal Power Act (FPA), the Commission is proposing to approve three Reliability Standards developed by the North American Electric Reliability Corporation (NERC), which the Commission has certified as the Electric Reliability Organization responsible for developing and enforcing mandatory Reliability Standards. The three new Reliability Standards, designated by NERC as FAC–010–1, FAC–011–1 and FAC–014–1, set requirements for the development of system operating limits of the Bulk-Power System for use in the planning and operation horizons.

DATES: Comments are due September 19, 2007.

ADDRESSES: Comments and reply comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in the native application or print-to-PDF format and not in a scanned format. This will enhance document retrieval for both the Commission and the public. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Attachments that exist only in paper form may be scanned. Commenters filing electronically should not make a paper filing. Service of rulemaking comments is not required. Commenters that are not able to file electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:
Christy Walsh (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6523.
Robert Snow (Technical Information), Office of Energy Markets and Reliability, Division of Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6716.
Kumar Agarwal (Technical Information), Office of Energy Markets and Reliability, Division of Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8923.

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215 of the Federal Power Act (FPA), the Commission is proposing to approve three Reliability Standards developed by the North American Electric Reliability Corporation (NERC), which the Commission has certified as the Electric Reliability Organization responsible for developing and enforcing mandatory Reliability Standards. The three new Reliability Standards, designated by NERC as FAC–010–1, FAC–011–1 and FAC–014–1, set requirements for the development of system operating limits of the Bulk-Power System for use in the planning and operation horizons.[1]

I. Background

A. EPAct 2005 and Mandatory Reliability Standards

2. On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law.[2] EPAct 2005 adds a new section 215 to the FPA, which requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO, subject to Commission oversight or the Commission can independently enforce Reliability Standards.[3]

3. On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[4] Pursuant to Order No. 672, the Commission certified one organization, NERC, as the ERO.[5] The ERO is required to develop Reliability Standards, which are subject to Commission review and approval. The Reliability Standards will apply to users, owners and operators of the Bulk-Power System, as set forth in each Reliability Standard.

B. NERC's Proposed New Reliability Standards

4. On November 15, 2006, NERC filed 20 revised Reliability Standards and three new Reliability Standards for Commission approval. The Commission addressed the 20 revised Reliability Standards in Order No. 693.[6] The three new Reliability Standards were designated by NERC as follows:

FAC–010–1 (System Operating Limits Methodology for the Planning Horizon);

FAC–011–1 (System Operating Limits Methodology for the Operations Horizon); and

FAC–014–1 (Establish and Communicate System Operating Limits).

These three Reliability Standards were assigned to a new rulemaking proceeding, Docket No. RM07–3–000, and are the subject of the current Notice of Proposed Rulemaking (NOPR).[7]

5. In addition, NERC proposes the addition or revision of the following terms in the NERC Glossary of Terms Used in Reliability Standards (NERC glossary): ''cascading outages,'' ''delayed fault clearing,'' ''Interconnection

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[1] The Commission is not proposing any new or modified text to its regulations. Rather, as set forth in 18 CFR part 40, a proposed Reliability Standard will not become effective until approved by the Commission, and the ERO must post on its Web site each effective Reliability Standard.

[2] Energy Policy Act of 2005, Pub. L. 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), to be codified at 16 U.S.C. 824o.

[3] 16 U.S.C. 824o(e)(3).

[4] *Rules Concerning Certification of the Electric Reliability Organization; Procedures for the Establishment, Approval and Enforcement of Electric Reliability Standards,* Order No. 672, 71 FR 8662 (February 17, 2006), FERC Stats. & Regs. ¶ 31,204 (2006), *order on reh'g,* Order No. 672–A, 71 FR 19814 (April 18, 2006), FERC Stats. & Regs. ¶ 31,212 (2006).

[5] *North American Electric Reliability Corp.*, 116 FERC ¶ 61,062 (*ERO Certification Order*), *order on reh'g & compliance,* 117 FERC ¶ 61,126 (*ERO Rehearing Order*) (2006), *order on compliance,* 118 FERC ¶ 61,030 (2007) (*January 2007 Compliance Order*).

[6] On March 16, 2007, the Commission approved 83 of the 107 standards initially filed by NERC. *See Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR, 16,416 (April 4, 2007), FERC Statutes and Regulations ¶ 31,242 (2007), *order on reh'g* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

[7] The three Reliability Standards are not attached to this NOPR but are available on the Commission's eLibrary document retrieval system in Docket No. RM07–3–000 and on NERC's Web site, *http://www.nerc.com/~filez/nerc_filings_ferc.html.*

Reliability Operating Limit (IROL),'' and ''Interconnection Reliability Operating Limit T_v (IROL T_v).'' [8]

6. NERC states that the three new Reliability Standards ensure that system operating limits and interconnection reliability operating limits are developed using consistent methods and that those methods contain certain essential elements.[9] NERC requests an effective date of July 1, 2007 for Reliability Standards FAC–010–1, October 1, 2007 for FAC–011–1, and January 1, 2008 for FAC–014–1. NERC explains that it has proposed a phased schedule for implementing these Reliability Standards so that each responsible entity has sufficient time to develop the methodology for determining stability limits associated with a list of multiple contingencies, to update the system operating limits as needed to comply with the new requirements, to communicate the limits to others, and to prepare the documentation necessary to demonstrate compliance.

7. NERC states that the original balloting for FAC–010–1 and FAC–011–1 took place in March 2006, but failed to reach a quorum.[10] These Reliability Standards were revised and posted for comment during June and July 2006.

8. NERC states that the revised Reliability Standards were balloted in September 2006 and were approved by a weighted average of 74.5 percent with 81.6 percent of the ballot pool voting. However, because negative comments were received, a need for recirculation of the ballot was triggered. The recirculation ballot was conducted in October 2006 and was approved by a weighted average of 71.66 percent with 84.93 percent of the ballot pool voting.

[8] In Order No. 693, at P 1893–98, the Commission approved the NERC glossary and directed specific modifications to the document.

[9] NERC filing at 20. Section 39.5(a) of the Commission's regulations, 18 CFR 39.5 (2007), provides that the ERO's submission of a new or modified Reliability Standard must include, *inter alia,* a concise statement of the basis and purpose of the proposed Reliability Standard and a demonstration that the proposal is just, reasonable not unduly discriminatory or preferential, and in the public interest. We note that NERC's filing, at 20, includes a single paragraph describing the purpose of the proposed Reliability Standards. Future Reliability Standard filings may be subject to a deficiency letter if they fail to satisfy the filing requirements set forth in our regulations.

[10] *Id.* at 21.

II. Discussion

A. FAC–010–1 (System Operating Limits Methodology for the Planning Horizon)

1. Description of the Reliability Standard

9. The stated Purpose of the Reliability Standard is to ''ensure that System Operating Limits (SOLs) used in the reliable planning of the Bulk Electric System (BES) are determined based on an established methodology or methodologies.'' [11] FAC–010–1 applies to ''planning authorities'' and requires each planning authority to document its methods for determining system operating limits and to share the calculated limits with reliability entities.[12]

10. Requirement R1 of the Reliability Standard provides that the Planning Authority shall have a documented SOL methodology within its planning area that is applicable to the planning time horizon, does not exceed facility ratings, and includes a description of how to identify the subset of SOLs that qualify as interconnection reliability operating limits (IROLs).[13]

11. Requirement R2 of the Reliability Standard identifies specific considerations that must be included in the methodology. For example, Requirement R2.1 provides that the methodology must include a requirement that SOLs provide bulk electric system performance so that, in the pre-contingency state and with all facilities in service, the bulk electric system shall demonstrate transient, dynamic and voltage stability and all facilities shall be within their facility ratings. Requirement R2.2 provides that, following specified single contingencies, the system shall demonstrate transient, dynamic and voltage stability, all facilities shall be within their facility ratings, and cascading outages or uncontrolled separation shall not occur. Requirement R2.3 states that, starting with all facilities in service, the system's response to a single contingency may include any of the following:

R2.3.1—Planned or uncontrolled interruption of electric supply to radial customers or some local network customers connected to or supplied by the Faulted Facility or by the affected area.

R2.3.2—System reconfiguration through manual or automatic control or protection actions.

R2.3.3—To prepare for the next Contingency, system adjustments may be made, including changes to generation, uses of the transmission system and the transmission system topology.

12. Requirement R2.4 provides that, starting with all facilities in service and following any of the multiple contingencies identified in Reliability Standard TPL–003,[14] the system shall demonstrate transient, dynamic and voltage stability, all facilities shall be within their facility ratings, and cascading outages or uncontrolled separation shall not occur. Requirement R2.5 states that, in determining the response to any of the multiple contingencies identified in TPL–003, in addition to the actions identified in R2.3.1 and R2.3.2, ''the following shall be acceptable: planned or controlled interruption of electric supply to customers (load shedding), the planned removal from service of certain generators, and/or the curtailment of contracted Firm (non-recallable reserved) electric power Transfers.''

13. Further, FAC–010–1 includes an Interconnection-wide regional difference applicable to the Western Interconnection. The regional difference provides a different, more detailed methodology for the evaluation of multiple contingencies when establishing SOLs. It also provides that ''the Western Interconnection may make changes (performance category adjustments) to the Contingencies required to be studied and/or the required responses to Contingencies for specific facilities based on actual system performance and robust design.''

14. Reliability Standard FAC–010–1 identifies data retention requirements and two sets of Levels of Non-Compliance, one of general applicability and one for the Western Interconnection. FAC–010–1 includes

[11] The NERC glossary defines system operating limit or SOL as ''the value * * * that satisfies the most limiting of the prescribed operating criteria for a specified system configuration to ensure operation within acceptable reliability criteria.* * *''

[12] The NERC glossary defines ''planning authority'' as ''the responsible entity that coordinates and integrates transmission facility and service plans, resource plans, and protection systems.'' We note that Version 2 of NERC's Reliability Functional Model, adopted by the NERC Board of Trustees on February 10, 2004, at 14–16, discusses the role of the planning authority. However, Version 3 of NERC's Reliability Functional Model, adopted by the NERC Board of Trustees on February 13, 2007, at 13–15, appears to have replaced ''planning authority'' with the new term ''planning coordinator.''

[13] As discussed later, NERC has proposed the following definition of IROL, ''a System Operating Limit that, if violated, could lead to instability, uncontrolled separation, or Cascading Outages that adversely impact the reliability of the Bulk Electric System.''

[14] In Order No. 693, the Commission approved TPL–003–0. In addition, the Commission directed the ERO to develop specific modifications to TPL–003–0. *See* Order No. 693 at P 1816–25.

Measures corresponding to each Requirement. It identifies the regional reliability organization as the entity responsible for compliance monitoring.

2. Commission Proposal

15. The Commission proposes to approve Reliability Standard FAC–010–1 as a mandatory and enforceable Reliability Standard.[15] In addition, the Commission seeks ERO clarification and public comment on several matters discussed below.

a. Consistency With Order No. 890

16. In Order No. 890, the Commission amended the *pro forma* open access transmission tariff (OATT) to ensure that it achieves its original purpose of remedying undue discrimination, provide greater specificity to reduce opportunities for undue discrimination, and increase transparency in the rules applicable to planning and use of the transmission system.[16] Order No. 890 requires the consistent use of assumptions underlying operational planning for short-term available transmission capability (ATC) calculations and expansion planning for long-term ATC calculations.[17]

17. As explained above, FAC–010–1 requires each planning authority to document its methods for determining system operating limits or SOLs for the planning horizon. SOLs often control or define ATC by determining the outer limit of the operational capability between any two areas or across a transmission path or interface. The Commission seeks comment on whether the development of a methodology for calculation of SOLs for the planning horizon pursuant to proposed Reliability Standard FAC–010–1 and the calculation of ATC for the long-term pursuant to NERC's Modeling, Data, and Analysis (MOD) Reliability Standards results in the consistent use of assumptions as required by Order No. 890. In particular, the Commission has the following concerns:

(1) For a given set of conditions, the IROL and SOL values will change with the additional contingencies that are studied. Application of additional first contingencies and multiple contingencies will, in general, result in lower SOL limits as compared to those calculated with either the existing operational or planning contingencies. Is there a potential for the exercise of undue discrimination against transmission customers where, for example, a planning authority's SOL methodology calls for the application of a single contingency in determining SOLs pursuant to FAC–010–1 and the reliability coordinator and planning authority calculate ATC for the long-term using the assumption of multiple contingencies? Do the Order No. 890 transparency requirements mitigate any potential for the exercise of undue discrimination in this respect?

(2) In Order No. 693, the Commission required that total transfer capability (TTC) be addressed under the Reliability Standard that deals with transfer capability such as FAC–012–1, rather than MOD–001–0.[18] The Commission disagreed with commenters suggesting that transfer capabilities addressed by FAC–012–1 are necessarily different from TTC used for ATC calculation. In a similar vein, the Commission seeks comment on whether the SOLs developed pursuant to FAC–010–1 are essentially the same as TTC used for ATC calculation. If so, should NERC address SOLs, transfer capability and TTC in a coordinated and consistent manner?

b. Western Interconnection Regional Difference

18. Order No. 672 explains that ''uniformity of Reliability Standards should be the goal and the practice, the rule rather than the exception.'' [19] Moreover, the Commission has stated that, as a general matter, regional differences are permissible if they are either more stringent than the continent-wide Reliability Standard, or if they are necessitated by a physical difference in the Bulk-Power System.[20] Regional differences must still be just, reasonable, not unduly discriminatory or preferential and in the public interest.[21]

19. The WECC regional difference in FAC–010–1 identifies a different list of multiple contingencies from those in Category C of Table 1 in the TPL Reliability Standard series. The detailed list of considerations in the regional difference that would apply to the Western Interconnection adds additional contingencies and appears to be more stringent. Thus, we also propose to approve the regional difference that would apply to the Western Interconnection regarding the methodology for establishing SOLs.

20. However, the Commission also has the following concern regarding the proposed regional difference. As noted above, the regional difference provides that the Western Interconnection may make changes to the contingencies required to be studied or required responses to contingencies based on actual system performance. Presumably, such changes would be developed by WECC. However, the Reliability Standard does not identify any process for making such changes or indicate whether the requirements for reasonable notice and opportunity for public comment, due process, openness and balance of interests will be met in making such changes.[22] Accordingly, we propose that WECC should identify the process that it will use to make changes to the currently listed contingencies required to be studied or required responses to contingencies. Further, the Commission seeks comment on whether the regional difference should be modified to explicitly include the process that WECC will use to make changes to the currently listed contingencies.

c. Other Matters

21. The Commission seeks the following clarification from the ERO regarding the language of FAC–010–1. As mentioned above, Requirement R2.3 provides that the system's response to a single contingency may include, *inter alia,* ''planned or controlled interruption of electric supply to radial customers or some local network customers connected to or supplied by the Faulted Facility or by the affected area.'' The Commission seeks clarification whether this provision is limited to the loss of load that is a direct result of the contingency, i.e., consequential load, or whether this provision allows firm load shedding and firm transmission curtailment following a single contingency. In Order No. 693, the Commission determined that the single contingency provision should allow only the interruption of consequential load [23] and seeks confirmation from the ERO that this proposed Reliability Standard conforms to this determination.

22. Further, as noted above, while the Reliability Standard identifies the ''planning authority'' as the applicable entities, the most recent iteration of the Functional Model has eliminated the term and now refers to ''planning coordinator.'' The ERO should explain its plans to make FAC–010–1 consistent with the most recent iteration of the Functional Model, and how this may affect the applicability of the Reliability Standard to individual entities.[24]

[15] The Commission expects that the reference to the regional reliability organization as the compliance monitor should be replaced with the term Regional Entity. Order No. 693 at P 157.

[16] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007), *reh'g pending.*

[17] *Id.* P 290–95.

[18] *See* Order No. 693 at P 1050–52.

[19] Order No. 672 at P 290.

[20] *Id.* P 291.

[21] *Id.*

[22] *See* 16 U.S.C. 824o(c)(2)(D).

[23] Order No. 693 at P 1791–94 (discussing TPL–002–0).

[24] NERC's Statement of Compliance Registry Criteria (Version 3), approved by the Commission in Order No. 693, sets out criteria that will be used by NERC and the Regional Entities for identifying

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Finally, NERC must remove references to the regional reliability organization as the entity responsible for compliance monitoring and replace it with either the Regional Entity or ERO.[25]

23. Finally, Requirement R2.2 of FAC–010–1 requires a planning authority to consider various single contingencies including the loss of a shunt device. While the transmission planning (TPL) Reliability Standards implicitly require the consideration of the loss of a shunt device, they do not require this explicitly. Should the Commission clarify the TPL Reliability Standards by requiring the ERO to modify them to explicitly require the consideration of a shunt device, consistent with FAC–010–1?

B. FAC–011–1 (System Operating Limits Methodology for the Operations Horizon)

1. Description of the Reliability Standard

24. Proposed Reliability Standard FAC–011–1 requires each reliability coordinator to develop a SOL methodology for determining which of the stability limits associated with the list of multiple contingencies are applicable for use in the operating horizon based on actual or expected system conditions.

25. Requirement R2 of FAC–011–1 identifies specific considerations that must be included in the methodology in a pre-contingency state and following one or multiple contingencies. The provisions of Requirement R2 of FAC–011–1 are the same as those in Requirement R2 of FAC–010–1, except for Requirement R2.3.2 of FAC–011–1, which provides as follows:

> In determining the system's response to a single Contingency, the following shall be acceptable. * * * [i]nterruption of other network customers, only if the system has already been adjusted, or is being adjusted, following at least one prior outage, or, if the real-time operating conditions are more adverse than anticipated in the corresponding studies, e.g., load greater than studied.

26. FAC–011–1 includes an Interconnection-wide regional difference applicable to the Western Interconnection, which repeats the language of the regional difference in FAC–010–1. Again, the regional difference provides a different, more detailed methodology for the evaluation of multiple contingencies when establishing SOLs. It also provides that the ''Western Interconnection may make changes'' to the contingencies required to be studied and/or the required responses to contingencies for specific facilities.

27. Reliability Standard FAC–011–1 identifies data retention requirements and two sets of Levels of Non-Compliance, one of general applicability and one for the Western Interconnection. It includes Measures corresponding to each Requirement and identifies the regional reliability organization as the entity responsible for compliance monitoring.

2. Commission Proposal

28. The Commission proposes to approve Reliability Standard FAC–011–1 as a mandatory and enforceable Reliability Standard. In addition, the Commission seeks ERO clarification and public comment on several matters discussed below.

a. Consistency With Order No. 890

29. Similar to our concerns discussed above regarding FAC–010–1, the Commission has the following concerns:

(1) Is there a potential for the exercise of undue discrimination against transmission customers where, for example, a reliability coordinator's SOL methodology calls for the application of a single contingency in determining SOLs pursuant to FAC–011–1 and the reliability coordinator and planning authority calculate ATC for the short-term using the assumption of multiple contingencies? Do the Order No. 890 transparency requirements mitigate any potential for the exercise of undue discrimination in this respect?

(2) In Order No. 693, the Commission required that TTC be addressed under the Reliability Standard that deals with transfer capability such as FAC–012–1, rather than MOD–001–0.[26] The Commission disagreed with commenters suggesting that transfer capabilities addressed by FAC–012–1 are necessarily different from TTC used for ATC calculation. In a similar vein, the Commission seeks comment on whether the SOLs developed pursuant to FAC–011–1 are essentially the same as TTC used for ATC calculation. If so, should NERC address SOLs, transfer capability and TTC in a coordinated and consistent manner?

b. Western Interconnection Regional Difference

30. The detailed list of considerations in the regional difference that would apply to the Western Interconnection appears to be more stringent and detailed than the set of contingencies provided in Requirement R2 of FAC–011–1. Thus, we also propose to approve the regional difference that would apply to the Western Interconnection regarding the methodology for the evaluation of multiple facility contingencies when establishing SOLs.

31. Similar to our discussion regarding FAC–010–1, the Commission is concerned that the regional difference provides that the Western Interconnection may make changes to the contingencies required to be studied or required responses to contingencies based on actual system performance. Presumably, such change would be developed by WECC. However, the Reliability Standard does not identify any process for making such changes or indicate whether the requirements for reasonable notice and opportunity for public comment, due process, openness and balance of interests will be met in making such changes.[27] Accordingly, we propose that WECC should identify the process that it will use to make changes to the currently listed contingencies required to be studied or required responses to contingencies. Further, the Commission seeks comment on whether the regional difference should be modified to explicitly include the process that WECC will use to make changes to the currently listed contingencies.

c. Other Matters

32. As mentioned above, Requirement R2.3.2 provides that the system's response to a single contingency may include, *inter alia*, ''[i]nterruption of other network customers, only if the system has already been adjusted, or is being adjusted, following at least one prior outage, or, if the real-time operating conditions are more adverse than anticipated in the corresponding studies, *e.g.*, load greater than studied.'' The Commission seeks clarification from the ERO regarding the meaning of the phrase ''if the real-time operating conditions are more adverse than anticipated in the corresponding studies, *e.g.*, load greater than studied.'' In particular, the Commission is concerned whether this provision treats load forecast error as a contingency and as such would allow an interruption due to an inaccurate weather forecast. Finally, NERC must remove references to the regional reliability organization as the entity responsible for compliance monitoring and replace it with either the Regional Entity or ERO.[28]

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users, owners and operators of the Bulk-Power System that are candidates for registration for compliance with mandatory Reliability Standards. Order No. 693 at P 92–96. NERC's registry criteria provide that NERC will register entities that perform a ''planning authority'' function. Thus, it appears that the criteria used by NERC and the Regional Entities to register entities are consistent with the terms of FAC–010–1.

[25] *See* Order No. 693 at P 157.

[26] *See* Order No. 693 at P 1050–52.

[27] *See* 16 U.S.C. 824o(c)(2)(D).

[28] *See* Order No. 693 at P 157.

33. Requirement R2.2 of FAC–011–1 requires a reliability coordinator to consider various single contingencies including the loss of a shunt device. While the TPL Reliability Standards implicitly require the consideration of the loss of a shunt device, they do not require this explicitly. Should the TPL Reliability Standards be modified to explicitly require the consideration of a shunt device, consistent with FAC–011–1?

C. FAC–014–1 (Establish and Communicate System Operating Limits)

1. Description of the Reliability Standard

34. Proposed Reliability Standard FAC–014–1 requires each reliability coordinator, planning authority, transmission planner and transmission operator to develop and communicate SOL limits in accordance with the methodologies developed pursuant to FAC–010–1 and FAC–011–1.

35. Requirement R1 requires the reliability coordinator to ensure that SOLs are established for its ''reliability coordinator area'' and that the SOLs are consistent with its SOL methodology. Requirement R2 requires the transmission operator to establish SOLs as directed by its reliability coordinator that are consistent with the reliability coordinator's methodology. Likewise, Requirements R3 and R4 require the planning authority and transmission planner, respectively, to establish SOLs consistent with the planning authority's SOL methodology. Requirement R5 requires the reliability coordinator, planning authority and transmission planner to provide its SOLs to those entities that have a reliability-related need. Finally, Requirement R6 requires the planning authority to identify the subset of multiple contingencies, if any, from Reliability Standard TPL–003 which result in stability limits and to provide this list and associated stability limits to the relevant reliability coordinator.

36. Reliability Standard FAC–014–1 includes data retention requirements, Levels of Non-Compliance, and Measures corresponding to each Requirement. It identifies the regional reliability organization as the entity responsible for compliance monitoring.

2. Commission Proposal

37. The Commission proposes to approve Reliability Standard FAC–014–1 as a mandatory and enforceable Reliability Standard. The Reliability Standard fulfills an important reliability goal in the development and communication of SOL limits in accordance with consistent methodologies. However, NERC must remove references to the regional reliability organization as the entity responsible for compliance monitoring and replace it with either the Regional Entity or ERO.[29]

D. Proposed Definitions

38. NERC proposes the addition or revision of the following four terms in the NERC glossary:

Cascading Outages: The uncontrolled successive loss of bulk electric system facilities triggered by an incident (or condition) at any location resulting in the interruption of electric service that cannot be restrained from spreading beyond a pre-determined area.

Delayed Fault Clearing: Fault clearing consistent with correct operation of a breaker failure protection system and its associated breakers, or of a backup protection system with an intentional time delay.

Interconnection Reliability Operating Limit (IROL): A system operating limit that, if violated, could lead to instability, uncontrolled separation, or cascading outages that adversely impact the reliability of the bulk electric system.

Interconnection Reliability Operating Limit T_v (IROL T_v): The maximum time that an Interconnection Reliability Operating Limit can be violated before the risk to the interconnection or other Reliability Coordinator Area(s) becomes greater than acceptable. Each Interconnection Reliability Operating Limit's T_v shall be less than or equal to 30 minutes.

39. The Commission believes that there could be multiple interpretations of some of these terms. As such, the Commission proposes to provide its clarification of Cascading Outages, Interconnection Reliability Operating Limit, and Interconnection Reliability Operating Limit T_V to be consistent with directives in Order No. 693.

40. The current definition of Cascading Outages in the approved NERC glossary is ''The uncontrolled successive loss of system elements triggered by an incident at any location. Cascading results in widespread electric service interruption that cannot be restrained from sequentially spreading beyond an area predetermined by studies.'' [30] The ambiguity in the term relates to the last phrase in the definition which identifies the extent of an outage that would be considered a cascade. The revised definition uses the similar phrase ''a predetermined area'' which may lead to different interpretations. The Commission understands that this phrase has been interpreted as being as small as the elements that would be removed from service by local protective relays to as large as the entire balancing authority. Simply put, some applications of Cascading Outage could allow the loss of an entire balancing authority and not consider that loss to be a Cascading Outage. The Commission disagrees with such a liberal application. For purposes of compliance, the Commission proposes to direct NERC to consider the loss of facilities in the bulk electric systems that are beyond those that would be removed from service by primary or backup protective relaying associated with the initiating event to be a Cascading Outage. With this understanding of the phrase, the Commission proposes to accept the definition in FAC–014.

41. With respect to NERC's proposed definition of IROL, the Commission identified in Order No. 693 that the statutory definition of Reliable Operation is to assure that the system is operated within thermal, voltage and stability limits such that instability, uncontrolled separation, or cascading failures will not occur. IROLs are a specific subset of the operating limits at which instability, uncontrolled separation, or cascading failures may occur. All IROL violations will have an adverse impact on the reliability of the bulk electric system.

42. The definition of IROL in the approved NERC glossary is ''The value (such as MW, MVar, Amperes, Frequency or Volts) derived from, or a subset of the System Operating Limits, which if exceeded, could expose a widespread area of the Bulk Electric System to instability, uncontrolled separation(s) or cascading outages.'' [31] The revised definition is consistent with the intent of the statute with the exception of the phrase ''that adversely impacts the reliability of the bulk electric system.'' This may give the impression that violation of some IROLs that do not adversely impact the reliability of the bulk electric system are acceptable. The Commission proposes to accept the definition in FAC–014 with the understanding that all IROLs impact bulk electric system reliability.

43. In Order No. 693, the Commission identified two interpretations of when an entity exceeds an IROL.[32] The definition of IROL T_v does not distinguish between those two interpretations. The Commission proposes to accept the definition in FAC–014 with the understanding that the only time it is acceptable to violate

[29] *See* Order No. 693 at P 157.

[30] NERC April 4, 2006 Request for Approval of Reliability Standards, Glossary of Terms Used in Reliability Standards at 2.

[31] *Id.* at 7.

[32] *See* Order No. 693 at P 946 & n.303.

an IROL is in the limited time after a contingency has occurred and the operators are taking action to eliminate the violation.

E. Violation Risk Factors

44. As part of its compliance and enforcement program, NERC plans to assign a low, medium or high Violation Risk Factor to each requirement of each mandatory Reliability Standard to associate a violation of the requirement with its potential impact on the reliability of the Bulk-Power System. The categories are based on the following definitions:

High Risk Requirement: (a) Is a requirement that, if violated, could directly cause or contribute to Bulk-Power System instability, separation, or a cascading sequence of failures, or could place the Bulk-Power System at an unacceptable risk of instability, separation, or cascading failures; or (b) is a requirement in a planning time-frame that, if violated, could, under emergency, abnormal, or restorative conditions anticipated by the preparations, directly cause or contribute to Bulk-Power System instability, separation, or a cascading sequence of failures, or could place the Bulk-Power System at an unacceptable risk of instability, separation, or cascading failures, or could hinder restoration to a normal condition.

Medium Risk Requirement: (a) Is a requirement that, if violated, could directly affect the electrical state or the capability of the Bulk-Power System, or the ability to effectively monitor and control the Bulk-Power System, but is unlikely to lead to Bulk-Power System instability, separation, or cascading failures; or (b) is a requirement in a planning time frame that, if violated, could, under emergency, abnormal, or restorative conditions anticipated by the preparations, directly affect the electrical state or capability of the Bulk-Power System, or the ability to effectively monitor, control, or restore the Bulk-Power System, but is unlikely, under emergency, abnormal, or restoration conditions anticipated by the preparations, to lead to Bulk-Power System instability, separation, or cascading failures, nor to hinder restoration to a normal condition.

Lower Risk Requirement: Is administrative in nature and (a) is a requirement that, if violated, would not be expected to affect the electrical state or capability of the Bulk-Power System, or the ability to effectively monitor and control the Bulk-Power System; or (b) is a requirement in a planning time frame that, if violated, would not, under the emergency, abnormal, or restorative conditions anticipated by the preparations, be expected to affect the electrical state or capability of the Bulk-Power System, or the ability to effectively monitor, control, or restore the Bulk-Power System.[33]

45. In a separate filing, NERC identified Violation Risk Factors for each Requirement of proposed Reliability Standards FAC–010–1, FAC–011–1 and FAC–014–1.[34] NERC requested that the Commission approve the Violation Risk Factors when it takes action on the associated Reliability Standards.

46. In the *Violation Risk Factor Order*, the Commission addressed Violation Risk Factors filed by NERC for Version 0 and Version 1 Reliability Standards. In that order, the Commission used five guidelines for evaluating the validity of each Violation Risk Factor assignment: (1) Consistency with the conclusions of the Final Report on the August 14, 2003 blackout in the United States and Canada,[35] (2) consistency within a Reliability Standard, (3) consistency among Reliability Standards with similar Requirements, (4) consistency with NERC's proposed definition of the Violation Risk Factor level, and (5) assignment of Violation Risk Factor levels to those Requirements in certain Reliability Standards that co-mingle a higher risk reliability objective and a lower risk reliability objective.[36]

47. The Commission proposes to approve most of the Violation Risk Factors for Reliability Standards FAC–010–1, FAC–011–1 and FAC–014–1 that NERC identified in its March 23, 2007 filing. However, several of the Violation Risk Factors submitted for Reliability Standards FAC–010–1, FAC–011–1 and FAC–014–1 raise concerns. First, the Commission notes that there are no Violation Risk Factors applicable to the WECC regional differences and that certain portions of the WECC regional differences lack levels of non-compliance. The Commission requests comment on whether it should require WECC to develop Violation Risk Factors and the levels of non-compliance for the regional differences. If so, we request comment on how WECC should assess penalties in the interim.

48. In FAC–010–1, the Commission proposes to direct NERC to modify the lower Violation Risk Factor assigned to Requirement R2 and the medium Violation Risk Factor assigned to sub-Requirements R2.1–R2.2.3 based on guideline (4), which was developed to evaluate whether the assignment of a particular Violation Risk Factor level conforms to NERC's definition of that risk level.

49. FAC–010–1 Requirement R2 requires the Planning Authority's SOL methodology to include a requirement that SOLs provide bulk electric system performance consistent with a stable pre-contingency (sub-Requirement R2.1) and post-contingency (sub-Requirements R2.2–R2.2.3) bulk electric system using an accurate system topology with all facilities operating within their ratings and without post-contingency cascading outages or uncontrolled separation.

50. NERC has assigned a lower Violation Risk Factor to Requirement R2.1, which requires the bulk electric system in a pre-contingency state and with all facilities in service to demonstrate transient, dynamic and voltage stability. The Commission believes that the lower assignment is inappropriate. A violation of a lower Violation Risk Factor, by definition, is generally considered administrative in nature and would not be expected to affect the electrical state or capability of the Bulk-Power System, or the ability to effectively monitor, control or restore the Bulk-Power System.[37] The Commission believes that the lower Violation Risk Factor NERC proposes for this Requirement is not consistent with the ''lower'' definition, but consistent with the definition of ''high.'' The Commission believes that a violation of Requirement R2.1 could directly cause or contribute to Bulk-Power System instability, separation or cascading failures since a violation of R2.1 means that the system is in an unreliable state even before the system is subject to respond to a contingency. Therefore, we propose to require NERC to change the Violation Risk Factor of R.2.1 to high.

51. Similarly, NERC assigns a medium violation Risk Factor to FAC–010–1 R2.2, which would be appropriate if a violation is unlikely to lead to Bulk-Power System instability, separation or cascading failures.[38] However, Requirement R2.2 specifically states that with regard to post-contingency bulk electric system performance, ''[c]ascading outages or uncontrolled separation shall not occur.'' Therefore, if Requirement R2.2 is violated for any one of the specific contingencies as described in Requirements R2.2.1–

[33] *North American Electric Reliability Corp.*, 119 FERC ¶ 61,145 at P 9 (2007) (*Violation Risk Factor Order*).

[34] *See* NERC March 23, 2007 Request for Approval of Violation Risk Factors for Version 1 Reliability Standards, Docket No. RR07–10–000, Exh. A, Violation Risk Factors for Facility Ratings Standards FAC–008–1 through FAC–014–1. The Commission addressed only those Violation Risk Factors pertaining to the 83 Reliability Standards approved in Order No. 693. *Violation Risk Factor Order*, 119 FERC ¶ 61,145 (2007).

[35] U.S.-Canada Power System Outage Task Force (Task Force), Final Report on the August 14, 2003 Blackout in the United States and Canada: Causes and Recommendations (April 2004) (Final Blackout Report). The Final Blackout Report is available on the Internet at *http://www.ferc.gov/industries/electric/indus-act/blackout.asp.*

[36] For a complete discussion of each factor, see the *Violation Risk Factor Order* at P 19–36.

[37] *See id.*

[38] *See Violation Risk Factor Order*, 119 FERC ¶ 61,145 at P 9.

R2.2.3, cascading outages or uncontrolled separation of the Bulk-Power System may occur. The potential risk a violation of R2.2 poses to the Bulk-Power System is not consistent with the definition of a medium Violation Risk Factor. Instead, the risk a violation of R2.2 presents to the Bulk-Power System is consistent with the definition of a high Violation Risk Factor.[39] Therefore, we propose to require NERC to change the Violation Risk Factor of R.2.2 to high.

52. As stated in the *Violation Risk Factor Order*, the Commission expects a rational connection between the sub-Requirement Violation Risk Factor assignments and the main Requirement Violation Risk Factor assignment.[40] Because the Commission proposes to require NERC to modify the Violation Risk Factors for the sub-requirements of R2, to have a rational connection between the Violation Risk Factors assigned to sub-Requirements and Violation Risk Factors assigned to the main Requirement, we are also proposing to require NERC to change the Violation Risk Factor for R2 to high.

53. Similarly, the Commission has the same concern and proposal to reassign NERC's Violation Risk Factors for FAC–011–1 Requirement R2 and sub-Requirements R2.1–R2.2.3, which contain similar language as the corresponding Requirements in FAC–010–1.

54. With regard to FAC–014–1, our concerns are with NERC's proposed Violation Risk Factor assignment of medium to Requirement R5 and sub-Requirements R5.1–R5.1.4. Requirement R5 requires that the reliability coordinator, planning authority and transmission planner each provide its SOLs and IROLs to those entities that have a reliability-related need for those limits and provide a written request that includes a schedule for delivery of those limits. Sub-Requirements R5.1–R5.1.4 comprise the list of supporting information to be provided. The Commission has concerns with NERC's proposed assignment based on its lack of consistency with the Final Blackout Report.

55. The Commission believes that it is important to ensure that critical areas identified as causes of the August 2003 and other previous major blackouts are appropriately assigned as potential risks to the reliability of the Bulk-Power System.[41] For example, the Final Blackout Report identified ineffective communications as one common factor of the August 2003 blackout and other previous major blackouts.[42] The Final Blackout Report explained that, ''[u]nder normal conditions, parties with reliability responsibility need to communicate important and prioritized information to each other in a timely way, to help preserve the integrity of the grid.'' [43]

56. The Commission believes that NERC's proposed Violation Risk Factor assignment of medium for the subject Requirements is not consistent with the findings of the Final Blackout Report. By definition, a ''medium'' Violation Risk Factor designation means that a violation of the requirement is unlikely to lead to Bulk-Power System instability, separation or cascading failures.[44] Findings of the Final Blackout Report, as well as reports on other previous major blackouts, have determined otherwise in that the timely communication of important and prioritized information, in this case, SOLs and IROLs, to entities that have a reliability-related need for those limits are crucial in maintaining the reliability of the Bulk-Power System.

57. As a result, we propose to require NERC to assign FAC–014–1 Requirement R5, as well as sub-Requirements R5.1–R5.1.4, a high Violation Risk Factor to accurately reflect the potential risk a violation of the subject requirements presents to the Bulk-Power System.

III. Information Collection Statement

58. The Office of Management and Budget (OMB) regulations require approval of certain information collection requirements imposed by agency rules.[45] Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The Paperwork Reduction Act (PRA) [46] requires each federal agency to seek and obtain OMB approval before undertaking a collection of information directed to ten or more persons, or continuing a collection for which OMB approval and validity of the control number are about to expire.[47] The PRA defines the phrase ''collection of information'' to be the ''obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

(i) Answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States; or (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.'' [48]

59. This NOPR proposes to approve three new Reliability Standards developed by NERC as the ERO. Section 215 of the FPA authorizes the ERO to develop Reliability Standards to provide for the operation of the Bulk-Power System. Pursuant to the statute, the ERO must submit each Reliability Standard that it proposes to be made effective to the Commission for approval.[49]

60. The three proposed Reliability Standards do not require responsible entities to file information with the Commission. Nor, with the exception of a three year self-certification of compliance, do the Reliability Standards require responsible entities to file information with the ERO or Regional Entities. However, the Reliability Standards do require responsible entities to develop and maintain certain information for a specified period of time, subject to inspection by the ERO or Regional Entities. Reliability Standard FAC–010–1 requires the planning authority to have a documented methodology for use in developing system operating limits or SOLs and must retain evidence that it issued its SOL methodology to relevant reliability coordinators, transmission operators and adjacent planning authorities. Likewise, the planning authority must respond to technical comments on the methodology within 45 days of receipt. Further, each planning authority must self-certify its compliance to the compliance monitor once every three years. Reliability Standard FAC–011–1 requires similar documentation by the reliability coordinator.

61. Reliability Standard FAC–014–1 requires the reliability coordinator, planning authority, transmission operator, and transmission planner to verify compliance through self-certification submitted to the compliance monitor annually. These entities must also document that they have developed SOLs consistent with the applicable SOL methodology and

[39] *See id.*

[40] *Id.* P 22.

[41] *Id.* P 19–21.

[42] Final Blackout Report at 107.

[43] *Id.* at 109.

[44] *Violation Risk Factor Order,* P 9.

[45] 5 CFR 1320.13 (2007).

[46] 44 U.S.C. 3501–3520.

[47] 44 U.S.C. 3502(3)(A)(i), 44 U.S.C. 3507(a)(3).

[48] 44 U.S.C. 3502(3)(A).

[49] *See* 16 U.S.C. 824o(d).

that they have provided SOLs to entities identified in Requirement 5 of the Reliability Standard. Further, the planning authority must maintain a list of multiple contingencies and their associated stability limits.

62. The Commission is submitting these reporting and recordkeeping requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act. Comments are solicited on the Commission's need for this information, whether the information will have practical utility, the accuracy of provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing the respondent's burden, including the use of automated information techniques.

63. Our Estimates below regarding the number of respondents is based on the NERC compliance registry as of April 2007. NERC and the Regional Entities have identified approximately 170 Investor Owned Utilities, and 80 Large Municipals and Cooperatives. NERC's compliance registry indicates that there is a significant amount of overlap among the entities that perform these functions. In some instances, a single entity may be registered under all four of these functions. Thus, the Commission estimates that the total number of entities required to comply with the information "reporting" or development requirements of the proposed Reliability Standards is approximately 250 entities. About two-thirds of these entities are investor-owned utilities and one-third is a combination of municipal and cooperative organizations.

64. *Burden Estimate:* The Public Reporting burden for the requirements contained in the NOPR is as follows:

Data collection	Number of respondents	Number of responses	Hours per respondent	Total annual hours
FERC–725D				
Investor-Owned Utilities	170	1	Reporting: 90	Reporting: 15,300.
			Recordkeeping: 210	Recordkeeping: 35,700.
Large Municipals and Cooperatives	80	1	Reporting: 90	Reporting: 7,200.
			Recordkeeping: 210	Recordkeeping: 16,800.
Total	250			75,000.

Total Hours: (Reporting 22,500 hours + Recordkeeping 52,500 hours) = 75,000 hours.

(*FTE=Full Time Equivalent or 2,080 hours*)

Total Annual hours for Collection: (Reporting + recordkeeping) = 75,000 hours.

Information Collection Costs: The Commission seeks comments on the costs to comply with these requirements. It has projected the average annualized cost to be the total annual hours (reporting) 22,500 times $120 = $2,700,000.

Recordkeeping = 52,500 @ $40/hour = $2,100,000.

Labor (file/record clerk @ $17 an hour + supervisory @23 an hour).

Storage 1,800 sq. ft. × $925 (off site storage) = $1,665,000.

Total costs = $6,465,000.

The Commission believes that this estimate may be conservative because most if not all of the applicable entities currently perform SOL calculations and the proposed Reliability Standards will provide a common methodology for those calculations.

Title: FERC–725D Facilities Design, Connections and Maintenance Reliability Standards.

Action: Proposed Collection of Information.

OMB Control No.: To be determined.

Respondents: Business or other for profit, and/or not for profit institutions.

Frequency of Responses: One time to initially comply with the rule, and then on occasion as needed to revise or modify. In addition, annual and three-year self-certification requirements will apply.

Necessity of the Information: The three Reliability Standards, if adopted, would implement the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the three proposed Reliability Standards would ensure that system operating limits or SOLs used in the reliability planning and operation of the Bulk-Power System are determined based on an established methodology.

Internal review: The Commission has reviewed the requirements pertaining to mandatory Reliability Standards for the Bulk-Power System and determined the proposed requirements are necessary to meet the statutory provisions of the Energy Policy Act of 2005. These requirements conform to the Commission's plan for efficient information collection, communication and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

65. Interested persons may obtain information on the reporting requirements by contacting: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 [Attention: Michael Miller, Office of the Executive Director, Phone: (202) 502–8415, fax: (202) 273–0873, e-mail: *michael.miller@ferc.gov*]. Comments on the requirements of the proposed rule may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission], e-mail: *oira_submission@omb.eop.gov.*

IV. Environmental Analysis

66. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[50] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. The actions proposed here fall within the categorical exclusion in the Commission's regulations for rules that are clarifying, corrective or procedural, for information gathering, analysis, and dissemination.[51] Accordingly, neither an environmental impact statement nor environmental assessment is required.

[50] Order No. 486, *Regulations Implementing the National Environmental Policy Act*, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[51] 18 CFR 380.4(a)(5) (2007).

V. Regulatory Flexibility Act Certification

67. The Regulatory Flexibility Act of 1980 (RFA) [52] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Most of the entities, *i.e.*, planning authorities, reliability coordinators, transmission planners and transmission operators, to which the requirements of this rule would apply do not fall within the definition of small entities.[53]

68. As indicated above, based on available information regarding NERC's compliance registry, approximately 250 entities will be responsible for compliance with the three new Reliability Standards. It is estimated that one-third of the responsible entities, about 80 entities, would be municipal and cooperative organizations. The proposed Reliability Standards would apply to planning authorities, transmission planners, transmission operators and reliability coordinators, which tend to be larger entities. Thus, the Commission believes that only a portion, approximately 30 to 40 of the municipal and cooperative organizations to which the proposed Reliability Standards would apply, qualify as small entities.[54] The Commission does not consider this a substantial number. Moreover, as discussed above, the proposed Reliability Standards will not be a burden on the industry since most if not all of the applicable entities currently perform SOL calculations and the proposed Reliability Standards will simply provide a common methodology for those calculations. Accordingly, the Commission certifies that the proposed Reliability Standards will not have a significant adverse impact on a substantial number of small entities.

69. Based on this understanding, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis is required.

VI. Comment Procedures

70. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due September 19, 2007. Comments must refer to Docket No. RM07–3–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. Comments may be filed either in electronic or paper format.

71. Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

72. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

73. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

74. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

75. User assistance is available for eLibrary and the FERC's Web site during normal business hours from our Help line at (202) 502–8222 or the Public Reference Room at (202) 502–8371 Press 0, TTY (202) 502–8659. E-Mail the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16253 Filed 8–17–07; 8:45 am]

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[52] 5 U.S.C. 601–612.

[53] The RFA definition of ''small entity'' refers to the definition provided in the Small Business Act, which defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. *See* 15 U.S.C. 632 (2000). According to the SBA, a small electric utility is defined as one that has a total electric output of less than four million MWh in the preceding year.

[54] According to the DOE's Energy Information Administration (EIA), there were 3,284 electric utility companies in the United States in 2005, and 3,029 of these electric utilities qualify as small entities under the SBA definition. Among these 3,284 electric utility companies are: (1) 883 cooperatives of which 852 are small entity cooperatives; (2) 1,862 municipal utilities, of which 1842 are small entity municipal utilities; (3) 127 political subdivisions, of which 114 are small entity political subdivisions; and (4) 219 privately owned utilities, of which 104 could be considered small entity private utilities. *See* Energy Information Administration Database, Form EIA–861, Dept. of Energy (2005), *available at http://www.eia.doe.gov/cneaf/electricity/page/eia861.html.*

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–148393–06]

RIN 1545–BG12

Medical and Accident Insurance Benefits Under Qualified Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations under section 402(a) of the Internal Revenue Code (Code) regarding the tax treatment of payments by qualified plans for medical or accident insurance. These regulations would affect administrators of, participants in, and beneficiaries of qualified retirement plans. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by November 19, 2007. Outlines of topics to be discussed at the public hearing scheduled for December 6, 2007, at 10 a.m., must be received by November 15, 2007.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–148393–06), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–148393–06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or send electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–148393–06). The public hearing will be held in the IRS Auditorium, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Pamela R. Kinard (202) 622–6060; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Kelly Banks, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to 26 CFR part 1 under section 402(a) of the Code, as well as conforming amendments under sections 72, 105, 106, 401, 402(c), 403(a), and 403(b).

Section 104(a)(3) provides, in general, that gross income does not include amounts received through accident or health insurance (or through an arrangement having the effect of accident or health insurance) for personal injuries or sickness. This exclusion does not apply to amounts attributable to (and not in excess of) deductions allowed under section 213 for any prior taxable year, or to other amounts received by an employee to the extent such amounts either are attributable to contributions by the employer that were not includible in the gross income of the employee or are paid by the employer.

Section 105(a) provides that, except as otherwise provided, amounts received by an employee through accident or health insurance for personal injuries or sickness are included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee or (2) are paid by the employer.

Section 105(b) generally provides that, except in the case of amounts attributable to deductions allowed under section 213 for any prior taxable year, gross income does not include amounts referred to in section 105(a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by the taxpayer for the medical care of the taxpayer and his or her spouse or dependents.

Section 106 provides that the gross income of an employee does not include employer-provided coverage under an accident or health plan. Section 1.106–1 provides that the gross income of an employee does not include contributions that the employer makes to an accident or health plan for compensation (through insurance or a separate trust or fund) for personal injuries or sickness to the employee or the employee's spouse or dependents.

Section 7702B(a)(1) provides that, for purposes of the Code, a qualified long-term care insurance contract is treated as an accident and health insurance contract.

Section 213 generally allows a deduction for expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his or her spouse, and dependents, to the extent that the expenses exceed 7.5 percent of the taxpayer's adjusted gross income. Section 213(d)(1) provides that the term ''medical care'' includes amounts paid for insurance covering medical care (including eligible long-term care premiums with respect to qualified long-term care insurance contracts).

Section 401(a) sets forth requirements for a trust forming part of a pension, profit-sharing, or stock bonus plan to be qualified under section 401(a).

Section 401(h) provides that a pension or annuity plan may provide for the payment of benefits for sickness, accident, hospitalization, and medical expenses of retired employees, their spouses and their dependents only if certain enumerated conditions are met. Those conditions include: (1) The aggregate actual contributions for medical benefits (when added to actual contributions for life insurance protection under the plan) may not exceed 25 percent of the total actual contributions to the plan (other than contributions to fund past service credits) after the date on which the account is established; (2) a separate account must be established and maintained for such benefits; (3) the employer's contributions to the separate account must be reasonable and ascertainable; (4) it must be impossible, at any time prior to the satisfaction of all liabilities under the plan to provide such benefits, for any part of the corpus or income of such separate account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits; (5) any amount remaining after satisfaction of all liabilities must, under the terms of the plan, be returned to the employer; and (6) special limitations for the accounts of key employees must be satisfied.

Section 402(a) provides, in general, that any amount actually distributed by a qualified plan is taxable under section 72 in the taxable year in which distributed.

Section 72(a) provides that, except as otherwise provided, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract. Sections 72(d) and (e) provide rules for determining the portion of any distribution that is not includable in gross income as a recovery of a participant's investment in the contract (generally the amount of the unrecovered after-tax employee contributions) under a qualified employer retirement plan.

Section 402(l), added by section 845(a) of the Pension Protection Act of 2006, Public Law 109–280 (120 Stat. 780) (PPA '06), provides a limited exclusion from gross income for distributions from an eligible retirement plan used to pay health or long-term care insurance premiums of an eligible retired public safety officer to the extent that the aggregate amount of the distributions for the taxable year is not in excess of the qualified health insurance premiums of the retired public safety officer and his or her spouse or dependents. The total amount excluded from gross income pursuant to section 402(l) shall not exceed $3,000.

Section 1.72–15 provides rules relating to the tax treatment of amounts paid from an employer-established plan to which section 72 applies and which provides for distributions of accident or health benefits. With respect to benefits that are attributable to employer contributions, § 1.72–15(d) provides that any amount received as an accident or health benefit is includible in gross income, except to the extent excludable from gross income under section 105(b) (relating to reimbursements of medical care expenses as defined in section 213(d)).[1] Section 1.72–15(e) provides that the taxability of benefits that are not accident or health benefits is determined under section 72 without regard to any exclusion under section 104 or 105.

Section 1.401–1(b)(1)(i) provides that a plan is not a pension plan within the meaning of section 401(a) if it provides for the payment of benefits not customarily included in a pension plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses (except for medical benefits described in section 401(h)). See § 1.401(a)–1(b)(1)(ii).

Section 1.401–1(b)(1)(ii) provides that a profit-sharing plan within the meaning of section 401(a) is primarily a plan of deferred compensation, but that amounts allocated to the account of a

[1] Section 1.72–15(d) also refers to benefits excludible under section 105(c) (relating to certain payments unrelated to absence from work) or 105(d), which was repealed in 1983 (and which related to certain disability payments).

participant may be used to provide incidental life or accident or health insurance for the participant and the participant's family. Section 1.401–1(b)(1)(iii) provides that a stock bonus plan is a plan established and maintained by the employer to provide benefits similar to those of a profit-sharing plan.

Rev. Rul. 61–164 (1961–2 CB 99), see § 601.601(d)(2) of this chapter, holds that a profit-sharing plan does not violate the incidental benefit rule in § 1.401–1(b)(1)(ii) merely because, in accordance with the terms of the plan, each participant's account under the plan is charged with the cost of health insurance for the participant under group hospitalization insurance for the employer's employees, provided that the total amount used for life or accident or health insurance for the employee and the employee's family is incidental. The ruling concludes that such insurance is treated as incidental if the amount expended does not exceed 25 percent of the funds allocated to a participant's account that have not been accumulated for the period prescribed by the plan for the deferment of distributions. The ruling also concludes that the use of profit-sharing plan funds to pay for medical insurance for a participant and his or her beneficiary is a distribution within the meaning of section 402.

Rev. Rul. 73–501 (1973–2 CB 127), see § 601.601(d)(2) of this chapter, applies the incidental benefit rule to the purchase of life insurance by a profit-sharing plan. The ruling states that ''[u]nder a qualified profit-sharing plan, the use of trust funds to pay the cost of life, accident, or health insurance for an employee is a distribution within the purview of section 402 of the Code.''

Rev. Rul. 2003–62 (2003–1 CB 1034), see § 601.601(d)(2) of this chapter, concludes that amounts distributed from a qualified retirement plan that the distributee elects to have applied to pay health insurance premiums under a cafeteria plan are includible in the distributee's gross income. The ruling also holds that the same conclusion applies where amounts distributed from the plan are applied directly to reimburse medical care expenses incurred by a participant.

Rev. Rul. 2005–55 (2005–2 CB 284), see § 601.601(d)(2) of this chapter, holds that a profit-sharing plan that provides a sub-account which permits distributions only for the purpose of reimbursing the participant for substantiated medical expenses imposes conditions on the entitlement of the participant to amounts held in the sub-account and, as a result of the conditions, does not meet the nonforfeitability requirements of section 411.

Explanation of Provisions

The proposed regulations would clarify that a payment from a qualified plan for an accident or health insurance premium generally constitutes a distribution under section 402(a) that is taxable to the distributee under section 72 in the taxable year in which the premium is paid. The taxable amount generally equals the amount of the premium charged against the participant's benefits under the plan. If a defined contribution plan pays these premiums from a current year contribution or forfeiture that has not been allocated to a participant's account, then the amount of the premium for each participant will be treated as first being allocated to the participant and then charged against the participant's benefits under the plan, so that the amount of the distribution is the same as determined under the preceding sentence.

These regulations would also provide that a distribution for the payment of the premiums by a qualified plan generally is not excluded from gross income under section 104, 105, or 106, but such distribution would constitute an amount paid for accident or health insurance under section 213. Furthermore, to the extent that the payment of premiums for accident or health insurance has been treated as a distribution from a qualified plan, amounts received through the accident or health insurance for personal injuries or sickness are excludable from gross income under section 104(a)(3) and are not treated as distributions from the plan.

A related issue is whether the purchase of accident and health insurance can be treated as if the trust merely purchased an investment under which an insurer's payments for medical expenses are made to the trust and then treated as a return on that investment. The proposed regulations would clarify that payments from accident or health insurance for medical expenses that are made to the trust (rather than made to the medical service provider or the participant as reimbursement for covered expenses) are treated as having been made to the participant and then contributed by the participant to the plan. Comments are requested on whether there should be limited exceptions to this general rule (such as an exception for a provision that has the effect of a waiver of premium in the case of disability).

The proposed regulations would not alter the incidental benefit rule of § 1.401–1(b)(1)(ii) (which provides that a profit-sharing plan may provide incidental life or accident or health insurance for the participant and the participant's family) nor would they alter the tax treatment of the payment of life insurance. For the tax treatment of payments for life insurance, see section 72(m)(3) and § 1.72–16.

The general rule that accident and health insurance premiums are taxable distributions would not apply to amounts held under a medical account that satisfies all the requirements of section 401(h). Accident or health insurance purchased through a section 401(h) account does not constitute a taxable distribution. See § 1.72–15(h), providing that employer contributions to provide medical benefits in section 401(h) under a qualified plan or annuity are not includible in the gross income of the employee on whose behalf contributions were made.[2] The result is the same if the section 401(h) account is funded with a transfer from a qualified pension plan in accordance with section 420. Similarly, section 402(l), as added by PPA '06, permits an exclusion from gross income, up to $3,000 annually, for distributions paid directly to an insurer to purchase accident or health insurance or qualified long-term care insurance for an eligible retired public safety officer and his or her spouse or dependents. The existence of narrow exceptions for retiree medical benefits under section 401(h) and for distributions for the payment of premiums on behalf of eligible retired public safety officers under section 402(l) is consistent with a general rule for inclusion in gross income of the payments of premiums for accident and health insurance.

Section 402(a) provides that amounts actually distributed from a qualified plan are generally taxable to the distributee in the year of the distribution. There is no general exception in section 402 for a distribution in the form of accident or health insurance.[3] Moreover, Congress

[2] See also H.R. Rep. No. 2317, 87th Cong., 2nd Sess. at 4 (1962), stating that no part of the contributions paid by the employer to a section 401(h) account will be taxed currently to the employee.

[3] See, for example, the Joint Committee on Taxation's Technical Explanation, Technical Explanation of H.R. 4, the ''Pension Protection Act of 2006'' as passed by the House on July 28, 2006, and Considered by the Senate on August 3, 2006 (JCX–38–06), August 3, 2006, 109th Cong., 2nd Sess. 244 (2006), relating to the exception under section 402(l), which states that, under present law, distributions from a qualified plan are generally

Continued

has carefully prescribed and strictly limited the ability to pre-fund accident and health insurance benefits on a tax-favored basis. The rules specifically prescribed by Congress relating to the pre-funding of future health benefits on a tax-favored basis include the rules in section 223 (providing contribution limits and distribution rules for health savings accounts (HSAs)); sections 419 and 419A (limiting employer deductions for contributions to welfare benefit funds); section 501(c)(9) (providing requirements for tax-exempt Voluntary Employee Beneficiary Associations (VEBAs)); section 512 (providing for the taxation of a VEBA's unrelated business income); and by sections 401(h) and 420 (governing retiree health benefits provided through a separate health benefits account that is part of a pension or annuity plan). Therefore, because Congress specifically prescribed these limited provisions for favorable tax-treatment, a broad exclusion permitting tax-favored treatment of any distribution used to pay accident or health insurance premiums would be inconsistent with this intentional statutory scheme.

In addition, the existence of the incidental benefit rule in § 1.401–1(b)(1)(ii) is not an indication that distributions used to provide incidental life or accident or health insurance benefits are eligible for tax-favorable treatment because the incidental benefit rule relates solely to the qualification of a profit-sharing plan, not to the tax treatment of amounts used to provide medical or accident insurance benefits under such plan.

The proposed regulations also contain conforming amendments to the Income Tax Regulations under sections 72, 105, 106, 401, and 402(c). These conforming amendments would remove obsolete provisions, as well as cite to the rules in these proposed regulations for determining the tax treatment of the payment of premiums for accident and health insurance from a qualified plan. Conforming amendments under sections 403(a) and 403(b) would also add a cross-reference to the regulations under section 403(a) and section 403(b) that would apply the rules in these proposed regulations to those arrangements. In addition, the proposed regulations would revise the first sentence of § 1.106–1 in order to update the definition of dependent in light of section 207 of the Working Families Tax Relief Act of 2004, Public Lic 108–311 (118 Stat. 1166) and Notice 2004–79 (2004–2 CB 898), see § 601.601(d)(2). The proposed regulations would also amend § 1.402(c)–2, Q&A–4 to add distributions of premiums for accident or health insurance under § 1.402(a)–1(e)(1) to the list of items that are not eligible rollover contributions. Finally, these proposed regulations would also include a cross-reference to section 402(l), as added by PPA '06. For additional guidance on section 402(l), see Notice 2007–7 (2007–5 IRB 395), see § 601.601(d)(2).

included in gross income (subject to exceptions for investment in the contract and qualified distributions from a designated Roth account).

Proposed Effective Date

It is expected that the regulations will apply for calendar years after the publication of final regulations in the **Federal Register**. However, no inference should be drawn that the payment of premiums from a qualified plan does not constitute a taxable distribution if made prior to the effective date of these regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this proposed regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The Treasury Department and the IRS request comments on the clarity of the proposed rules and how they may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for December 6, 2007, beginning at 10 a.m. in the Auditorium, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments by November 19, 2007 and an outline of the topics to be discussed and the amount of time to be devoted to each topic (a signed original and eight (8) copies) by November 15, 2007. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of these regulations are Pamela R. Kinard and Michael P. Brewer, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.72–15 is amended by:

1. Revising paragraphs (d), (h), and (i).
2. Removing and reserving paragraph (f).

The revisions read as follows:

§ 1.72–15 Applicability of section 72 to accident or health plans.

* * * * *

(d) *Accident or health benefits attributable to employer contributions*. Any amounts received as accident or health benefits and not attributable to contributions of the employee are includible in gross income except to the extent that such amounts are excludable from gross income under section 105(b) or (c) and the regulations thereunder.

See § 1.402(a)–1(e) for rules relating to the use of a qualified plan under section 401(a) to pay premiums for accident or health insurance.

* * * * *

(h) *Medical benefits for retired employees, etc.* See § 1.402(a)–1(e)(2) for rules relating to the payment of medical benefits described in section 401(h) under a qualified pension or annuity plan.

(i) *Special rules*—(1) *In general.* For purposes of section 72(b) and (d), and this section, the taxpayer shall maintain such records as are necessary to substantiate the amount treated as an investment in the taxpayer's annuity contract.

(2) *Delegation to Commissioner.* The Commissioner may prescribe a form and instructions with respect to the taxpayer's past and current treatment of amounts received under section 72 or 105, and the taxpayer's computation, or recomputation, of the taxpayer's investment in his or her annuity contract. This form may be required to be filed with the taxpayer's returns for years in which such amounts are excluded under section 72 or 105.

§ 1.105–4 [Removed]

Par. 3. Section 1.105–4 is removed.

§ 1.105–6 [Removed]

Par. 4. Section 1.105–6 is removed.

Par. 5. Section 1.106–1 is amended by revising the first sentence and adding a new sentence at the end of the paragraph to read as follows:

§ 1.106–1 Contributions by employer to accident and health plans.

The gross income of an employee does not include the contributions which the employer makes to an accident or health plan for compensation (through insurance or otherwise) to the employee for personal injuries or sickness incurred by the employee, the employee's spouse, or the employee's dependents (as defined in section 152 determined without regard to section 152(b)(1), (b)(2), or (d)(1)(B)). * * *

For the treatment of the payment of premiums for accident or health insurance from a qualified trust under section 401(a), see §§ 1.72–15 and 1.402(a)–1(e).

Par. 6. Section 1.401–1 is amended by adding a new sentence at the end of paragraph (b)(1)(ii) to read as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

* * * * *

(b) * * * (1)(i) * * *

(ii) * * * See §§ 1.72–15, 1.72–16, and 1.402(a)–1(e) for rules regarding the tax treatment of incidental life or accident or health insurance.

* * * * *

Par. 7. Section 1.402(a)–1 is amended by removing the last two sentences of paragraph (a)(1)(ii) and adding a new sentence in their place and by adding a new paragraph (e) to read as follows:

§ 1.402(a)–1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) * * *

(1) * * *

(i) * * *

(ii) * * * Paragraph (e) of this section provides rules relating to use of a qualified pension, annuity, profit sharing, or stock bonus plan to provide accident or health benefits or coverage otherwise described in section 104, 105, or 106.

* * * * *

(e) *Medical, accident, etc. benefits paid from a qualified pension, annuity, profit sharing, or stock bonus plan*—(1) *Payment of premiums*—(i) *General rule.* The payment of premiums from a qualified trust for accident or health insurance, including a qualified long-term care insurance contract under section 7702B, constitutes a distribution under section 402(a) to the participant against whose benefit the premium is charged. The amount of the distribution equals the amount of the premium charged against the participant's benefits under the plan. If a defined contribution plan pays these premiums from a current year contribution or forfeiture that has not been allocated to a participant's account, then the amount of the premium for each participant will be treated as first being allocated to the participant and then charged against the participant's benefits under the plan, so that the amount of the distribution is treated in the same manner as determined under the preceding sentence. Except as described in paragraphs (e)(2) and (3) of this section, a distribution described in this paragraph (e)(1) is not excludable from gross income.

(ii) *Treatment of amounts received through accident or health insurance.* To the extent that the premium for accident or health insurance constitutes a distribution under this paragraph (e)(1), amounts received through accident or health insurance are neither attributable to contributions by the employer which are not includible in the gross income of the employee nor are such amounts paid by the employer. Accordingly, amounts received through the accident or health insurance for personal injuries or sickness are excludable from gross income under section 104(a)(3) and are not treated as distributions from the plan. If amounts received through accident or health insurance are paid to the plan instead of the employee, these amounts are treated as having been paid to the employee and then contributed by the employee to the plan (and these amounts must satisfy the qualification requirements applicable to employee contributions).

(2) *Medical benefits for retired employees provided under an account described in section 401(h).* The payment of medical benefits described in section 401(h) under a pension or annuity plan is treated in the same manner as a payment of accident or health benefits attributable to employer contributions, or employer-provided coverage under an accident or health plan. See § 1.401–14(a) for the definition of medical benefits described in section 401(h). Accordingly, amounts applied for the payment of accident or health benefits, or for the payment of accident or health coverage, from a section 401(h) account are not includible in the gross income of the participant on whose behalf such contributions are made to the extent they are excludible from gross income under section 104, 105, or 106.

(3) *Distributions to eligible retired public safety officers.* See section 402(l) for a limited exclusion from gross income for distributions used to pay for certain accident or health premiums (including premiums for qualified long-term care insurance contracts). This limited exclusion applies to eligible retired public safety officers, as defined in section 402(l)(4)(B).

(4) *Effect of making a distribution of insurance premiums on qualification.* See § 1.401–1(b)(1) for rules concerning the types and amount of medical coverage and benefits that are permitted to be provided under a plan that is part of a trust described in section 401(a). For example, § 1.401–1(b)(1)(ii) provides that a profit-sharing plan is primarily a plan of deferred compensation, but the amounts allocated to the account of a participant may be used to provide incidental accident or health insurance for the participant and the participant's family. See also, section 401(k)(2)(B) for certain restrictions on the distribution of elective contributions.

(5) *Application of this paragraph (e).* This paragraph (e) applies to the payment of premiums charged against the benefits of a beneficiary or an alternate payee in the same manner as the payment of premiums charged against the account of a participant.

(6) *Example.* The provisions of this paragraph (e) are illustrated by the following example:

Example. (i) *Facts.* Employer sponsors a profit-sharing plan qualified under section 401(a). The plan provides solely for non-elective employer profit-sharing contributions. The plan's trustee enters into a contract with a third-party insurance carrier to provide health insurance for certain plan participants. The insurance policy provides for the payment of medical expenses incurred by those participants. The plan limits the amounts used to provide medical benefits with respect to a participant to 25 percent of the funds held in the participant's account. The trustee makes monthly payments of $1,000 to pay the premiums due for Participant A's health insurance. The trustee also reduces Participant A's account balance by $1,000 at the time of each premium payment. In June of a year, Participant A is admitted to the hospital for covered medical care, and in July of the same year, the health insurer pays the hospital $5,000 for the medical care provided to Participant A in June.

(ii) *Conclusion.* Under paragraph (e)(1) of this section, each of the trustee's payments of the $1,000 constitutes a distribution under section 402(a) to Participant A on the date of each payment. To the extent provided under section 213, the amount of these distributions constitutes payments for medical care. The $5,000 payment to the hospital is excludable from Participant A's gross income under section 104(a)(3) and is not treated as a distribution from the plan.

Par. 8. Section 1.402(c)–2 is amended by redesignating paragraph A–4(h) as paragraph A–4(i) and adding a new paragraph A–4(h) to read as follows:

§ 1.402(c)–2 Eligible rollover contributions; questions and answers.

* * * * *

A–4: * * *

(h) Distributions of premiums for accident or health insurance under § 1.402(a)–1(e).

* * * * *

Par. 9. Section 1.403(a)–1 is amended by revising paragraph (g) to read as follows:

§ 1.403(a)–1 Taxability of beneficiary under a qualified annuity plan.

* * * * *

(g) The rules of § 1.402(a)–1(e) apply for purposes of determining the treatment of amounts paid to provide accident and health insurance benefits.

Par. 10. Section 1.403(b)–6 is amended by adding a sentence following the first sentence of paragraph (g) to read as follows:

§ 1.403(b)–6 Timing of distributions and benefits.

* * * * *

(g) *Death benefits and other incidental benefits.* * * * The rules of § 1.402(a)–1(e) apply for purposes of determining when incidental benefits are treated as distributed and included in gross income. See §§ 1.72–15 and 1.72–16. * * *

* * * * *

Linda E. Stiff,

Acting Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–16084 Filed 8–17–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 5

Office of the Secretary

43 CFR Part 5

Fish and Wildlife Service

50 CFR Part 27

RIN 1024–AD30

Making Motion Pictures, Television Productions, Soundtracks or Taking Still Photographs on Certain Areas Under the Jurisdiction of the Department of the Interior

AGENCY: National Park Service, Office of the Secretary, Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior (DOI) proposes to revise its filming regulations to implement legislation that directs establishment of reasonable fees for commercial filming activities or similar projects, such as still photography, and to respond to applicants for commercial filming or still photography permits in a timely manner.

DATES: Written comments will be accepted through October 19, 2007.

ADDRESSES: You may submit comments, identified by the number 1024–AD30, by any of the following methods:

—Federal rulemaking portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

—Mail: Lee Dickinson, Special Park Uses Program Manager, National Park Service, 1849 C Street, NW., ORG CODE 2460, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lee Dickinson, Special Park Uses Program Manager, National Park Service, 1849 C Street, NW., ORG CODE 2460, Washington, DC 20240, telephone: 202–513–7092, or e-mail: *Lee_Dickinson@nps.gov.*

SUPPLEMENTARY INFORMATION: Public Law 106–206 (codified at 16 U.S.C. 460*l*–6d) directs the Secretaries of the Interior and Agriculture to establish a reasonable fee system (location fees) for commercial filming and still photography activities on lands under the Secretaries' jurisdiction. The law necessitates that the Department of the Interior (DOI) revise the existing regulations at 43 CFR part 5 prohibiting the National Park Service and the Fish and Wildlife Service from collecting fees for commercial film productions. When finalized, this proposed regulation will be the primary regulation governing commercial filming and still photography activities for the following DOI agencies: The Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS). While 16 U.S.C. 460*l*–6d authorizes agencies of the DOI to collect location fees, to date only the BLM, FWS, and NPS have decided to proceed with regulations allowing the agencies to collect and retain location fees. If in the future additional DOI agencies decide to collect location fees, then this regulation may be adopted by those agencies without significant modification.

Background

Lands of the United States were set aside by Congress and Executive order or otherwise acquired to conserve and protect areas of untold beauty and grandeur, historical importance, and uniqueness for future generations. Often it is the uniqueness of the land that attracts filmmakers. This tradition started with explorers who traveled with paint and canvas or primitive photo apparatus before the areas were designated as a national park, refuge, or forest. Generally, land management agencies allow commercial filming and still photography when it is consistent with their mission and will not harm the resource or interfere with the visitor experience.

While many commercial filming and still photography permits issued by the land management agencies are for small productions involving educational material or commercial advertising, a significant number of commercial filming permits have been issued to makers of major motion pictures.

Public Law 106–206 augments previous statutes authorizing commercial filming and still photography permits and establishes limitations for filming activities. While commercial filming and still photography are activities generally allowed on Federal lands, in many circumstances it is in the Government's interest to manage the activity through a permitting process to minimize the possibility of damage to the cultural or natural resources or interference with other visitors to the area.

This regulation standardizes the collection of location fees by DOI agencies. Currently, while NPS and FWS do not collect location fees for commercial filming or still photography, BLM collects and retains location fees for the use of their lands (43 CFR 2920.8). This proposed regulation allows DOI agencies to collect a location fee and to retain and use the money collected in accordance with the formula and purposes established for the Department's Recreational Fee Demonstration Program (Pub. L. 104–134). The formula currently provides that at least 80 percent of the fee collected remains in the unit where it was collected.

This regulation lays out the criteria for establishing location fees, including the number of people on site, duration (number of days) of the permitted activity, and amount and type of equipment present, as specified in statute. Actual fee amounts will be determined separately under a location fee schedule to be developed later by the DOI agencies covered by this regulation and the U.S. Forest Service (USFS). This schedule will be based on the current schedules used by BLM and USFS, public comments a draft location fee schedule previously proposed by NPS, and conversations with State and local film commissioners and industry representatives. Revised location fee schedules will be published in the **Federal Register** for public comment. Once we have analyzed comments on the revised location fee schedules, we will publish a notice of final location fee schedules in the **Federal Register**. These schedules will then be available for use by other DOI bureaus and Federal agencies, should they choose to do so. The schedules will be reevaluated periodically on a timetable to be set by the agencies using the schedule.

The expanded guidance provided in Public Law 106–206 is now proposed as subpart A of 43 CFR part 5, with the section governing areas administered by the Bureau of Indian Affairs, currently designated as § 5.2, now proposed as subpart B. The unnumbered paragraphs of § 5.2 have been numbered in the proposed subpart to allow for easier reference. In addition, a technical correction was made changing 25 CFR part 131 to 25 CFR part 162. We have also revised the NPS regulations in 36 CFR 5.5, and amended the current reference in the FWS regulations in Title 50 to conform to the proposed regulations in 43 CFR part 5.

Key Issues

Due to differences in regulations and policy, the three DOI land management agencies each have different approaches to managing commercial filming and still photography activities on their land. The types of commercial filming and still photography activities currently needing a permit vary from agency to agency, and only one DOI agency collects a location fee. The BLM currently charges a location fee for some commercial filming, but the NPS and FWS are currently prohibited by 43 CFR 5.1(b) from charging a location fee. The NPS and BLM recover the costs associated with issuing the permit from the permit holder. In addition, BLM state offices determine the location fee schedules for that State. This lack of consistency between the agencies creates confusion on the part of the filming and photography industry.

This proposed regulation defines commercial filming and still photography (Section 5.2) and explains which activities require a permit (Section 5.3), thereby ensuring consistency among DOI agencies. The proposed regulation identifies circumstances when an agency may not issue a permit, with six factors that agencies must take into account when evaluating an application for a permit (Section 5.4). This proposed regulation also allows each of the DOI agencies to impose reasonable permit conditions to mitigate the impact of the activity on the resource and visitor use and enjoyment (Section 5.5). A violation of a permit condition would allow the issuing agency to revoke the permit. This proposed regulation also explains the financial responsibilities of the permit holder, including payment of the location fee, reimbursement of any costs incurred by the agency due to the processing of the application and monitoring of the permitted activity, and the necessary liability insurance and surety bonds (Section 5.6).

Section-by-Section Analysis of Proposed 43 CFR Part 5

The following organizational summary has been prepared to assist in the location and analysis of the proposed revisions.

NUMBERING OF PROPOSED 43 CFR PART 5

Existing 43 CFR Part 5	Proposed 43 CFR Part 5
5.1(a)	5.3 Permit.
5.1(b)	5.6 Liability/Bonding.
5.1(c)	5.5 Permit Conditions.
5.1(d)	Deleted.
	New Sections:
	5.1 Scope.
	5.2 Terms.
	5.4 No Permit.
	5.7 Costs.
	5.8 Process Time.

Section 5.1 What does this subpart cover?

This subpart contains the regulations for issuing permits for commercial filming and still photography in units of the NPS, FWS, and BLM in the DOI. It is possible that additional agencies of the DOI will adopt this regulation should the agency decide to collect location fees and cost recovery as authorized by Public Law 106–206. The only modification needed for additional agencies to adopt this regulation would be to modify the definition of ''agency.''

Section 5.2 How are the terms defined in this subpart?

This section provides the definitions needed to understand the regulation, including definitions for agency, commercial filming, cost recovery, location fee, and still photography.

Section 5.3 When do I need a permit for commercial filming or still photography?

Public Law 106–206 augments previous statutes for authorizing commercial filming and still photography activities and provides protections for the affected Federal lands. The law clarifies the requirements for commercial filming and still photography permits and establishes limitations for filming activities. While commercial filming and still photography are activities generally allowed on Federal lands, in many circumstances it is in the Government's interest to manage the activity through a permitting process to minimize the possibility of damage to the cultural or natural resources or interference with other visitors to the area. A person seeking a permit should contact the manager of the site for which the permit is sought to learn how and where to apply.

All commercial filming on lands under DOI jurisdiction requires a permit. This section details those instances and lists specific criteria that trigger the need for a still photography permit, such as the use of models, sets, or props or requesting access to an area to photograph which is, at that time, not open to the general public. While filming and still photography activities by visitors (as opposed to commercial filmmakers or commercial photographers) generally do not require a permit, this section details those instances and lists specific criteria that trigger the need for a filming or still photography permit. These criteria include the use of models, sets, or props or requesting access to an area to film or photograph which is, at that time, not open to the general public. News coverage also does not need a permit, but is subject to time, place, and manner restriction, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.

Section 5.4 Under what circumstances will an agency not issue a permit for commercial filming or still photography?

The DOI agencies covered under this regulation will issue a permit, except when there is the likelihood that the activity will (1) Damage the resource, (2) cause unreasonable disruption or conflict with the public's use and enjoyment of the site, (3) pose public health or safety risks, (4) impair park resources or values, (5) be inappropriate or incompatible with the purpose of the refuge, or (6) violate other applicable laws or regulations. In some cases, a permit could be issued after terms and conditions are added to the permit to mitigate negative impacts.

Section 5.5 What type of permit conditions will the agency impose?

One important aspect of a commercial filming or still photography permit is the inclusion of terms and conditions that will protect the natural and cultural resources, ensure that visitor use and enjoyment is not affected, and protect public health and safety. Permit terms and conditions will be included to mitigate any possible damage to the resources and to guarantee the restoration of Federal lands should that be necessary. The permit is a legal agreement between the Federal agency and the permit holder, who is legally bound to adhere to the terms and conditions of the permit. The permit may be revoked if the permit terms or conditions are violated.

Section 5.6 What are my liability and bonding requirements?

The permit holder is required to acquire appropriate insurance, including property and personal and public liability insurance. Permit holders must fully indemnify and hold harmless the United States for any damage or injury incurred in connection with the permitted activity. Permit holders are also responsible for restoring and repairing the area used for the permitted activity and providing security in the form of a bond or other instrument that would guarantee restoration and repair.

Section 5.7 What expenses will I incur?

Fees are divided into two categories: a fee for commercial filming activities, similar projects or still photography (location fee) and cost recovery. The location fee is basically rent; i.e., a payment for the use of the land. Cost recovery reimburses the agency for all costs incurred in the receiving of the application, processing the request, and monitoring the permitted activity.

The cost of location fees will depend upon the number of people on site, duration (number of days) of the permitted activity, and amount and type of equipment present, as specified in statute. Actual fee amounts will be determined separately under a location fee schedule to be developed later by the DOI agencies (and possibly USDA's Forest Service) covered by this regulation. This schedule will be based on schedules currently being used by BLM and the U.S. Forest Service and public comments previously received by NPS on a draft location fee schedule, On December 14, 2000 (65 FR 78186), the NPS published a ''Notice of Availability of Draft Fee Schedules and Guidance for Commercial Filming in Compliance with Public Law 106–206 To Apply in All Units of the National Park Service.'' We received 34 comments from the public as well as 9 comments from NPS personnel. Subsequently, additional conversations were held with managers of non-federally managed sites, both cultural and natural, as well as conversations with State and local film commissioners and industry representatives. Public Law 106–206 directed the agencies to recover any costs incurred by the agency as a result of the permitting of commercial filming or still photography activities, including, but not limited to, administrative and personnel costs. Recovery of costs is in addition to any location fees that might be charged. We will recover costs any time an application is submitted, and the amount should cover all costs of processing the request and monitoring the permitted activities. Cost recovery will be charged for processing a request even if the request is denied, since the agency incurred costs in processing the application and reaching a decision.

Section 5.8 How long will it take to process my request?

Under Public Law 106–206, Federal agencies are required to establish a process to ensure that permit applications are processed in a timely manner. Each DOI agency will develop a written checklist of the application and review process which will include a timeline to be followed by that agency. While processing times may vary significantly based on the complexity of the commercial filming or still photography request, a checklist will ensure that similar application and processing procedures are used throughout each agency on similar requests and that the application is efficiently processed to minimize the time it takes to consider a request. Early consultation with the appropriate agency on the part of a potential applicant will also aid in processing the application in a timely manner once it is submitted. The process used and the appropriate application forms will be available on request at all field offices and on the Internet.

Sections 5.15 Through 5.18

These sections apply only to the Bureau of Indian Affairs (BIA) and are currently paragraphs (a) through (d) of § 5.2. While we propose no substantive changes to any of these sections, we have:

(1) Made each paragraph into a section;

(2) Given each section a heading in the form of a question;

(3) Updated a reference to 25 CFR part 131 to refer the reader to 25 CFR part 162; and

(4) Made a few additional minor formatting and wording changes.

Compliance with Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Order 12866)

This document is a significant rule and has been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects of entitlements, grants,

user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule is following the direction of Congress by implementing the provisions of Public Law 106–206. OMB has determined that this rule raises novel legal or policy issues. The rule proposes to institute a new schedule of fees for private industry for commercial filming and still photography activities that receive permits for the use of Federal lands managed by several DOI agencies. The potential number of areas and businesses affected by this proposed regulation could generate a number of comments.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the report titled, ''Benefit-Cost/Unfunded Mandates Act Analysis Small Business and Regulatory Flexibility Act Analysis'' (U.S. Department of the Interior, Office of Policy Analysis, Office of the Secretary). This report is available from the NPS by writing to Lee Dickinson at the addresses listed in the section above under **ADDRESSES**.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications.

Federalism (Executive Order 13132)

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the order.

Paperwork Reduction Act

This proposed regulation requires individuals and companies wishing to do commercial filming and still photography on public lands to obtain a permit from the agency managing the public land. The permit holder is also responsible for reimbursing the agency for costs incurred and to pay a land use fee. The mechanics of applying for the permit and the forms involved are not addressed in this proposed regulation, but are addressed in existing agency regulations and internal guidance. The NPS uses application forms NPS 10–931 (Film—Short Form) and NPS 10–932 (Film—Long Form). Both forms are assigned OMB Control Number 1024–0026 and expire March 31, 2010. The BLM uses OMB-approved BLM Form 2920–1 (Land Use Application and Permit), which is assigned OMB Control Number 1004–0009 and expires December 31, 2007. The FWS National Wildlife Refuge System currently uses two forms for special use permits on refuges: FWS Form 3–1383 (Special Use Permit Application on National Wildlife Refuges Outside Alaska), for which the OMB Control Number is 1018–0102 and the OMB approval expires January 31, 2008, and FWS Form 3–2001 (Special Use Permit Application on National Wildlife Refuges in Alaska), for which the OMB Control Number is 1018–0014 and the OMB approval expires September 30, 2006. Therefore, these regulations do not contain information collection requirements that the OMB must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment, health, and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses that might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). Therefore, neither an environmental assessment nor an environmental impact statement has been prepared.

The location fee authorized by Public Law 106–206 and governed by this proposed regulation is a fee collected when a permit is issued by the responsible agency for a commercial filming or still photography activity. Any analysis required by the NEPA, as well as the National Historic Preservation Act, would be conducted in conjunction with the permitting process and would evaluate the impact of the requested activity on the resource.

Government-to-Government Relationship With Tribes

In accordance with Executive Order 13175 ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249), the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22961), and 512 DM 2, we have evaluated potential effects on federally recognized Indian tribes and have determined that there are no potential effects.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§'' and a numbered heading; for example § 14.10 Purpose). (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, DOI, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov.*

Drafting Information: The primary authors of this regulation are Lee Dickinson, Special Park Uses Program Manager, Jerry Case, Regulations Program Manager, National Park Service, Washington DC; Vanessa Engle, Program Lead Commercial Filming and Still Photography, Bureau of Land Management, Washington DC; and Rebecca Halbe, National Fee Program Coordinator, U.S. Fish and Wildlife Service, Washington DC.

Public Participation

You may submit comments, identified by the number RIN 1024–AD30, by any of the following methods:

—*Federal rulemaking portal: http://www.regulations.gov.* Follow the instructions for submitting electronic comments.

—*You may mail or hand deliver comments to National Park Service, Attn:* Lee Dickinson, Special Park Uses Program Manager, 1849 C Street, NW., ORG CODE 2460, Washington, DC 20240.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

List of Subjects

36 CFR Part 5

Alcohol and alcoholic beverages, Business and industry, Civil rights, Equal employment opportunity, National parks, Transportation, Motion pictures.

43 CFR Part 5

Motion pictures, Recordings, Television.

50 CFR Part 27

Wildlife refuges.

For the reasons set forth in the preamble, we propose to amend part 5 of title 36, part 5 of title 43, and part 27 of title 50 of the Code of Federal Regulations as follows:

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DOI

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

1. The authority citation for part 5 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 17j–2, 462.

2. Section 5.5 is revised to read as follows:

§ 5.5 Commercial filming and still photography.

Commercial filming and still photography are subject to the provisions of the special regulations contained in part 5, subpart A, title 43 of the Code of Federal Regulations.

Title 43—Public Lands: Interior

Subtitle A—Office of the Secretary of the Interior

3. Part 5 is revised to read as follows:

PART 5—MAKING MOTION PICTURES, TELEVISION PRODUCTIONS, OR SOUNDTRACKS OR TAKING STILL PHOTOGRAPHS ON CERTAIN AREAS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

Subpart A—Areas Administered by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management

Sec.

5.1 What does this subpart cover?
5.2 How are terms defined in this subpart?
5.3 When do I need a permit for commercial filming or still photography?
5.4 Under what circumstances will an agency not issue a permit for commercial filming or still photography?
5.5 What type of permit conditions will the agency impose?
5.6 What are my liability and bonding requirements?
5.7 What expenses will I incur?
5.8 How long will it take to process my request?

Subpart B—Areas Administered by the Bureau of Indian Affairs

5.15 When must I ask permission from individual Indians to conduct filming and photography?
5.16 When must I ask permission from Indian groups and communities?
5.17 When must I get a lease or permit?
5.18 What wages must I pay to Indian employees?

Authority: 5 U.S.C. 301; 16 U.S.C. 1–3, 3a, 668dd–ee, 715i, 460*l*–6d; 25 U.S.C. 2; 43 U.S.C. 1701, 1732–1734, 1740.

Subpart A—Areas Administered by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management

§ 5.1 What does this subpart cover?

This subpart covers commercial filming and still photography activities on the Federal lands and waters administered by the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service.

§ 5.2 How are terms defined in this part?

The following definitions apply to this part:

Agency, we, our, or us means the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service office responsible for the administration of lands and waters that are under its respective jurisdiction. (This definition may be expanded as additional agencies in the DOI choose to collect location fees for commercial filming and still photography on the lands under their jurisdiction.)

Commercial filming means the digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. It does not include news coverage or visitor use.

Cost recovery is the money that the agency collects as reimbursement for the costs incurred by the agency in accepting and processing an application and in monitoring the permitted commercial filming or still photography activity.

Location fee means a land or facility use fee similar to rent that provides a fair return to the United States for the use of Federal lands or facilities when used for commercial filming activities or similar projects and still photography activities where a permit is required.

Permit means a written authorization by us to engage in uses or activities that are otherwise prohibited or restricted.

Resource damage, as applied to BLM lands, means harm to the land or its resources that cannot reasonably be mitigated or reclaimed.

Still photography means the capturing of a still image on film or in a digital format.

§ 5.3 When do I need a permit for commercial filming or still photography?

(a) All commercial filming requires a permit.

(b) Still photography requires a permit if:

(1) It takes place at location(s) where or when members of the public are generally not allowed; or

(2) It uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or

(3) The agency would incur additional administrative costs to monitor the activity; or

(4) The agency would need to provide management and oversight to:

(i) Avoid impairment or incompatible use of the resources and values of the site; or

(ii) Limit resource damage; or

(iii) Minimize health or safety risks to the visiting public.

(c) News coverage does not require a permit, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.

(d) Use of film, video, or still photography equipment by visitors does not require a permit as long as the activity occurs in areas designated for public use during public hours.

(e) For information on how to obtain a permit application and where and how to submit it, contact the site manager for the location at which you seek a permit to film.

§ 5.4 Under what circumstances will an agency not issue a permit for commercial filming or still photography?

(a) We will issue a permit authorizing commercial filming or still photography, EXCEPT if we determine that:

(1) There is the likelihood that resource damage would occur that cannot be mitigated or restored under the terms and conditions of a permit; or

(2) There is the likelihood of unreasonable disruption of or conflict with the public's use and enjoyment of the site; or

(3) There is the likelihood that the activity poses health or safety risks to the public; or

(4) There is the likelihood that the activity would result in the impairment of park resources or values;

(5) The activity is inappropriate or incompatible with the purpose of the refuge; or

(6) The requested activity will violate any other applicable Federal, State, or local law or regulation.

(b) [Reserved]

§ 5.5 What type of permit conditions will the agency impose?

(a) We may impose permit conditions including, but not limited to, conditions intended to:

(1) Protect the site's values, purposes, and resources, and public health and safety; or

(2) Prevent unreasonable disruption of the public's use and enjoyment.

(b) We may revoke your permit if you violate a permit condition.

§ 5.6 What are my liability and bonding requirements?

(a) You are fully liable for any damage or injury incurred in connection with the activity, and you must fully indemnify and hold harmless the United States. You must obtain an appropriate property damage, personal injury, and public liability insurance policy sufficient to protect the United States Government from liability or other claims arising from activities under the permit. The insurance policy must name the United States as an additional insured.

(b) You are responsible for repair and restoration costs if your activity causes resource damage to an area. We may also require you to provide a bond or other security satisfactory to secure any other obligations you may have under the permit and applicable laws and regulations. The bond must be in an amount sufficient to provide full payment for the costs of restoration, reclamation, or rehabilitation of the lands in the event that your activity causes resource damage to an area. If the cost of the repairs exceeds the amount of your bond, you will also be responsible for the additional amount.

§ 5.7 What expenses will I incur?

(a) *Location fee.* (1) For commercial filming and still photography permits, we will require a reasonable location fee that provides a fair return to the United States. The location fee will be based upon the following criteria:

(i) The number of days your activity takes place;

(ii) The size of the film crew;

(iii) The amount and type of equipment present; and

(iv) Comparable location fees charged by other Federal, State, and local government agencies and the private sector.

(2) The location fee charged is in lieu of any entrance or other special use fees. However, the location fee is in addition to any cost recovery amount assessed in paragraph (b) of this section.

(3) We will assess location fees in accordance with a fee schedule, to be published in the **Federal Register** and made available on the Internet and at our field offices.

(b) *Cost recovery.* You must reimburse the agency for actual costs incurred in processing your request and administering your permit. Cost recovery will be based upon our direct and indirect expenses including, but not limited to, administrative and personnel costs for application processing, preproduction meetings and other activities, and on-site monitoring of permitted activities.

§ 5.8 How long will it take to process my request?

The DOI is committed to ensuring that the agencies process permit applications for commercial filming and still photography permits in a timely manner. Each agency is responsible for developing its own system for administering the permit application process. For specific information on application procedures, contact the appropriate agency field office.

Subpart B—Areas Administered by the Bureau of Indian Affairs

§ 5.15 When must I ask permission from individual Indians to conduct filming and photography?

Anyone who desires to go on to the land of an Indian to make pictures, television productions, or soundtracks is expected to observe the ordinary courtesy of first obtaining permission from the person(s) and of observing any conditions attached to this permission.

§ 5.16 When must I ask permission from Indian groups and communities?

Anyone who desires to take pictures, including motion pictures, or to make a television production or a soundtrack of Indian communities, churches, kivas, plazas, or ceremonies performed in these places, must:

(a) Obtain prior permission from the proper officials of the place or community; and

(b) Scrupulously observe any limitations imposed by the officials who grant the permission.

§ 5.17 When must I get a lease or permit?

If filming pictures or making a television production or a soundtrack requires the actual use of Indian lands, you must obtain a lease or permit under 25 CFR part 162.

§ 5.18 What wages must I pay to Indian employees?

Any motion picture or television producer who obtains a lease or permit for the use of Indian land under 25 CFR part 162 must pay a fair and reasonable wage to any Indian employed in connection with the production.

Title 50—Wildlife and Fisheries

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 27—PROHIBITED ACTS

Subpart G—Disturbing Violations: Light and Sound Equipment

4. The authority citation for part 27 continues to read as follows:

Authority: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; Sec. 4, 76 Stat. (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 685, 752, 690d); 16 U.S.C. 715s).

5. Section 27.71 is revised to read as follows:

§ 27.71 Motion pictures, sound recordings, and still photography.

The filming of any motion picture or taking of sound recordings or still photography on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR part 5.

Dated: March 22, 2007.

P. Lynn Scarlett,

Deputy Secretary of the Interior.

Editorial Note: The Office of the Federal Register received this document on August 8, 2007.

[FR Doc. E7–15845 Filed 8–17–07; 8:45 am]

BILLING CODE 4312–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–R04–OAR–2007–0229–200713(b); FRL–8453–7]

Approval of Implementation Plans of Tennessee: Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted on September 8, 2006. This revision incorporates provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR), promulgated on May 12, 2005, and subsequently revised on April 28, 2006, and December 13, 2006, and the CAIR Federal Implementation Plan (FIP) concerning Sulfur Dioxide (SO_2), Nitrogen Oxides (NO_X) annual, and NO_X ozone season emissions for the State of Tennessee, promulgated on April 28, 2006, and subsequently revised December 13, 2006. On February 8, 2007, Tennessee requested that EPA only act on a portion of the September 8, 2006 submittal as an abbreviated SIP. Consequently, EPA is approving an abbreviated SIP revision that addresses the methodology to be used to allocate annual and ozone season NO_X allowances under the CAIR FIPs and opt-in provisions for the SO_2, NO_X annual, and NO_X ozone season trading programs. EPA is not making any changes to the CAIR FIP, but is amending, to the extent EPA approves Tennessee's SIP revision, the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before September 19, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2007–0229, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: hou.james@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2007–0229, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2007–0229. 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 through *http://www.regulations.gov* or e-mail, information that you consider to be CBI or otherwise protected. The *http://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 *http://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 and any form of encryption and should 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 electronic docket are listed in the *http://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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8965. Mr. Hou can also be reached via electronic mail at *hou.james@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: July 31, 2007.

J.I. Palmer Jr.,

Regional Administrator, Region 4.

[FR Doc. E7–15781 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–D–7814]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

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

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

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

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

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

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Rowan County, North Carolina and Incorporated Areas				
Grants Creek	At the confluence with Yadkin River	None	+643	Rowan County (Unincorporated Areas), City of Salisbury, Town of China Grove, Town of Landis, Town of Spencer.
	Approximately 1,190 feet upstream of North Meriah Street.	+827	+835	
Tributary 2	Approximately 1,000 feet upstream of the confluence with Grants Creek.	+674	+675	City of Salisbury.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 0.4 mile upstream of the confluence with Grants Creek.	None	+688	
Hopkins Street Branch	At the confluence with Town Creek	+707	+705	City of Salisbury.
	Approximately 250 feet upstream of the confluence with Town Creek.	+707	+705	
Lomax Creek	At the confluence with Grants Creek	+637	+644	Town of Spencer.
	Approximately 750 feet upstream of the confluence with Grants Creek.	+641	+644	
Mill Creek	Approximately 250 feet downstream of the Rowan/ Cabarrus County boundary.	None	+713	Rowan County (Unincorporated Areas).
	Approximately 400 feet upstream of Smith Road (State Road 1361).	None	+799	
Rocky Branch	At the confluence with Grants Creek	+641	+644	Town of Spencer.
	Approximately 1,200 feet upstream of the confluence with Grants Creek.	+641	+644	
Rowan Avenue Park Stream	At the confluence with Grants Creek	+629	+644	Rowan County (Unincorporated Areas), Town of Spencer.
	Approximately 150 feet upstream of Charles Street	+641	+644	
Sixth Street Branch	At the confluence with Grants Creek	+641	+644	Town of Spencer.
	Approximately 700 feet upstream of the confluence with Grants Creek.	+641	+644	
South Yadkin River	At the confluence with Yadkin River	None	+648	Rowan County (Unincorporated Areas), City of Salisbury.
	At the Iredell/Davie/Rowan County boundary	None	+697	
Third Street Creek	At the confluence with Grants Creek	+636	+644	Town of Spencer.
	Approximately 1,260 feet upstream of the confluence with Grants Creek.	+641	+644	
Yadkin River	Approximately 500 feet downstream of the Rowan/ Davidson/Stanly/ Montgomery County boundary.	None	+566	Rowan County (Unincorporated Areas), Town of Spencer.
	At the confluence of South Yadkin River	None	+648	

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

ADDRESSES

City of Salisbury

Maps are available for inspection at Salisbury City Hall, 217 South Main Street, Salisbury, North Carolina.

Send comments to Mr. David Treme, Salisbury City Manager, P.O. Box 479, Salisbury, North Carolina 28145.

Town of China Grove

Maps are available for inspection at China Grove Town Hall, 205 Swink Street, China Grove, North Carolina.

Send comments to The Honorable Don Bringle, Mayor of the Town of China Grove, 205 Swink Street, China Grove, North Carolina 28023.

Town of Landis

Maps are available for inspection at Landis Town Hall, 312 South Main Street, Landis, North Carolina.

Send comments to The Honorable Mike Mahaley, Mayor of the Town of Landis, P.O. Box 8165, Landis, North Carolina 28088.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 9, 2007.

David I. Maurstad,

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

[FR Doc. E7–16270 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7731]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

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

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

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

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

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

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tulsa County, Oklahoma, and Incorporated Areas				
East Blackjack Creek Tributary.	Confluence with East Creek	+620	+619	Unincorporated Areas of Tulsa County, City of Collinsville.
	Approximately 1590 ft downstream of N. 135th Ave E	None	+651	
East Branch Haikey Creek	Approximately 10 feet upstream of Date Ave	+707	+706	City of Broken Arrow.
	Approximately 1050 feet upstream of S. Main St	+719	+720	
Floral Haven Creek	Confluence with Haikey Creek	+670	+674	City of Broken Arrow.
	Approximately 100 ft downstream of N. Aspen Ave	+724	+726	
Haikey Creek	Intersection with W. Houston St	+659	+661	City of Broken Arrow.
	Approximately 270 ft downstream of E. State Highway 51.	+730	+727	
Little Haikey Creek	Confluence with Haikey Creek	+623	+624	City of Broken Arrow.
	Approximately 30 ft. downstream of E. 76th St	+724	+725	
Middle Branch Haikey Creek	Confluence with East Branch Haikey Creek	+650	+651	City of Broken Arrow.
	Approximately 50 ft downstream of W. Kenosha St	+712	+716	
Olive Creek	Confluence with Haikey Creek	+656	+655	City of Broken Arrow.
	At intersection with Kenosha St	None	+700	
Park Grove Creek	Confluence with Middle Branch Haikey Creek	+684	+685	City of Broken Arrow.
	Approximately 100 ft downstream of N. Elm Pl	+718	+720	
Turtle Creek	Approximately 2000 Ft downstream of Aspen intersection.	+663	+666	City of Broken Arrow.
	Approximately 100 ft downstream of W. Houston St	+706	+704	
West Branch Haikey Creek Tributary.	Confluence with West Branch Haikey Creek	+664	+667	City of Broken Arrow.
	Approximately 580 Ft downstream of W. Elgin St	+670	+674	

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

ADDRESSES

City of Broken Arrow

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

Maps are available for inspection at 115 E. Commercial Street, Broken Arrow, OK 74013.

Send comments to The Honorable Wade McCaleb, Mayor, City of Broken Arrow, PO Box 610, Broken Arrow, OK 74013.

City of Collinsville

Maps are available for inspection at 106 N. 12th St., Collinsville, OK 74021.

Send comments to The Honorable Stan Sallee, Mayor, City of Collinsville, PO Box 730, Collinsville, OK 74021.

Unincorporated Areas of Tulsa County

Maps are available for inspection at 633 West 3rd, Room 140, Tulsa, OK 74127.

Send comments to The Honorable Randi Miller, Commissioner Chairman, 500 South Denver, Tulsa, OK 74103.

Unicoi County, Tennessee, and Incorporated Areas

Nolichucky River	Approximately 1,400 feet downstream of the confluence of South Indian Creek.	+1639	+1638	City of Erwin, Unincorporated Areas of Unicoi County.
	Approximately 2,280 feet upstream of the Chestoa Pike Bridge.	+1690	+1690	
North Indian Creek	Approximately 1,170 feet downstream of the Interstate 26 Bridge.	+1834	+1832	Town of Unicoi, Unincorporated Areas of Unicoi County.
	Approximately 100 feet downstream of the confluence of Scioto Creek.	+1924	+1920	
South Indian Creek	Approximately 440 feet upstream of the confluence with Nolichucky River.	+1643	+1641	Unincorporated Areas of Unicoi County, City of Erwin.
	Approximately 290 feet upstream of the Sandy Bottom Road Bridge.	+1681	+1680	

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

ADDRESSES

City of Erwin

Maps are available for inspection at Erwin Town Hall, 211 North Main Avenue, Erwin, TN 37650.

Send comments to W. Don Lewis, Mayor, Post Office Box 59, Erwin, TN 37650–0059.

Town of Unicoi

Maps are available for inspection at Unicoi Town Hall, 3600 Unicoi Drive, Unicoi, TN 37692.

Send comments to Johnny M. Lynch, Mayor, Post Office Box 39, Unicoi, TN 37692–0039.

Unincorporated Areas of Unicoi County

Maps are available for inspection at Post Office Box 169, Erwin, TN 37650–0169.

Send comments to Larry Rose, Mayor, Post Office Box 169, Erwin, TN 37650–0169.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 9, 2007.

David I. Maurstad,

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

[FR Doc. E7–16277 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
Vol. 72, No. 160
Monday, August 20, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Epic Gardens of Richmond, Virginia, an exclusive license to the varieties of edamame soybeans described in Plant Variety Protection Certificate Number 200300169, ''Moon Cake'', issued on December 15, 2003, Plant Variety Protection Certificate Number 200300208, ''Asmara'', issued on April 27, 2004, Plant Variety Protection Certificate Number 200300241, ''Randolf'', issued on April 27, 2004, and Plant Variety Protection Certificate Number 200300250, ''Owens'', issued on April 27, 2004.

DATES: Comments must be received within thirty (30) days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's rights in these plant varieties are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license these varieties as Epic Gardens of Richmond, Virginia has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E7–16241 Filed 8–17–07; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Modoc County Resource Advisory Committee, Alturas, CA 96101, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Modoc National Forest's Modoc County Resource Advisory Committee will meet Monday, August 27, 2007 in Alturas, California 96101, for a business meeting. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on August 27, 2007, will begin at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas, California 96101. Agenda topics will include presentations and discussions of projects to be funded in 2008 that meet the intent of Public Law 106–393. Time will also be set aside for public comments at the beginning of the meeting.

FOR FURTHER INFORMATION: Contact Stan Sylva, Forest Supervisor and Designated Federal Officer, at (530) 233–8700; or Rural Development and Partnership Specialist Dina McElwain at (530) 233–8723.

Stanley G. Sylva,

Forest Supervisor.

[FR Doc. E7–16291 Filed 8–17–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Solicitation of Nominations for Members of the Grain Inspection Advisory Committee

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice to solicit nominees.

SUMMARY: We are seeking nominations for people to serve on GIPSA's Grain Inspection Advisory Committee. The Grain Inspection Advisory Committee meets twice annually to advise GIPSA on the programs and services we deliver under the U.S. Grain Standards Act. Recommendations by the committee help us to better meet the needs of our customers who operate in a dynamic and changing marketplace.

DATES: We will consider nominations (Form AD–755) we receive by October 19, 2007.

ADDRESSES: We invite you to submit nominations for the Grain Inspection Advisory Committee. You may submit nominations (completed AD–755) by any of the following methods:

- E-Mail: Send Form AD–755 via electronic mail to *Terri.L.Henry@usda.gov.*
- Mail: Send hardcopy of Form AD–755 to Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633–S, Stop 3642, Washington, DC 20250–3642.
- Fax: Send Form AD–755 by facsimile transmission to: (202) 690–2173.
- Hand Delivery or Courier: Deliver Form AD–755 to: Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633–S, Stop 3642, Washington, DC 20250–3642.
- Federal eRulemaking Portal: Go to *http://www.regulation.gov.* Follow the on-line instruction for submitting comments. You may send a completed AD–755 through this Web site.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry, (202) 205–8281 or by e-mail at *Terri.L.Henry@usda.gov.*

SUPPLEMENTARY INFORMATION: As required by section 21 of the United States Grain Standards Act (USGSA) as amended, (7 U.S.C. 87j) the Secretary of Agriculture established the Grain Inspection Advisory Committee

(Advisory Committee) on September 29, 1981, to provide advice to the Administrator on implementation of USGSA. Currently, the authority for the Advisory Committee expires on September 30, 2015. As specified in USGSA, each member's term is 3 years and no member may serve successive terms.

As required by USGSA, the Advisory Committee presently consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, and exporters, including scientists with expertise in research related to the policies in section 2 of USGSA (7 U.S.C. 74). Members of the Advisory Committee serve without compensation. USDA may reimburse members for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular places of business in performance of Advisory Committee service, (see 5 U.S.C. 5703).

A list of current Advisory Committee members and other relevant information are available on the GIPSA Web site. Go to *http://www.gipsa.usda.gov* and under the section I Want To . . . click on Learn about the Advisory Committee.

We are seeking nominations for people to serve on the Advisory Committee to replace the five members and the five alternate members whose terms will expire in March 2008.

If you are interested in serving on the Advisory Committee or nominating someone else to serve, contact: GIPSA, by telephone (tel: 202–205–8281), fax (fax: 202–690–2173), or electronic mail (e-mail: *Terri.L.Henry@usda.gov*) and request Form AD–755. Form AD–755 may also be obtained via the Internet on GIPSA's Web site. Go to *http://www.gipsa.usda.gov* and under the section I Want To . . . click on Learn about the Advisory Committee then click on Form AD–755. Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Committee take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The final selection of Advisory Committee members and alternates will be made by the Secretary.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–16294 Filed 8–17–07; 8:45 am]

BILLING CODE 3410–KD–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC, Wednesday through Friday, September 5–7, 2007, at the times and location noted below.

DATES: The schedule of events is as follows:

Wednesday, September 5, 2007

10–Noon—Airport Ad Hoc Committee
1:30–3 p.m.—Technical Programs Committee
3–4—Transportation Vehicle Guidelines Ad Hoc Committee (Closed)
4–5—Passenger Vessels Guidelines Ad Hoc Committee (Closed)

Thursday, September 6, 2007

9–10 a.m.—Planning and Evaluation Committee
10–11—Accessible Design in Education Ad Hoc Committee
11–Noon—Ethics Briefing
2 p.m.–5—Public Hearing on Outdoor Developed Areas Proposed Rule

Friday, September 7, 2007

9–10:30 a.m.—Budget Committee
10:30–Noon—Executive Committee
Noon–2—Electronic and Information Technology Ad Hoc Committee
2:30–3:30 p.m.—Board Meeting

ADDRESSES: All meetings will be held at The Madison Hotel, 1177 15th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–0001 (voice) and (202) 272–0082 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items:

- Approval of the May 2007 draft Board Meeting Minutes.
- Airport Ad Hoc Committee Report.
- Transportation Vehicle Guidelines Ad Hoc Committee Report.
- Passenger Vessels Guidelines Committee Report.
- Accessible Design in Education Ad Hoc Committee Report.
- Electronic and Information Technology Ad Hoc Committee Report.
- Election Assistance Committee Report.
- Technical Programs Committee Report.
- Planning and Evaluation Committee Report.
- Budget Committee Report.
- Executive Committee Report.

All meetings are accessible to persons with disabilities. An assistive listening system, computer assisted real-time transcription (CART), and sign language interpreters will be available at the Board meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

Persons wishing to testify at the public hearing on the Board's Outdoor Developed Areas Proposed Rule should register in advance by contacting Kathy Johnson at 202.272.0041 (voice), or *Johnson@access-board.gov* (e-mail). Additional information regarding the proposed rule is available on the Board's Web site at the following address: *http://www.access-board.gov/news/outdoor-nprm.htm.*

James J. Raggio,

General Counsel.

[FR Doc. E7–16355 Filed 8–17–07; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Notice of Correction of Initiation of Antidumping Duty Investigation: Certain New Pneumatic Off-The-Road Tires From the People's Republic of China

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

EFFECTIVE DATE: August 20, 2007.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4243 or (202) 482–0650, respectively.

Correction:

On August 6, 2007, the Department of Commerce (''Department'') published the notice of initiation of the antidumping duty investigation of certain new pneumatic off–the-road tires from the People's Republic of China. *See Initiation of Antidumping Duty Investigation: Certain New Pneumatic Off–the-Road Tires From the People's Republic of China*, 72 FR 43591 (August 6, 2007) (''*Initiation Notice*''). Subsequent to the signature of the *Initiation Notice*, we identified an inadvertent error in the above–referenced notice.

Specifically, the due date for the submission of the separate–rate application was inadvertently identified as August 20, 2007, in the *Initiation Notice*. The correct due date is September 28, 2007.

Conclusion:

This notice serves solely to correct the due date for the separate rate–application as it appeared in the *Initiation Notice*. The Department's findings in the *Initiation Notice* remain unchanged. This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended.

Dated: August 13, 2007.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–16326 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–817]

Oil Country Tubular Goods From Mexico: Rescission of Antidumping Duty Administrative Review

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

SUMMARY: In response to requests from Hylsa S.A. de C.V (''Hylsa''), a Mexican manufacturer of oil country tubular goods (''OCTG''), and United States Steel Corporation (''petitioner''), the Department of Commerce (''the Department'') initiated an administrative review of the antidumping duty order on OCTG from Mexico. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006). This administrative review covered the period August 1, 2005, through July 31, 2006. We are now rescinding this review due to requests by parties to withdraw from the review.

EFFECTIVE DATE: August 20, 2007.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 7866, Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published an antidumping duty order on OCTG from Mexico on August 11, 1995. *See Antidumping Duty Order: Oil Country Tubular Goods from Mexico*, 60 FR 41056 (August 11, 1995). The Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order for the period August 1, 2005, through July 31, 2006, on August 1, 2006. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 71 FR 43441 (August 1, 2006). Hylsa requested that the Department conduct an administrative review of its sales subject to the antidumping duty order on OCTG from Mexico on August 31, 2006. In addition, petitioner United States Steel Corporation (''U.S. Steel'') requested that the Department conduct an administrative review of sales of merchandise covered by the order by Hylsa and Tubos de Acero de Mexico, S.A. (''TAMSA'') on August 31, 2006. In response to the requests from Hylsa and U.S. Steel, the Department published the initiation of the antidumping duty administrative review on OCTG from Mexico on September 29, 2006. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006).

The Department issued questionnaires to both Hylsa and TAMSA on October 11, 2006. The Department received responses from Hylsa on November 21, 2006, and December 20, 2007. The Department issued a supplemental questionnaire on February 16, 2007. Hylsa submitted the supplemental response on March 16, 2007.

On November 1, 2006, TAMSA submitted a letter to the Department stating that it had no shipments of OCTG to the United States during the period of review. The Department issued a ''No Shipment Inquiry'' to U.S. Customs and Border Protection (''CBP'') on February 5, 2007, to confirm that there were no shipments or entries of OCTG from Mexico exported by TAMSA during the period of review (''POR'') of the instant administrative review. The Department requested further information from CBP on February 28, 2007, to which CBP responded on April 5, 2007. The Department placed this information on the record of this proceeding on May 15, 2007. *See* Memorandum to the File from John Drury, Senior Case Analyst - Receipt of Documents from Customs and Border Protection Regarding Entries of Oil Country Tubular Goods from Mexico.

The Department extended the time limits for the preliminary results of this review on May 3, 2007. *See Oil Country Tubular Goods from Mexico: Extension of Time Limits for the Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 24562 (May 3, 2007).

On June 22, 2007, the Department revoked the antidumping duty order on OCTG from Mexico. *See Oil Country Tubular Goods from Argentina, Italy, Japan, Korea, and Mexico; Revocation of Antidumping Duty Orders Pursuant to Second Five-year (Sunset) Reviews*, 72 FR 34442 (June 22, 2007).

U.S. Steel withdrew its request for review with respect to Hylsa on July 13, 2007, and withdrew its request for review with respect to TAMSA on July 24, 2007. Hylsa withdrew its request for review on July 31, 2007.

Rescission of the Administrative Review

Pursuant to 19 CFR § 351.213(d)(3), the Secretary may rescind an administrative review, in whole or in part, if the Secretary concludes that there were no entries, exports, or sales of the subject merchandise, as the case may be, during the period covered by the review. Also, pursuant to 19 CFR § 351.213(d)(1), the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. *See* 19 CFR § 351.213(d)(1). U.S. Steel's and Hylsa's requests are past the 90-day time limit; however, we find that it is reasonable to extend this deadline for the following reasons: (1) the Department has revoked this antidumping duty order, and (2) all parties that requested reviews have withdrawn their requests and no party has objected to the termination of the review. Therefore, the Department determines that the continuation of the administrative review is not necessary. Therefore, in response to U.S. Steel's and Hylsa's withdrawals of their requests for administrative reviews as well as the fact that there is no evidence that TAMSA had any shipments of subject merchandise during the POR pursuant to 19 CFR § 351.213(d)(1) and (d)(3), the Department hereby rescinds the administrative review of the antidumping duty order on OCTG from Mexico for the period August 1, 2005, through July 31, 2006. The Department intends to issue assessment instructions to CBP 41 days after the date of publication of this rescission of administrative review. *See* section 356.8(a) of the Department's regulations.

This notice serves as a 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(a)(3). Timely written notification of the return or 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 sanctionable violation.

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR § 351.213(d)(4).

Dated: August 13, 2007.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–16325 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Florida Keys National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Florida Keys National Marine Sanctuary (FKNMS) is seeking applications for the following vacant seats on its Sanctuary Advisory Council (council): Boating Industry (alternate), Citizen at Large—Lower Keys (member), Citizen at Large—Lower Keys (alternate), Conservation and Environment [1 of 2] (member), Conservation and Environment [2 of 2] (alternate), Diving—Lower Keys (member), Diving—Lower Keys (alternate), Diving—Upper Keys (member), Education and Outreach (member), Fishing—Charter Fishing Flats Guide (member), Fishing—Charter Fishing Flats Guide (alternate), Fishing—Commercial—Marine/Tropical (member), Fishing—Commercial—Shell/Scale (alternate), Research and Monitoring (member), Submerged Cultural Resources (alternate), Tourism—Lower Keys (member), Tourism—Lower Keys (alternate), Tourism—Upper Keys (member), and Tourism—Upper Keys (alternate).

Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; residency in the Sanctuary area; and philosophy regarding the protection and management of marine resources. Applicants who are chosen for seats normally serve three-year terms, pursuant to the Council's charter.

DATES: Applications are due by September 21, 2007.

ADDRESSES: Application packages may be obtained from the Sanctuary Advisory Council and Volunteer Coordinator at *Lilli.Ferguson@noaa.gov*, from the Web site at *www.floridakeys.noaa.gov*, by telephone at (305) 292–0311 x245 or in writing at Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040. Completed applications should be sent to the same address listed above.

FOR FURTHER INFORMATION CONTACT: Lilli Ferguson at the above address, e-mail or telephone number.

SUPPLEMENTARY INFORMATION: Information concerning the council, including past meeting minutes and member contact information can be found at the sanctuary Web site.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 9, 2007.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration.

[FR Doc. 07–4051 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Recreational Diving, Oil and Gas Production, Education and Commercial Fishing (Alternate) Seats for the Flower Garden Banks National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Flower Garden Banks National Marine Sanctuary (FGBNMS or Sanctuary) is seeking applicants for the Recreational Diving, Oil and Gas Production, Education and Commercial Fishing (alternate), seat on its Sanctuary Advisory Council (Council). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the Sanctuary. The Applicant chosen as a member should expect to serve a 2-year term, pursuant to the Council's Charter.

DATES: Applications are due by September 10, 2007.

ADDRESSES: Application kits may be obtained from Jennifer Morgan at NOAA—Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Jennifer Morgan, NOAA—Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551, 409–621–5151 ext. 103, *Jennifer.Morgan@noaa.gov*.

SUPPLEMENTARY INFORMATION: Located in the northwestern Gulf of Mexico, the Flower Garden Banks National Marine Sanctuary includes three separate areas, known as East Flower Garden, West Flower Garden, and Stetson Banks. The Sanctuary was designated on January 17, 1992. Stetson Bank was added to the Sanctuary in 1996. The Sanctuary Advisory Council will consist of no more than 11 members; 8 non-governmental voting members and 3 governmental non-voting members. The Council may serve as a forum for consultation and deliberation among its members and as a source of advice to the Sanctuary manager regarding the management of the Flower Garden Banks National Marine Sanctuary.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 9, 2007.

Daniel J. Basta,

Director, National Marine Sanctuary Program, National Ocean Services, National Oceanic and Atmospheric Administration.

[FR Doc. 07–4052 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XC14

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) Multispecies (Groundfish) Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Wednesday, September 5, 2007, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535–4600.

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 committee's agenda are as follows:

The Multispecies (Groundfish) Oversight Committee will meet to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan. The Committee will continue its discussion of sector management issues. They will review draft text summarizing recommendations for sector policies made by the Committee at its meeting on August 1, 2007. The Committee will also review specific sector proposals, identifying elements that may need revisions to sector implementing regulations. They will review suggestions for changes to the effort control systems for common pool vessels. They will identify which suggestions will impact fishing mortality and may develop recommendations on those measures that should not be pursued in Amendment 16. The Committee may also discuss other Amendment 16 issues. Committee recommendations will be forwarded to the Council for action at a future date.

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: August 15, 2007.

Tracey L Thompson,

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

[FR Doc. E7–16275 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XC15

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Crab Committee will meet in Seattle, WA..

DATES: The meeting will be held on September 5, 2007, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Swedish Culture Center, 1920 Dexter Avenue North, Seattle, WA 98109.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Mark Fina, North Pacific Fishery Management Council; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: Agenda items include: (1) the current uses of B shares (those shares exempt from the processing share landing requirements) and whether those uses are consistent with the Council's original intent for the use of B shares, and (2) regulatory issues related to administration of the harvest share and processing share allocations and the arbitration program.

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 Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: August 15, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–16273 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XC12

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 Pacific Fishery Management Council's (Council) Salmon Advisory Subpanel (SAS) will hold a work session by telephone conference, which is open to the public,

to develop recommendations for the September 2007 Council meeting.

DATES: The telephone conference will be held Thursday, September 6, 2007, from 9 a.m. to 12 p.m.

ADDRESSES: A listening station will be available at the Pacific Fishery Management Council, Small Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to review information in the Council's September meeting briefing book related to salmon management, and to develop comments and recommendations for consideration at the September Council meeting.

Although non-emergency issues not contained in the meeting agenda may come before the SAS for discussion, those issues may not be the subject of formal SAS action during this meeting. SAS action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the SAS'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 Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: August 15, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–16274 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XC13

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 Pacific Fishery Management Council's (Council)Model Evaluation Workgroup (MEW) will hold a work session by telephone conference, which is open to the public, to develop recommendations for the September 2007 Council meeting.

DATES: The telephone conference will be held Tuesday, September 4, from 1 p.m. to 4 p.m.

ADDRESSES: A listening station will be available at the Pacific Fishery Management Council, Small Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to review information in the Council's September meeting briefing book related to salmon management, and to develop comments and recommendations for consideration at the September Council meeting.

Although non-emergency issues not contained in the meeting agenda may come before the MEW for discussion, those issues may not be the subject of formal MEW action during this meeting. MEW action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the MEW'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 Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: August 15, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–16276 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Safety Interoperable Communications (PSIC) Grant Program

AGENCY: National Telecommunications and Information Administration, Commerce

ACTION: Amendment to Notice of Availability of Funds

SUMMARY: On July 23, 2007, the National Telecommunications and Information Administration (NTIA) published a Notice of Availability of Funds in the *Federal Register*, 72 Fed. Reg. 40120, for the Public Safety Interoperable Communications (PSIC) Grant Program. On August 3, 2007, the President signed into law the Improving Emergency Communications Act of 2007, Pub. L. No. 110-53, which amended Section 3006 of the Deficit Reduction Act of 2005 that authorized the PSIC Grant Program. This Notice provides amendments to PSIC Grant Program Notice of Availability of Funds.

DATES: This amendment to the Final Rule takes effect immediately. Each State and Territory continues to be required to submit its application and narrative no later than 11:59 p.m. on August 22, 2007. Each State and Territory, however, will now be required to submit its Statewide Communications Interoperability Plans and Investment Justification under the PSIC Grant Program no later than December 3, 2007.

ADDRESSES: Please see 72 Fed. Reg. 40120.

FOR FURTHER INFORMATION CONTACT: Laura Pettus, Program Specialist, Public Safety Interoperable Communications, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PSIC can also be obtained electronically via the Internet at www.ntia.doc.gov/psic.

SUPPLEMENTARY INFORMATION: On July 23, 2007, the National Telecommunications and Information Administration (NTIA) published a Notice of Availability of Funds in the *Federal Register*, 72 Fed. Reg. 40120, for the Public Safety Interoperable Communications (PSIC) Grant Program. On August 3, 2007, the President signed into law the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53. Title XXII of that Act, known as the Improving Emergency Communications Act of 2007, amended Section 3006 of the Deficit Reduction

Act of 2005 which originally authorized the PSIC Grant Program.

Specifically, Section 2201 of Pub. L. No. 110-53 expanded the PSIC Grant Program's purpose by: (1) including planning and coordination as eligible costs; (2) explicitly permitting funds to be used for equipment and software; (3) allowing investments in other public safety communications spectrum bands; and (4) requiring the establishment and implementation of strategic technology reserve by public safety agencies. Accordingly, NTIA now amends the Notice of Availability of Funds as follows to include pre-positioning activities as a program and selection priority; to remove the restriction involving 700 MHz frequency band; to amend the Funding Availability section to set aside $75 million to fund pre-positioning activities; and to exclude planning and coordination activities from the 20% cost share requirement.

Program Information

The PSIC Grant Program will assist public safety agencies in the planning and coordination with, the acquisition of, deployment of, or training for the use of interoperable communications equipment, software, and systems that:

(1) utilize reallocated public safety spectrum for radio communication[1];

(2) enable interoperability with communications systems that can utilize reallocated public safety spectrum for radio communications; or

(3) otherwise improve or advance the interoperability of public safety communications systems that utilize other public safety spectrum bands.

NTIA is seeking solutions from public safety agencies that (1) achieve meaningful and measurable improvements in the state of interoperability for public safety communications and (2) fill interoperability gaps identified in the Statewide Plans.

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate a specific technology solution for public safety agencies. However, NTIA has identified the following technology and all hazards related priorities that States and Territories must consider when selecting projects for PSIC funding:

1. Technology

a. Adopt advanced technological solutions

b. Improve spectrum efficiency

c. Use cost-effective measures

2. All Hazards Mitigation

a. Improve communications in areas at high risk for natural disasters

b. Continue to improve interoperability efforts in urban and metropolitan areas at high risk for threats of terrorism

c. Pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster

Funding Availability

Table 1 - PSIC State/Territory Allocation

State/Territory	PSIC Funding	STR Funding
Alabama	$13,585,399	$1,052,169
Alaska	$7,250,345	$561,529
American Samoa	$691,948	$53,590
Arizona	$17,713,050	$1,371,850
Arkansas	$11,169,402	$865,054
California	$94,034,510	$7,282,835
Colorado	$14,336,638	$1,110,352
Connecticut	$12,999,879	$1,006,822
Delaware	$8,196,842	$634,833
District of Columbia	$11,857,972	$918,383
Florida	$42,888,266	$3,321,633
Georgia	$25,311,354	$1,960,327
Guam	$2,600,678	$201,419
Hawaii	$8,069,879	$625,000
Idaho	$7,289,795	$564,584
Illinois	$36,414,263	$2,820,231
Indiana	$18,291,735	$1,416,668
Iowa	$10,935,974	$846,975
Kansas	$10,667,169	$826,157
Kentucky	$15,405,625	$1,193,143
Louisiana	$19,672,287	$1,523,590
Maine	$7,567,579	$586,098
Maryland	$22,934,593	$1,776,251
Massachusetts	$21,191,988	$1,641,288
Michigan	$25,039,781	$1,939,294
Minnesota	$14,262,071	$1,104,577
Mississippi	$10,989,345	$851,109
Missouri	$17,465,576	$1,352,683
Montana	$6,549,685	$507,263
Nebraska	$8,582,108	$664,672
Nevada	$12,042,417	$932,668
New Hampshire	$5,966,760	$462,117
New Jersey	$30,806,646	$2,385,930
New Mexico	$8,288,725	$641,950
New York	$60,734,783	$4,703,820
North Carolina	$22,130,199	$1,713,952
North Dakota	$7,052,490	$546,205
Northern Mariana Islands	$719,236	$55,704
Ohio	$29,377,337	$2,275,232
Oklahoma	$11,684,183	$904,923
Oregon	$12,182,532	$943,519
Pennsylvania	$34,190,555	$2,648,008
Puerto Rico	$9,590,025	$742,733
Rhode Island	$7,365,694	$570,462
South Carolina	$13,499,308	$1,045,502
South Dakota	$6,549,691	$507,264
Tennessee	$17,540,752	$1,358,506
Texas	$65,069,247	$5,039,518
U.S. Virgin Islands	$856,907	$66,366
Utah	$10,353,261	$801,845
Vermont	$4,476,761	$346,719
Virginia	$25,012,521	$1,937,183
Washington	$19,180,347	$1,485,490
West Virginia	$8,429,484	$652,851
Wisconsin	$15,367,216	$1,190,168
Wyoming	$5,952,187	$460,988
Total	**$968,385,000**	**$75,000,002**

Pursuant to Section 2201 of Pub. L. No. 110-53, States and Territories will be required to establish and implement a strategic technology reserve (STR) to pre-position or secure interoperable communications in advance for immediate deployment in an emergency situation or major disaster. The PSIC Grant Program has apportioned a total of $75 million for STR Funding. Each State or Territory has been allocated a presumptive funding amount proportionate to its total allocation under the program.

To be considered for PSIC funding, the STR must be capable of re-establishing communications when existing critical infrastructure is damaged or destroyed in an emergency or a major disaster. STR projects should include the following:

(1) appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

(2) equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

(3) contracts (including pre-negotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

(4) arrangements for training to ensure the personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

States and Territories should ensure that they submit Investment Justifications reflecting projects that include at least the presumptive funding

[1] For purposes of this program, the term "reallocated public safety spectrum" will mean the band of spectrum located at 764–776 megahertz and 794–806 megahertz, inclusive.

amount to establish and implement a strategic technology reserve (STR) to pre-position or secure interoperable communications in advance for immediate deployment in an emergency situation or major disaster. If a State or Territory is not submitting a PSIC Investment for the STR, it must submit a detailed written explanation along with its Investment Justification that demonstrates that it has already implemented such a strategic technology reserve or that other funded project proposals represent a higher priority for public safety communications. Upon a finding by the Assistant Secretary that the State or Territory has met the demonstration requirement, it may use the presumptive funding amount for other approved PSIC projects.

Funding Priorities and Selection Factors

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate the technology or approach for public safety agencies. However, NTIA has identified that when selecting projects for PSIC funding States and Territories must consider: (1) technology, including adoption of advanced technological solutions, improved spectrum efficiency, and cost-effective measures; and (2) solutions that support capabilities in response to all hazards approach regardless of their source or cause, including improving communications in areas at high risk for natural disasters and in urban and metropolitan areas at high risk for threats of terrorism, as well as pre-positioning or securing interoperable communications in advance for immediate deployment in an emergency or major disaster.

In addition, NTIA will review each Statewide Plan to ensure that States and Territories address the following PSIC requirements: how public safety agencies will plan and coordinate, acquire, deploy, and train on communications equipment, software, and systems that use - or enable interoperability with communications systems that use - in the reallocated public safety spectrum or otherwise improve or advance the interoperability with public safety communications systems that utilize other public safety spectrum bands; how a strategic technology reserve will be established and implemented to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster; how local and tribal government entities' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable; and how authorized nongovernmental organizations' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable.

Cost Sharing Requirements

The PSIC Grant Program requires cost sharing. By statute, each public safety agency receiving PSIC funds is required to meet and document the 20 percent statutory match requirement for each project. The SAA is required to track and report the 20 percent match requirement for each individual project that receives PSIC funds for efforts other than planning and coordination and training which do not require any match. The match requirements can be met through cash or in-kind sources consistent with 15 C.F.R. § § 24.3, 24.24. This documentation must demonstrate that match funds are from non-federal sources.

As provided in 48 U.S.C. § 1469a, the requirement for local matching funds under $200,000 (including in-kind contributions) is waived for the Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Applicants are exempt from the 20 percent match for all pre-award costs related to the Statewide Plans.

Training activities can make up no more than 20 percent of a State's or Territory's total federal allocationfor the PSIC Program.

Each STR project will be considered as an individual Investment and subject to the above cost sharing requirements.

All other substantive provisions of the PSIC Grant Program Notice of Availability of Funds remain unchanged. Additional information on these changes is available in Modification 1 of the Federal Funding Opportunity Notice under CFDA Number 11.555 available at http://www.grants.gov/search/search.do?oppId=14878&mode=VIEW and in the Revised Grant Guidance available at www.ntia.doc.gov/.

Executive Order 12866

The amendment to this rule has been determined not to be Economically Significant under Executive Order 12866.

Executive Order 13132, Federalism

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and opportunity for public comment are not required by the Administrative Procedure Act or any other law for this rule concerning grants, benefits, and contracts (5 U.S.C. § 553(a) (2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. § 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. § 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Congressional Review of Agency Rulemaking

NTIA has not submitted this final rule to the Congress and the Government Accountability Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. § 801 *et seq.* This amendment is not a ''major rule'' within the meaning of the Act.

Dated: August 16, 2007.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 07–4083 Filed 8–16–07; 11:18 am]

BILLING CODE 3510–60–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

August 14, 2007.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA).

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

EFFECTIVE DATE: August 20, 2007.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain raschel knit open work crepe fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR region. The product will be added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Maria Dybczak, Office of Textiles and

Apparel, U.S. Department of Commerce, (202) 482–3651.

FOR FURTHER INFORMATION ON-LINE: http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf.Reference number: 31.2007.07.13.Fabric.SoriniSametforHansoll

SUPPLEMENTARY INFORMATION:

Authority: Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

Background:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. Articles that otherwise meet the rule of origin to qualify for preferential treatment are not disqualified because they contain one of the products on the Annex 3.25 list.

The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Act states that the President will make a determination on whether additional fabrics, yarns, and fibers are available in commercial quantities in a timely manner in the territory of any Party.

The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of the CAFTA-DR Act for modifying the Annex 3.25 list. On March 21, 2007, CITA published final procedures it would follow in considering requests to modify the Annex 3.25 list (72 FR 13256).

On July 13, 2007, the Chairman of CITA received a request from Sorini Samet & Associates, LLC, on behalf of their client, Hansoll Textile Ltd., for certain raschel knit open work crepe fabrics of the specifications detailed below. On July 17, 2007, CITA notified interested parties of, and posted on its website, the accepted request and requested that any interested entity provide, by July 27, 2007, a response advising of its objection to the request or its ability to supply the subject product, and rebuttals to responses by August 2, 2007.

No interested entity filed a response advising of its objection to the request or its ability to supply the subject product.

In accordance with Section 203(o)(4)(C)(iii)(II) of the CAFTA-DR Act, and its procedures, as no interested entity submitted a response objecting to the request or expressing an ability to supply the subject product, CITA has determined to add the specified fabrics to the list in Annex 3.25 of the CAFTA-DR Agreement.

The subject fabrics are added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities. A revised list has been published on-line.

Specifications:

HTS Subheading:	6005.42.00.10, 6005.44.00.10
Overall Fiber Content:	73% viscose rayon/ 24% nylon/ 3% spandex
Constituent Yarns:	1. 32/2 to 36/2 metric (18.9/2 to 21.2/2 english) spun viscose rayon 2. 163.7 to 152.4 metric (55 to 59 denier)/ 10 filament nylon 3. 43.3 to 42.9 metric (208 to 210 denier) spandex wrapped around 132to 125 metric (68 to 72 denier) nylon
Machine Gauge:	18
Number of Bars:	16
Width:	Not less than 137cm (54 inches) cuttable for piece dyed goods; not less than 147.32 cm (58 inches) for printed goods
Weight:	0.23kg per square meter (0.659 linear yards per lb.), plus or minus 5 percent
Coloration:	(Piece) dyed; printed

In addition, this fabric has a unique ''blistered'' face requiring each of the constituent yarns to be fed separately, with small, regular open-work interstices, representing about 15% of the total surface area.

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E7–16323 Filed 8–17–07; 8:45 am]

BILLING CODE 3510–DS

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

August 15, 2007.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA).

ACTION: Determination to add two products in unrestricted quantities to Annex 3.25 of the CAFTA–DR Agreement

EFFECTIVE DATE: August 20, 2007.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that two woven fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA–DR region. The products will be added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Richard Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2582.

FOR FURTHER INFORMATION ON-LINE: http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf.Reference number: 23.2007.06.18.Fabric.GovernmentoftheDominicanRepublic.

SUPPLEMENTARY INFORMATION:

Authority: Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA–DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA–DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

Background:

The CAFTA–DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA–DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. Articles that otherwise meet the rule of origin to qualify for preferential treatment are not disqualified because they contain one of the products on the Annex 3.25 list.

The CAFTA–DR Agreement provides that this list may be modified pursuant to Article 3.25(4)–(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA–DR Act states that the President will make a determination on whether additional fabrics, yarns, and fibers are available in commercial quantities in a timely manner in the territory of any Party.

The CAFTA–DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of the CAFTA–DR Act for modifying the Annex 3.25 list. On March 21, 2007, CITA published final procedures it would follow in considering requests to modify the Annex 3.25 list (72 FR 13256) (Final Procedures).

On June 18, 2007, CITA received a Request from The Government of the Dominican Republic for a commercial availability determination under the CAFTA–DR for 29 fabrics. On June 20, 2007, in accordance with CITA's Final Procedures, CITA notified interested parties of the Request and requested that responses with offers to supply be submitted by July 2, 2007, and rebuttals to responses be submitted by July 9, 2007. At the same time, the Request was posted on the dedicated CAFTA–DR commercial availability Web site.

In accordance with section 203(o)(4)(C)(iii)(II) of the CAFTA–DR Act, and section 8(c)(2) of the Final Procedures, as no interested entity submitted a response objecting to two of the fabrics of the request or expressed an ability to supply the subject products, CITA has determined to add the two specified fabrics to the list in Annex 3.25 of the CAFTA–DR Agreement.

The subject fabrics are added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities. A revised list has been published on-line.

Specifications of the two woven fabrics:

HTS Subheading:	5211.31.0020
Fiber content:	75% cotton, 25% nylon woven fabric
Yarn:	
warp yarn size:	35.5/1 metric cotton
filling yarn size:	35.5/1 metric (slub yarn of cotton wrapped around a 45 metric filament nylon)
	41 warp ends/cm.
	22 filling picks/cm
weight:	223 grams per square meter
width:	147 cm
weave type:	plain
Finish:	piece dyed

(Variance allowance of up to three percent for yarn size, thread count, fabric weight, and fabric width for the above fabric)

HTS Subheading:	5801.32
Fiber content:	86% polyester 14% nylon woven corduroy fabric
Yarn:	
warp yarn size:	60 metric filament polyester
filling yarn size:	60 metric filament polyester and a 56 metric filament nylon
	28 warp ends/cm
	63 filling picks/cm.
weight:	250 grams per square meter
width:	150 cm.
weave type:	corduroy – 3 wales per cm.
Finish:	piece dyed

(Variance allowance of up to three percent for yarn size, thread count, fabric weight, and fabric width for the above fabric)

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E7–16425 Filed 8–17–07; 11:17 am]

BILLING CODE 3510–DS–S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, September 7, 2007.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, 202–418–5100.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 07–4093 Filed 8–16–07; 1:43 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, September 14, 2007.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, 202–418–5100.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 07–4094 Filed 8–16–07; 1:43 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, September 21, 2007.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, 202–418–5100.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 07–4095 Filed 8–16–07; 1:43 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, September 28, 2007.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, 202–418–5100.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 07–4096 Filed 8–16–07; 1:43 pm]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0006]

Federal Acquisition Regulation; Submission for OMB Review; Subcontracting Plans/Subcontracting Report for Individual Contracts (Standard Form 294)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning subcontracting plans/ subcontracting report for individual contracts (Standard Form 294). A request for public comments was published in the **Federal Register** at 72 FR 18963, on April 16, 2007. No comments were received. This OMB clearance expires on August 31, 2007.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before September 19, 2007.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Rhonda Cundiff, Contract Policy Division, GSA (202) 501–0044.

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with Federal Acquisition Regulation 19.702, contractors receiving a contract for more than the simplified acquisition threshold agree to have small business, small disadvantaged business, and women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns participate in the performance of the contract as far as practicable. Contractors receiving a contract or a modification to a contract expected to exceed $550,000 ($1,000,000 for construction) must submit a subcontracting plan that provides maximum practicable opportunities for the above named concerns. Specific elements required to be included in the plan are specified in section 8(d) of the Small Business Act and implemented in FAR Subpart 19.7.

In conjunction with these plans, contractors must submit semiannual reports of their progress on Standard Form 294, Subcontracting Report for Individual Contracts.

B. Annual Reporting Burden

Respondents: *4,253*.

Responses Per Respondent: *3.44*.

Total Responses: *14,622*.

Hours Per Response: *50.56*.

Total Burden Hours: *739,225*.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0006, Subcontracting Plans/ Subcontracting Report for Individual Contracts (Standard Form 294), in all correspondence.

Dated: August 14, 2007.

Al Matera,

Acting Director, Contract Policy Division.

[FR Doc. 07–4059 Filed 8–17–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of an Environmental Impact Statement (EIS) for Resumption of Year-Round Live-Fire Training at Eagle River Flats (ERF), Fort Richardson, AK

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Army intends to prepare an EIS to assess the potential environmental impacts associated with the resumption of year-round live-fire weapons training at Fort Richardson, including use of direct and indirect fire weapons systems. The EIS will analyze the proposed action's impacts upon the natural and manmade environment.

DATES: Written comments identifying potential impacts to be analyzed in the EIS must be received not later than September 19, 2007.

ADDRESSES: Written comments should be forwarded to Ms. Carrie McEnteer, Directorate of Public Works, Attention: IMPA–FWA–PWE (C. McEnteer), 1060 Gaffney Road #4500, Fort Wainwright, AK 99703–4500; fax: (907) 353–9867; e-mail: *carrie.mcenteer@us.army.mil.*

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Robert Hall, Public Affairs Office, 724 Postal Service Loop Road #6000, Building 600, Room B349, Fort Richardson, AK 99505–6000; telephone: (907) 384–2546, e-mail: *robert.hall33@us.army.mil.*

SUPPLEMENTARY INFORMATION: Fort Richardson has undergone extensive transformation in recent years, including stationing of the 4th Brigade Combat Team (Airborne); 25th Infantry Division (Light); and temporary stationing of the 1st Stryker Brigade Combat Team, 25th Infantry Division. The proposed action would allow units to train year round at Fort Richardson and receive necessary weapons proficiency training. Weapons proficiency is a critical component of combat, and training must include live-fire exercises using both direct and indirect fire weapons. Indirect fire refers to the use of weapons such as artillery and mortars to fire at targets from beyond line-of-sight distances or from positions where line-of-sight is not possible. Direct fire, in contrast, is the use of small arms, machine guns, rockets, or missiles to fire at targets that can be observed or are within the line-of-sight.

The ERF Impact Area is the only impact area on Fort Richardson which can be used for live-fire artillery and mortar training. The Army has utilized ERF for weapons training since the 1940s and a wide range of direct and indirect fire weapons have been used at this site, including mortars, howitzers, missiles, rockets, and small arms. Currently, ERF can only be used for live-fire weapons training during winter months when wetland sediments are frozen, which requires Fort Richardson units to travel to Fort Wainwright and Donnelly Training Area to complete training requirements during the summer. Firing restrictions were imposed in 1991 following completion of an environmental assessment that established a link between firing munitions containing white phosphorus and waterfowl mortality at ERF. The intent of limiting weapons firing to winter months was two-fold; first, to reduce possible disturbance and redistribution of white phosphorus within wetlands in order to decrease the chance for additional waterfowl mortality; and, second, to mitigate possible noise impact on ERF until such time as the Army properly evaluated the effect on resident wildlife.

Following the discovery that white phosphorus was the cause of waterfowl mortality in 1991, Fort Richardson (to include the ERF ordnance impact) was listed on the National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A comprehensive remedial investigation was undertaken as part of the CERCLA process and white phosphorus was determined to be the only contaminant of concern at ERF. In 1998, a CERCLA Record of Decision that outlined the process for cleanup of white phosphorus at ERF was signed by the U.S. Army Alaska, U.S. Environmental Protection Agency, and the State of Alaska. Remedial actions at ERF have resulted in successful treatment of 99% of the wetlands and reduced waterfowl mortality to acceptable levels in accordance with the Record of Decision.

Environmental conditions have significantly improved at ERF since 1991, and the Army is proposing to reassess potential impacts at ERF from year-round use. U.S. Army Alaska proposes to remove existing winter only live-fire restrictions and return to year-round weapons training in order to fulfill current training needs at Fort Richardson. Both direct and indirect fire weapons would be used. Use of white phosphorus containing munitions in ERF would still be banned under the proposed action.

Potential impacts resulting from the proposed action include possible disturbance of white phosphorus lying below the surface in contaminated areas, accumulation of munitions residues, increased noise, and physical disturbance of natural resources. The environmental components to be evaluated in the EIS include environmental health and safety, wildlife and fisheries, soil, water resources, cultural resources, noise, air quality, vegetation, and socioeconomics. Analysis of additional environmental components may be added based upon input from agency and tribal consultations and public scoping.

A range of reasonable alternatives, including an alternative considering ''No Action'' will be developed and analyzed in the EIS. The No Action Alternative represents the status quo with respect to live-fire training at ERF. Alternatives to be considered include varying the degree, timing, and location of weapons training at Fort Richardson and will take into consideration environmental components such as migratory bird and beluga whale migrations. Other alternatives reasonably capable of meeting the project purpose and need and criteria that may be raised during the scoping process will be considered.

Scoping and Public Comment: Federally-recognized Indian Tribes, Native Alaskans, Native Hawaiian groups, Federal, State, and local agencies, organizations, and interested members of the public are invited to participate in the scoping process for the completion of this EIS by participating in scoping meetings or submitting written comments. The scoping process will help identify possible alternatives, potential environmental impacts, means to mitigate adverse environmental impacts, and key issues of concern to be analyzed in the EIS. Scoping meetings will be held in Anchorage, Alaska and surrounding areas. Notification of the times and locations for the scoping meetings will be published in local newspapers.

Dated: August 5, 2007.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health).

[FR Doc. 07–4038 Filed 8–18–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name of Committee: Army Education Advisory Committee.

Date: September 13, 2007.

Place: The Pentagon, Room 2E477, Arlington, VA 20310.

Time: 0900–1700.

Proposed Agenda: The meeting agenda includes an overview of Army training and a Pentagon tour, an overview of Federal Advisory committees, an update on the five subcommittees: Defense Language Institute Foreign Language Center, Command and General Staff College, Army War College, Distance Learning/Training Technology Applications, and the Reserve Officer Training Corps, and discussions focused on education and training within the Department of the Army.

Purpose of the Meeting: To provide for the continuous exchange of information and ideas for training and education between the U.S. Army Training and Doctrine Command (TRADOC), HQ Department of the Army, and the academic and business communities.

FOR FURTHER INFORMATION CONTACT: All communications regarding this committee should be addressed to Mr. Carlton Hardy, at Commander, Headquarters TRADOC, ATTN: ATTG–CT (Mr. Hardy), Fort Monroe, VA 23651–5000; e-mail: *carlton.hardy@us.army.mil.*

SUPPLEMENTARY INFORMATION: Meeting of the advisory committee is open to the public. Because of restricted meeting space and building security, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend. Contact Mr. Hardy (*carlton.hardy@us.army.mil*) for meeting agenda and specific locations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Robert E. Seger,

Senior Executive Service, Assistant Deputy Chief of Staff, G–3/5/7.

[FR Doc. 07–4057 Filed 8–17–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name of Committee: Distributed Learning/Training Technology Subcommittee of the Army Education Advisory Committee.

Date: 18–19 September 2007.

Place: Building 1737, Fort Eustis, VA.

Time: 0800–1630 on September 18, 2007; 0800–1500 on September 19, 2007.

Proposed Agenda: Initial starting point of meeting will include Updates on The Army Distributed Learning Program (TADLP) and infrastructure, followed by discussions that focus on learning and technology.

Purpose of the Meeting: To provide for the continuous exchange of information and ideas for distributed learning between the U.S. Army Training and Doctrine Command (TRADOC), HQ Department of the Army, and the academic and business community.

FOR FURTHER INFORMATION CONTACT: All communications regarding this subcommittee should be addressed to MAJ Brian Tidwell, at Commander, Headquarters TRADOC, ATTN: ATTG–CL (MAJ Tidwell), Fort Monroe, VA 23651–5000; telephone number (757) 788–5532.

SUPPLEMENTARY INFORMATION: Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend. Contact MAJ Tidwell (757–788–5532) for meeting agenda and specific leocations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Robert E. Seger,

Senior Executive Service, Assistant Deputy Chief of Staff, G–3/5/7.

[FR Doc. 07–4058 Filed 8–17–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB)

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: September 6–7, 2007.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Time: 8 a.m. to 5 p.m. (September 6, 2007). 8 a.m. to 11 a.m. (September 7, 2007).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel Richard B. Jenkins, Executive Secretary, Commander, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199.

SUPPLEMENTARY INFORMATION: The Board provides broad policy guidance and review of plans and fund requirements for the conduct of research and development of research projects in consonance with the needs of the coastal engineering field and the objectives of the Chief of Engineers.

Proposed Agenda: The morning session on Thursday, September 6, will be devoted to a report of the Board's findings and recommendations from its recent mission to The Netherlands regarding Systems Approaches to Flood Risk Management. The morning session will also include presentations from the U.S. Army Corps of Engineers to review research underway or planned for immediate initiation regarding flood risk management. The afternoon session will include presentations from other Federal and State agencies engaged in flood risk management in the United States. Friday morning, September 7, is devoted to Board Executive Session discussing ongoing initiatives and actions.

These meetings are open to the public; participation by the public is scheduled for 4 p.m. on Thursday, September 6.

The entire meeting is open to the public, but since seating capacity of the meeting is limited, advance notice of attendance is required. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Richard B. Jenkins,

Colonel, Corps of Engineers Executive Secretary.

[FR Doc. 07–4056 Filed 8–17–07; 8:45 am]

BILLING CODE 3710–61–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 19, 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: August 14, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Improving Literacy Through School Libraries.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 100.

Burden Hours: 500.

Abstract: This information is required by the Program Statute under Title I of ESEA, as amended by the No Child Left Behind Act, Part B, Subpart 4, Section 1251(h)(1). Each respondent will report on '' * * * how the funding was used and the extent to which the availability of, the access to, and the use of, up-to-date school library media resources in the elementary and secondary schools served by the eligible local educational agency was increased.'' This final report makes specific requests for easily retrieved information on each approved activity, personnel descriptions and outcomes that cannot be derived from any other information collection.

In addition, under (j)(1) NATIONAL ACTIVITIES, the statute requires independent evaluations of the activities supported by funds and their impact on improving the reading skills of students not later than 3 years after the date of the enactment of the No Child Left Behind Act of 2001 and biennially thereafter. This information collection is one of three sources of data for the Congressionally mandated program evaluation.

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 3443. 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. E7–16261 Filed 8–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 19, 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: August 14, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services Office of Management.

Federal Student Aid

Type of Review: Extension.

Title: **Federal Register** Notice Inviting Applications for the Participation in the Quality Assurance (QA) Program.

Frequency: One time.

Affected Public: Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 125.

Burden Hours: 125.

Abstract: With this notice, the Secretary invites institutions of higher education to send a letter of application to participate in the Department of Education's Quality Assurance (QA) Program. This Program is intended to allow and encourage participating institutions to develop and implement their own comprehensive programs to verify student financial aid application data.

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 3442. 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. E7–16262 Filed 8–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 19, 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: August 14, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services Office of Management.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: 21st Century Community Learning Centers Annual Performance Report.

Frequency: On Occasion, Quarterly, Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 1,400.

Burden Hours: 36,400.

Abstract: Originally authorized under Title X, Part I, of the Elementary and Secondary Education Act, the program was initially administered through the U.S. Department of Education, which provided grants directly to over 1,825 grantees. With the reauthorization of the program under the No Child Left Behind Act, direct administration of the program was transferred to state education agencies (SEA) to administer their own grant competitions. Preliminary data shows that states have awarded approximately 1,400 grants to support more than 4,700 centers in every state in the country. The purpose of the 21st Century Community Learning Centers program (21st CCLC) program, as reauthorized under Title IV, Part B, of the No Child Left Behind Act of 2001, 4201 *et seq.*, (20 U.S. Code 7171 *et seq.*), is to provide expanded academic enrichment opportunities for children attending low-performing schools. To reflect the changes in the authorization and administration of the 21st CCLC program and to comply with its reporting requirements, the Education Department (ED) is requesting authorization for the collection of data through Web-based, data-collection modules, the Annual Performance Report, the Grantee Profile, the Competition Overview, and the State Activities module, which collectively will be housed in an application called the 21st CCLC Profile and Performance Information Collection System (PPICS). The data will continue to be used to fulfill ED's requirement under the Government Performance and Results Act (GPRA) to report to Congress annually on the implementation and progress of 21st CCLC projects and the use of state administrative and technical assistance funds allocated to the states to support the program. The data collection will also provide SEA liaisons with needed descriptive data about their grantees and allow SEA liaisons to conduct performance monitoring and identify areas of needed technical assistance.

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 3444. 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. E7–16264 Filed 8–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 19, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 14, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: Improving Adolescent Literacy Across the Curriculum in High Schools: An Evaluation of the Strategic Instruction Model's Content Literacy Continuum.

Frequency: Annually.

Affected Public: Individuals or household; not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 2,084.

Burden Hours: 115.

Abstract: The Department of Education's Institute for Education Sciences has commissioned this evaluation as a response to the current need for experimental research about the impacts of adolescent literacy programs on reading and academic outcomes of struggling readers. This study focuses on literacy across the curriculum intervention that emphasizes literacy instruction throughout a high school student's day. High school students from diverse types of school districts across at least two of the states in the Midwest region will be tested in literacy and other student achievement data will be collected from school records. Classroom instruction will be observed throughout the course of the intervention. District and building administrators will be interviewed about the intervention and the need for large scale district and school reform in literacy instruction.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3326. 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. E7–16265 Filed 8–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Mathematics Advisory Panel; Notice of Open Meeting and Public Hearing

AGENCY: U.S. Department of Education, National Mathematics Advisory Panel.

ACTION: Notice of open meeting & public hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting, including a public hearing, with members of the National Mathematics Advisory Panel. The notice also describes the functions of the Panel. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES: Thursday, September 6 and Friday, September 7, 2007.

Times: Thursday, September 6, 3:15 p.m.–5:15 p.m. and Friday, September 7, 8:30 a.m.–12:30 p.m.

ADDRESSES: Washington University in St. Louis, Eric P. Newman Education Center, 320 S. Euclid Avenue, St. Louis, MO 63110.

FOR FURTHER INFORMATION CONTACT: Tyrrell Flawn, Executive Director, National Mathematics Advisory Panel, 400 Maryland Avenue, SW., Washington, DC 20202; telephone: (202) 260–8354.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Panel was established by Executive Order 13398. The purpose of this Panel is to foster greater knowledge of and improved performance in mathematics among American students, in order to keep America competitive, support American talent and creativity, encourage innovation throughout the American economy, and help State, local, territorial, and tribal governments give the nation's children and youth the education they need to succeed.

The meeting will be held at Washington University in St. Louis. The meeting begins on Thursday, September 6 at 3:15 p.m. with introductory remarks by Dr. Larry Faulkner, Chair of the National Mathematics Advisory Panel, and Dr. Mark Stephen Wrighton, Chancellor of Washington University in St. Louis. The Panel will meet from 3:30 p.m. to 4:15 p.m. to receive the report of the University of Chicago's National Opinion Research Center (NORC) on the Algebra Teachers' Survey commissioned by the National Math Panel. From 4:15 p.m. to 5:15 p.m. the Panel will receive public comment on the Executive Order and the Panel's work. On Friday, September 7, from 8:30 a.m. to 12:30 p.m., the subcommittee on Standards of Evidence and the five task groups—Conceptual Knowledge and Skills, Learning Processes, Instructional Practices, Teachers, and Assessment—will present progress reports to the entire Panel on their work to date. Individuals interested in attending the meeting are advised to register in advance to ensure space availability. Please contact Jennifer Graban at (202) 260–1491 or by e-mail at *Jennifer.Graban@ed.gov* by Wednesday, August 22, 2007.

If you are interested in giving testimony during the public comment session on September 6, please contact Jennifer Graban at (202) 260–1491 or *Jennifer.Graban@ed.gov* by Wednesday, August 22, 2007, to reserve time on the agenda. Presenters are encouraged to address one or more of the topics covered in the Executive Order. (Please refer to the Web site at *http://www.ed.gov/mathpanel* for more information on the elements of the Executive Order.) Please include your name, the organization you represent, and a brief description of the issue you would like to present. Presenters will be allowed three to five minutes to make their comments. Presenters are requested to submit three written copies and an electronic file (CD or diskette) of their comments at the meeting, which should be labeled with their name and contact information. Individuals solely interested in attending the meeting are advised to register in advance to ensure space availability.

Given the expected number of individuals interested in providing comments at the meeting, reservations for presenting comments should be made as soon as possible. Reservations will be processed on a first-come, first-served basis. Persons who are unable to obtain reservations to speak during the meeting are encouraged to submit written comments. Written comments will be accepted at the meeting site or via e-mail at *NationalMathPanel@ed.gov.* If you will be e-mailing written comments, please do so by Wednesday, August 22, 2007. Please note that comments submitted to the National Mathematics Advisory Panel in any format—through e-mail, the U.S. postal service and/or in person during the public comment sessions at meetings—are considered to be part of the public record of the Panel's deliberations, and will be posted on the Web site.

The Panel has submitted its Preliminary Report to the President, through the U.S. Secretary of Education. The Preliminary Report is available at *http://www.ed.gov/mathpanel.* The Final Report will be submitted not later than February 28, 2008, and will, at a minimum, contain recommendations on improving mathematics education based on the best available scientific evidence.

The meeting site is accessible to individuals with disabilities. Individuals who will need accommodations in order to attend the meeting, such as interpreting services, assistive listening devices, or materials in alternative format, should notify Jennifer Graban at (202) 260–1491 or *Jennifer.Graban@ed.gov* no later than Wednesday, August 22, 2007. We will attempt to meet requests for accommodations after this date, but cannot guarantee their availability.

Records are kept of all Panel proceedings and are available for public inspection at the staff office for the Panel, from the hours of 9 a.m. to 5 p.m., Monday through Friday.

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/index.html.*

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.*

Dated: August 15, 2007.

Margaret Spellings,

Secretary, U.S. Department of Education.

[FR Doc. E7–16314 Filed 8–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC07–122–000]

Energy East Corporation, Iberdrola, S.A.; Notice of Filing

August 10, 2007.

Take notice that on August 1, 2007, Energy East Corporation, on behalf of itself and its public utility affiliates and Iberdrola, S.A., on behalf of itself and its public utility affiliates filed a joint application for authorization of merger under section 203 of the Federal Power Act and Part 33 of the Rules and Regulations of the Federal Energy Regulatory Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 17, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16248 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–200–031]

Notice of Tariff Filing and Negotiated Rate; Rockies Express Pipeline, LLC.

August 10, 2007.

Take notice that on July 20, 2007, Rockies Express Pipeline, LLC (REX) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to be effective July 21, 2007:

Twenty-Sixth Revised Sheet No. 22

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. E7–16245 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP05–91–000; CP05–380–000]

Calhoun LNG, L.P., Point Comfort Pipeline Company, L.P.; Notice of Availability of the Final Environmental Impact Statement for the Proposed Calhoun LNG Terminal and Pipeline Project

August 10, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Final Environmental Impact Statement (EIS) for a liquefied natural gas (LNG) import terminal and natural gas pipeline facilities proposed by Calhoun LNG, L.P. and Point Comfort Pipeline Company, L.P. (collectively referred to as Calhoun Point Comfort) in the above-referenced dockets. The Calhoun LNG Terminal and Pipeline Project (Project) would be located in Calhoun and Jackson Counties, Texas.

The Final EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that the proposed Project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The U.S. Army Corps of Engineers (Corps), U.S. Coast Guard, (Coast Guard), U.S. Fish and Wildlife Service (FWS); National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries); U.S. Environmental Protection Agency (EPA); and the U.S. Department of Transportation (DOT) are federal cooperating agencies for the development of this EIS. A federal cooperating agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal and is involved in the NEPA analysis.

The general purpose of the proposed Project is to import, store, and vaporize on average about 1.0 billion cubic feet per day (bcfd) of LNG to provide a competitive supply of natural gas to local industrial customers and to deliver natural gas into existing interstate and intrastate natural gas pipelines.

The Final EIS addresses the potential environmental impacts from the construction and operation of the following facilities:

- A new marine terminal on the southeastern shore of Lavaca Bay, south of Point Comfort, in Calhoun County, Texas that could accommodate about 120 LNG vessels per year;
- two full containment LNG storage tanks each with a nominal working volume of approximately 160,000 m^3 (1,006,000 barrels equivalent);
- associated LNG vaporization and processing equipment;
- an approximately 27.1-mile-long, 36-inch-diameter natural gas pipeline extending northward from the LNG terminal to natural gas pipeline interconnects southwest of Edna, Texas;
- a 0.25-mile-long, 8-inch-diameter natural gas pipeline lateral extending from the proposed pipeline to a meter station servicing the Formosa Hydrocarbons Company (Formosa Lateral);
- a 0.25-mile-long, 16-inch-diameter natural gas pipeline lateral extending from the proposed pipeline to a meter station servicing the Transcontinental Gas Pipeline Corporation (Transco Lateral);
- ten delivery points/interconnects; and
- associated pipeline facilities including pig launcher and receiver facilities and three mainline valves.

In a separate, but related action, the Calhoun County Navigational District (CCND) would dredge a turning basin and ship berth affecting about 49 acres of Lavaca Bay, resulting in the need to dispose of approximately 2.7 million cubic yards of dredged material. This activity is essential to the operation of the Calhoun LNG Project. Calhoun Point Comfort would use the CCND's turning basin to maneuver its LNG ships.

Dependent upon Commission approval, Calhoun Point Comfort anticipates it would complete construction and begin operating the proposed Project in 2010.

The Final EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

A limited number of copies of the Final EIS are available from the Public Reference Room identified above. In addition, the Final EIS has been mailed to affected landowners; various federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; intervenors; and other individuals that expressed an interest in the proposed Project.

In accordance with the Council on Environmental Quality's (CEQ) regulations implementing NEPA, no agency decision on a proposed action may be made until 30 days after the EPA publishes a notice of availability of a Final EIS. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal process that allows other agencies or the public to make their views known. In such cases, the agency decision may be made at the same time the notice of the Final EIS is published, allowing both periods to run concurrently. Should the FERC issue Calhoun Point Comfort authorizations for the proposed Project, it would be subject to a 30-day rehearing period. Therefore, the Commission could issue its decision concurrently with the EPA's notice of availability.

Additional information about the proposed Project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*). To access information via the FERC Web site click on the ''eLibrary'' link then click on ''General Search'' and enter the docket number (CP05–91) excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. The ''eLibrary'' link provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. For assistance with ''eLibrary'', please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to these documents. To learn more about eSubscription and to sign-up for this service please go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary .

[FR Doc. E7–16252 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–207–000]

Colorado Interstate Gas Company; Notice of Availability of the Draft Environmental Impact Statement and Public Comment Meeting for the Proposed High Plains Expansion Project

August 10, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Draft Environmental Impact Statement (EIS) for the natural gas pipeline facilities proposed by Colorado Interstate Gas Company's (CIG) under the above-referenced docket. CIG's High Plains Expansion Project (Project) would be located in Weld, Morgan, and Adams Counties, Colorado.

The Draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act. The FERC staff concludes that the proposed Project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The purpose of the Project is to expand CIG's existing pipeline system along Colorado's Front Range in order to provide additional transportation services to this rapidly growing market. CIG is proposing to construct about 163.7 miles of 24-inch and 30-inch-diameter pipeline in four separate pipeline segments and associated ancillary facilities.

The Draft EIS addresses the potential environmental impacts resulting from the construction and operation of the following facilities:

- Line 250A: 64.5 miles of 30-inch-diameter pipeline and 20.3 miles of 24-inch-diameter pipeline that would extend from CIG's existing Cheyenne Compressor Station to an interconnect point on the proposed Line 251A in northeast Adams County;
- Line 251A: 57.9 miles of 24-inch-diameter pipeline between CIG's existing Watkins and Fort Morgan Compressor Stations;
- Line 252A: 14.9 miles of 30-inch-diameter pipeline extending westward from a point on the proposed Line 250A about one mile north of the existing Hudson Power Plant in the Town of Hudson, Colorado, to a new interconnect with Public Service Company of Colorado's existing Tri-Town facilities in Weld County, Colorado;
- Line 253A: 6.1 miles of 24-inch-diameter pipeline extending westward from the Watkins Compressor Station to CIG's existing East Denver measurement facility in Adams County, Colorado;
- Ten new meter stations and 19 new block valves; and
- Twelve pig launcher/receivers.

The entire project would be capable of transporting about 899,000 decatherms of gas per day. CIG proposes to begin construction in January 2008. It would put each pipeline segment into service as it is completed, and the entire Project would be in service by October 2008.

Any person wishing to comment on the Draft EIS may do so. To ensure that your comments are timely and properly recorded so that they may be considered in the Final EIS, please carefully follow these instructions:

- Send an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Label one copy of your comments to the attention of Gas Branch 2, DG2E;
- Reference Docket No. CP07–207–000 on the original and both copies; and
- Mail your comments so that they will be received in Washington, DC, on or before October 1, 2007.

Please note that the Commission strongly encourages electronic filing of any comments to this proceeding. Instructions on ''eFiling'' comments can be found on the Commission's Web site at *http://www.ferc.gov* under the ''Documents and Filings'' link and the link to the User's Guide. Before you can file comments, you will need to open a free account which can be created on-line.

In lieu of or in addition to sending written comments, we invite you to attend a public comment meetings the FERC will conduct in the Project area to receive comments on the Draft EIS. FERC staff will be in attendance. The meeting is scheduled for 6:30 pm (MST) on August 28, 2007, at the following location: Best Western Hotel, 701 8th Street, Greeley, CO 80631, (970) 353–8444.

The public comment meetings will be posted on the FERC's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx.* Interested groups and individuals are encouraged to attend and present oral comments on the Draft EIS. Transcripts of the meetings will be prepared. This notice is being mailed to parties who are on the mail list for the Draft EIS.

After the comments received are reviewed, any significant new issues are investigated, and modifications are made to the Draft EIS, a Final EIS will be published and distributed by the FERC staff. The Final EIS will contain the staff's responses to timely comments received on the Draft EIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Anyone may intervene in this proceeding based on this Draft EIS. You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

The Draft EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

A limited number of copies of the Draft EIS are available from the Public Reference Room identified above. In addition, CD copies of the Draft EIS have been mailed to affected landowners; various federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; intervenors; and other individuals that expressed an interest in the proposed Project. Hard-copies of the Draft EIS have also been mailed to those who requested that format during the scoping and comment periods for the proposed Project.

Additional information about the proposed Project is available from the Commission's Office of External Affairs, at 1–866–208-FERC or on the FERC Internet Web site (*http://www.ferc.gov*).

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

To access information via the FERC website click on the ''eLibrary'' link then click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. The ''eLibrary'' link provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. For assistance with ''eLibrary'', please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202)502–8659.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to these documents. To learn more about eSubscription and to sign-up for this service please go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16246 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP07–44–000; CP07–45–000]

Southeast Supply Header, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Southeast Supply Header Project

August 10, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Final Environmental Impact Statement (EIS) for the natural gas pipeline facilities proposed by Southeast Supply Header, LLC (SESH) under the above-referenced dockets. SESH's Southeast Supply Header Project (Project) would be located in various counties and parishes in Louisiana, Mississippi, and Alabama.

The Final EIS was prepared to satisfy the requirements of the National Environmental Policy Act. The FERC staff concludes that the proposed Project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (COE), and the Natural Resource Conservation Service (NRCS) are federal cooperating agencies for the development of this EIS. A federal cooperating agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal and is involved in the NEPA analysis.

The purpose of the Project is to provide new transportation capacity that significantly enhances access to reliable, onshore gas supplies to serve growing demand in the Southeast. To provide this service, SESH proposes to construct and operate approximately 270 miles of natural gas pipeline and associated ancillary facilities capable of transporting up to approximately 1.14 billion cubic feet per day of natural gas.

The Final EIS addresses the potential environmental impacts resulting from the construction and operation of the following facilities:

- Approximately 104 miles of 42-inch-diameter natural gas pipeline extending southeasterly from Richland Parish, Louisiana to Lawrence County, Mississippi;
- Approximately 165 miles of 36-inch-diameter natural gas pipeline extending southeasterly from Lawrence County, Mississippi to Mobile County, Alabama;
- Approximately 1.7 miles of 6-, 16-, 20-, 24- and 42-inch-diameter laterals in Jefferson Davis, Covington, and Forrest counties, Mississippi and Mobile County, Alabama;
- Three new compressor stations, the Delhi, Gwinville, and the Lucedale Compressor Stations, located in Richland Parish, Louisiana, and Jefferson Davis and George counties, Mississippi, respectively;
- Two natural gas booster stations, the Collins Booster Station and Petal Booster Station in Covington and Forrest counties, Mississippi, respectively; and
- Other ancillary facilities including 13 meter and regulator facilities, 18 mainline valves, 2 tap valves, and 3 pig launcher and/or receiver facilities.

Dependent upon Commission approval, SESH proposes to commence construction of the proposed Project in November 2007.

The Final EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2–A, Washington, DC 20426, (202) 502–8371.

A limited number of copies of the Final EIS are available from the Public Reference Room identified above. In addition, CD copies of the Final EIS have been mailed to affected landowners; various federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; intervenors; and other individuals that expressed an interest in the proposed Project. Hard copies of the Final EIS have been mailed to those who requested that format during the scoping and comment periods for the proposed Project.

In accordance with the Council on Environmental Quality's (CEQ) regulations implementing NEPA, no agency decision on a proposed action may be made until 30 days after the U.S. Environmental Protection Agency (EPA) publishes a notice of availability of a Final EIS. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal process that allows other agencies or the public to make their views known. In such cases, the agency decision may be made at the same time the notice of the Final EIS is published, allowing both periods to run concurrently. Should the FERC issue SESH authorizations for the proposed Project, it would be subject to a 30-day rehearing period. Therefore, the Commission could issue its decision concurrently with the EPA's notice of availability.

Additional information about the proposed Project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*). To access information via the FERC Web site click on the ''eLibrary'' link then click on ''General Search'' and enter the docket number (i.e., CP07–44) excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. The ''eLibrary'' link provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. For assistance with ''eLibrary,'' please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to these documents. To learn more about eSubscription and to sign up for this service, please go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,
Secretary.
[FR Doc. E7–16247 Filed 8–17–07; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–411–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cedar Bayou Lateral Project and Request for Comments on Environmental Issues

August 13, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cedar Bayou Lateral Project involving construction and operation of natural gas pipeline facilities by Texas Eastern Transmission, LP (Texas Eastern) in Chambers County, Texas. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on September 14, 2007. Details on how to submit comments are provided in the Public Participation section of this notice.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. Texas Eastern would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, Texas Eastern could initiate condemnation proceedings in accordance with Texas state law.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this proposed project and to encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Texas Eastern proposes to construct about 3.79 miles of 20-inch-diameter pipeline in Chambers County to provide up to 360,000 dekatherms per day of firm lateral line service to the existing Cedar Bayou Power Plant. Texas Eastern would also construct a metering and regulating station and other ancillary facilities (i.e., a pig launcher, pig receiver, and several valves) as a part of its Cedar Bayou Lateral Project.

The general location of the proposed facilities is shown in Appendix 1.[1]

Land Requirements for Construction

The proposed pipeline would be located almost entirely within an existing utility corridor. Construction of the project, including the aboveground facilities, would affect about 29.4 acres of land. About 28 acres of this would be temporary disturbance, as the land would be allowed to revert to existing condition after construction.

The EA Process

We[2] are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impact that could result if it authorizes Texas Eastern's proposal. By this notice, we are also asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

NEPA also requires the FERC to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- water resources
- wetlands
- land use and visual quality
- cultural resources
- vegetation, fisheries, and wildlife (including threatened and endangered species)
- air quality and noise
- reliability and safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal including alternative berthing alignments, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Internet Web site (*http://www.ferc.gov*) at the ''eLibrary'' link or from the Commission's Public Reference Room at (202) 502–8371. For instructions on connecting to eLibrary, refer to the ''Additional Information'' section at the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Texas Eastern.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberley D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE.; Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 1.
- Reference Docket No. CP07–411–000.
- Mail your comments so that they will be received in Washington, DC on or before September 14, 2007.

The Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see Appendix 2).[3] Only intervenors have the right to seek rehearing of the Commission's decision.

[3] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information. You can also request additional information by calling Texas Eastern at 713–627–5415.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16236 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2242–078]

Eugene West and Electric Board; Carmen-Smith Hydroelectric Project; Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

August 10, 2007.

Take notice that the following hydroelectric application has been filed with Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2242–078.

c. *Date filed:* November 24, 2006.

d. *Applicant:* Eugene Water and Electric Board.

e. *Name of Project:* Carmen-Smith Hydroelectric Project.

f. *Location:* On the McKenzie River in Lane and Linn Counties, near McKenzie Bridge, Oregon. The project occupies approximately 560 acres of the Willamette National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Randy L. Berggren, General Manager, Eugene Water and Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene, OR 97440, (541) 484–2411.

i. *FERC Contact:* Bob Easton, (202) 502–6045 or *robert.easton@ferc.gov.*

j. *Deadline for filing scoping comments:* October 12, 2007.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application is not ready for environmental analysis at this time.

l. The Carmen-Smith Hydroelectric Project consists of two developments, the Carmen development and the Trail Bridge development. The Carmen development includes:

(1) A 25-foot-high, 2,100-foot-long, and 10-foot-wide earthen Carmen diversion dam with a concrete weir spillway, (2) a 11,380-foot-long by 9.5-foot-diameter concrete Carmen diversion tunnel located on the right abutment of the spillway, (3) a 235-foot-high, 1,100-foot-long, and 15-foot-wide earthen Smith diversion dam with a gated Ogee spillway, (4) a 7,275-foot-long by 13.5 foot-diameter concrete-lined Smith power tunnel, (5) a 1,160-foot-long by 13-foot-diameter steel underground Carmen penstock, (6) a 86-foot-long by 79-foot-wide Carmen powerhouse, (7) two Francis turbines each with a generating capacity of 52.25 megawatts (MW) for a total capacity of 104.50 MW, (8) a 19-mile, 115-kilovolt (kV) transmission line that connects the Carmen powerhouse to the Bonneville Power Administration's Cougar-Eugene transmission line; and (9) appurtenant facilities.

The Trail Bridge development includes: (1) A 100-foot-high, 700-foot-long, and 24-foot-wide earthen Trail Bridge dam section with a gated Ogee spillway, (2) a 1,000-foot-long and 20-foot-wide emergency spillway section, (3) a 300-foot-long by 12-foot-diameter concrete penstock at the intake that narrows to a diameter of 7 feet, (4) a 66-foot-long by 61-foot-wide Trail Bridge powerhouse, (5) one Kaplan turbine with a generating capacity of 9.975 MW; and (6) a one-mile, 11.5-kV distribution line that connects the Trail Bridge powerhouse to the Carmen powerhouse.

m. A copy of the application 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. A copy is also available for inspection and reproduction at the address in item h above.

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.

n. Scoping Process.

The Commission intends to prepare an Environmental Assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

Commission staff will conduct one agency scoping meeting and one public scoping meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Agency Scoping Meeting

Date: September 13, 2007, Time : 9 a.m. to noon (PST),

Place: Midgleys Building Meeting Room,

Address: 500 East 4th Avenue, Eugene, Oregon (The Midgleys Building Meeting Room is located at the corner of East 4th Avenue and High Street, adjacent to the EWEB office located at 409 High Street).

Public Scoping Meeting

Date: September 13, 2007,

Time: 7 p.m. to 10 p.m. (PST),

Place: Midgleys Building Meeting Room,

Address: 500 East 4th Avenue, Eugene, Oregon (see above).

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meetings or may be viewed on the internet at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Site Visit

EWEB and Commission staff will visit the Carmen-Smith Project on September 12, 2007. All participants interested in seeing the project should meet at EWEB's Offices at 500 East 4th Street, Eugene, Oregon at 8 a.m. or meet at the informal parking area across Highway 126 from the Trail Bridge Dam at 9:30 a.m. Anyone with questions about the site visit (or needing directions) should contact Karen Lee at (541) 341–8514 or *karen.lee@eweb.eugene.or.us.* Those individuals planning to participate in the site visit should notify Ms. Lee of their intent, no later than September 6, 2007.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16249 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 7528–009]

Public Service Company of New Hampshire; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

August 10, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 7528–009.

c. *Date Filed:* July 30, 2007.

d. *Applicant:* Public Service Company of New Hampshire.

e. *Name of Project:* Canaan Hydroelectric Project.

f. *Location:* The project is located on the northern Connecticut River in Coos County, New Hampshire and Essex County, Vermont. The project does not occupy United States land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* James K. Kerns, Project Manager, Public Service Company of New Hampshire, 780 North Commercial Street, Manchester, NH 03101 (603) 634–2936.

i. *FERC Contact:* Kristen Murphy (202) 502–6236 or *kristen.murphy@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. The existing project consist of: (1) A 275-foot-long, 14.5-foot-high concrete gravity dam with a spillway equipped with 3.5-foot-high wooden flashboards, utilized year-round; (2) a 20-acre reservoir with a gross storage capacity of approximately 200 acre-feet; (3) an intake structure with a 12.5-foot-wide, 12-foot-high timber gate leading to; (4) a 1,360-foot-long, 9-foot-diameter wood stave penstock; (5) two 21.3-foot-high, 15.3-foot-diameter steel surge tanks; (6) a powerhouse with one generating unit with an installed capacity of 1,100 kW; and (8) appurtenant facilities. The estimated average annual generation of the project is 7,300 megawatt-hours.

The project is voluntarily operated in a run-of-river mode. Further, a total minimum flow of 136 cfs or inflow, whichever is less, is released downstream of the dam, with 50 cfs released through the 1,600-foot-long bypassed reach and the remaining 86 cfs released through the project turbine. As proposed, the project would continue to be operated in a run-of-river mode. Further, a total minimum flow of 165 cfs or inflow, whichever is less, would be released downstream of the project dam through the bypassed reach.

l. *Locations of the Application:* A copy of the application 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. A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/esubscribenow.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* The application will be processed according to the following Hydro Licensing Schedule. The Commission staff proposes to issue a single Environmental Assessment (EA) rather than issuing a draft and final EA. The schedule allows 30 days for entities to comment on the EA, and 60 days for agencies to file modified mandatory terms and conditions. Staff will take into consideration all comments and terms and conditions received on the EA before final action is taken on the license application. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance and Ready for Environmental Analysis	September 28, 2007.
Filing interventions, comments, recommendations, preliminary terms and conditions, and fishway prescriptions	November 27, 2007.
Notice of availability of the EA	March 26, 2008.
Filing comments on EA	April 25, 2008.
Filing modified terms and conditions	June 24, 2008.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16250 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–504–000]

Algonquin Gas Transmission, LLC; Notice of Technical Conference

August 13, 2007.

The Commission's July 30, 2007, Order in the above-captioned proceeding [1] directed that a technical conference be held to address issues raised by Algonquin Gas Transmission, LLC's proposed gas quality and interchangeability specifications.

Take notice that a technical conference will be held on Tuesday, August 21, 2007, at 9:30 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–502–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

All interested parties and staff are permitted to attend. For further information please contact Sandra Elliott at (202) 502–8694 or e-mail *Sandra.elliott@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16235 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

[1] Algonquin Gas Transmission, LLC, 120 FERC ¶ 61,114 (2007).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

August 10, 2007.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are 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, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket number	Date received	Presenter or requester
Prohibited:		
1. RP07–34–000	7–31–07	James Keegan.
Exempt:		
1. CP06–54–000, CP07–55–000	8–7–07	James Martin for Lavinia DiSanto (Entrix, Inc.).
2. CP07–62–000, *et al.*	7–25–07	Hon. C.A. Dutch Ruppersberger.
3. CP07–208–000	8–6–07	Hon. Charles A. Wilson.
4. ER07–1141–000	8–6–07	Hon. Patricia L. Birkholz.
5. ER07–1141–000	8–6–07	Hon. Jeff Mayes.
6. ER07–1141–000	8–6–07	Hon. Jennifer M. Granholm.
7. Project No. 1971–079	8–3–07	Craig Jones.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–16251 Filed 8–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Final Procedures for Distribution of Remaining Crude Oil Refunds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of final procedures for the distribution of remaining crude oil overcharge refunds.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) is responsible for the disbursement of crude oil refund monies currently remaining in the DOE crude oil refund escrow account. The preliminary distribution of these monies, approximately 90 percent of the funds, was made pursuant to a January 13, 2006 Notice. This notice announces the procedures to be used in distributing the remaining crude oil refund monies.

ADDRESSES: Inquiries should be sent to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585–1615 or submitted electronically to *crudeoilrefunds@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Richard A. Cronin, Jr., Assistant Director, Office of Hearings and Appeals, 1000 Independence Ave., SW., Washington, DC 20585–1615, (202) 287–1589, *richard.cronin@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In this Notice, we announce the final procedures for the distribution of Subpart V crude oil refunds, and order payments required under a May 1, 2007 settlement agreement between the Department of Energy and certain claimants in the present proceeding (the May 1, 2007 Settlement Agreement).

The Office of Hearings and Appeals (OHA) published a Notice of final procedures for final crude oil refunds in the **Federal Register** on May 21, 2004. 69 FR 29300. In the May 21 notice, we explained that we would be sending notice to all claimants (or their representatives of record) who purchased more than 280,000 gallons of eligible petroleum products during the relevant period. We also stated that claimants would be required, no later than December 31, 2004, to submit verification of the information in our database. Shortly after issuing the May 21 Notice, we sent notice to claimants and received 30,873 timely submissions.

In the May 21 notice, we set forth a plan to make one final round of refund payments, with the intent ''to distribute all of the reserved funds to claimants 'insofar as practicable.' '' 69 FR at 29302. Since that time, events and proliferating litigation affecting the windup of this proceeding precluded the Department from proceeding with the calculation of the per-gallon ''volumetric'' refund amount that was necessary to make a single, final payment of refunds to all qualified applicants. Calculating the volumetric amount requires two fixed numbers: (1) The amount of funds available for distribution (''the numerator''), which is divided by (2) the number of gallons of eligible petroleum products purchased during the controls period by eligible claimants (''the denominator''). However, the ongoing litigation had the potential to affect both the numerator and the denominator of the volumetric calculation.

As a result, in a January 13, 2006 **Federal Register** notice, 71 FR 2195, we announced procedures for an interim round of refunds based upon a volumetric calculated using as a numerator approximately 90% of all available funds, and as a denominator the number of gallons of eligible petroleum products purchased during the controls period by eligible claimants plus the number of gallons claimed in an application denied by OHA that was then the subject of pending litigation. Finally, we stated that, in view of the uncertainties posed by the outstanding litigation, we were not in a position to commit ourselves to additional refunds until all pending litigation was resolved.

The prudence of this approach was confirmed when on January 26, 2005 the

U.S. District Court for the District of Columbia awarded plaintiff's attorneys fees in the amount of ''thirty percent (30%) of the [crude oil escrow] fund derived from the amount of the increase in the per million-gallon distribution over the $670 [per million gallons] initially proposed by DOE.'' *Consolidated Edison* v. *Abraham,* Civil Action No. 03–1991, *slip op.* at 12 (January 26, 2005). The amount that the Court awarded was approximately $13.5 million. After both sides appealed to the U.S. Court of Appeals for the DC Circuit, the case was remanded for further fact finding concerning what amount of attorneys fees, if any, should be awarded from the crude oil escrow fund to the plaintiffs. *Consolidated Edison* v. *Bodman,* 445 F.3d 438 (D.D.C. 2006).

Given this claim and other litigation challenges against the crude oil escrow fund, DOE entered into negotiations to resolve all outstanding claims. Following negotiations facilitated by the U.S. Court of Appeals' mediation office, a settlement agreement was reached. The U.S. District Court for the District of Columbia, in the case remanded by the U.S. Court of Appeals, approved the May 1, 2007 Settlement Agreement by an order issued on July 9, 2007.

The May 1, 2007 Settlement Agreement both resolves the litigation between the parties to the agreement and provides for the payment of final refunds to all eligible claimants in this proceeding. Specifically, the DOE agreed to the payment of final refunds to 96 claimants specified in the Agreement by sixty days following the entry of the court order approving the Agreement. The DOE further agreed to the payment of refunds to all other eligible claimants ''insofar as practicable and as soon as practicable * * * .'' Paragraph 1(b) May 1, 2007 Settlement Agreement. Finally, the Agreement provides for the payment of $6,000,000.00 from available funds to Philip P. Kalodner.

Pursuant to the May 1, 2007 Settlement Agreement, OHA will adopt the following final refund procedures. First, we note that the volumetric refund amount announced in our January 13, 2006 **Federal Register** notice was based upon the total amount of funds available for distribution as of December 28, 2005, $284,126,991.33. Of that total, we used $254,738,494.09 as the numerator of the volumetric calculation, thus reserving $29,388,497.24 for future payments. From December 28, 2005 through July 31, 2007, an additional $6,618,257.27 in interest has accrued on these funds. Also adding to the amount available for final refund payments is $600,137.00 in refund claims that, for purposes of computing the preliminary volumetric refund amount ($0.000695389 per gallon) announced in January 2006, we had assumed would be eligible for refunds, 71 FR 2195, but which are no longer eligible for refunds. We will therefore use the total of these amounts less the $6,000,000.00 to be paid to Philip P. Kalodner, $30,606,891.51, as the numerator of the volumetric calculation. As the denominator, we will use 365,461,956,553 gallons, i.e., the volume of eligible petroleum product purchases used in the denominator announced in our January 13, 2006 **Federal Register** notice, 365,715,107,505 gallons, minus the gallonage of the now ineligible claims referenced above, 253,150,952 gallons. This produces a per gallon final volumetric refund amount of $0.000083748502302897 per gallon.* We will use this volumetric refund amount (by multiplying this amount by each eligible claimant's approved gallonage) to calculate the amount of each eligible claimant's refund.

DOE will not attempt to locate payees of returned refund payments and, as set forth in the May 1, 2007 Settlement Agreement, any remaining undistributed funds will be divided equally between the State governments and the Federal Treasury as a form of indirect restitution in accordance with the Department of Energy's 1986 Modified Statement of Restitutionary Policy.

Dated: August 14, 2007.

Fred L. Brown,

Acting Director, Office of Hearings and Appeals.

[FR Doc. E7–16299 Filed 8–17–07; 8:45 am]

BILLING CODE 6450–01–P

* Pursuant to the Settlement Agreement, OHA issued an initial Decision granting refunds to the parties of the Settlement Agreement (96 claimants) at a volumetric of $0.000081939. *See Crude Oil Supplemental Refund Distribution, Case No. RB272–10119* (July 17, 2007). The volumetric refund amount as announced was rounded to 9 decimal places. However, the volumetric refund amount applied in calculating each refund ordered in our July 17 decision was more precise, $0.000081939013482917 per gallon, having been rounded to 18 decimal places. Because we have made additional adjustments to the final volumetric announced in this Notice including the updated July 31, 2007 interest figure and the inclusion of additional money that could be added to the numerator, we will issue additional refund checks to the 96 claimants at the rate of $0.00000180948881998 per gallon so that their total refund will be paid at the final volumetric amount described above.

ENVIRONMENTAL PROTECTION AGENCY

[Doc EPA–HQ–OECA–2007–0558, FRL–8456–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Recordkeeping Requirements for Producers of Pesticides Under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA ICR Number 0143.10, OMB Control Number

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on December 31, 2007. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 19, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OECA–2007–0558 by one of the following methods:

1. *Electronic Submission:* Access *http://www.regulations.gov* and follow the online instructions for submitting comments.
2. *E-mail: docket.oeca@epa.gov*.
3. *Fax:* (202) 566–1511.
4. *Mail:* Enforcement and Compliance Docket and Information Center (ECDIC), Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code: 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
5. *Hand Delivery:* Enforcement and Compliance Docket and Information Center (ECDIC), Environmental Protection Agency, EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Deliveries are only accepted during the Docket Center's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Number: EPA–HQ–OECA–2007–0558. It is EPA's policy 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 *http://www.regulations.gov* or e-mail. The *http://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 *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

FOR FURTHER INFORMATION CONTACT: Robin Nogle, tel: (202) 564–4154; fax: (202) 564–0085; e-mail: *nogle.robin@epa.gov*.

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for this ICR under Docket ID number OECA–2007–0558. This docket is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket and Information Center (ECDIC), in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center (ECDIC) docket is (202) 566–1752.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select ''search,'' then key in the docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to:

(1) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

Affected Entities: Entities potentially affected by this action are those which produce pesticides.

Title: Recordkeeping Requirements for Producers of Pesticides under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. ICR Number 0143.10, OMB Control Number 2070–0028. Expires 12/31/07.

Abstract: Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) states that the Administrator of the Environmental Protection Agency may prescribe regulations requiring producers, registrants and applicants for registration to maintain such records with respect to their operations and the effective enforcement of this Act as the Administrator determines are necessary for the effective enforcement of FIFRA and to make such records available for inspection and copying as specified in the statute. The regulations at 40 CFR part 169 (Books and Records of Pesticide Production and Distribution) specify the following records that producers must keep and the disposition of those records: Production data for pesticides, devices, or active ingredients (including pesticides produced pursuant to an experimental use permit); receipt by the producer of pesticides, devices, or active ingredients used in producing pesticides; delivery, moving, or holding of pesticides; inventory; domestic advertising for restricted use pesticides; guarantees; exports; disposal; human testing; and tolerance petitions. Additionally, section 8 gives the Agency inspectional authority to monitor the validity of research data (including raw data), including data developed in accordance with Good Laboratory Practice Standards, and used to support pesticide registration. The EPA or States/Indian Tribes operating under Cooperative Enforcement Agreements make use of the records required by section 8 through periodically inspecting them to help determine FIFRA compliance of this subject to the provisions of the Act. In addition, producers themselves make use of such records in order to comply with reporting requirements under FIFRA section 7 and 40 CFR 167.85. (Those reporting requirements are addressed in the ICR entitled ''Pesticide Report for Pesticide-Producing Establishments.'')

Since most of the records required to be maintained are likely to be collected and maintained in the course of good business practice, the records are generally stored on site at either the establishment producing the pesticide or at the place of business of the person holding the registration. However, the registrant may decide to transfer records relating to disposal of pesticides and human testing to EPA for storage because of a twenty year retention requirement for the records. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

Burden: The average annual burden to the industry over the next three years is estimated to be 2 person hours per response.

Respondents/Affected Entities: 13,400.

Estimated Number of Respondents: 13,400.

Frequency of Response: 1.

Estimated Total Annual Hour Burden: 26,800.

There are no capital/startup costs or operating and maintenance (O&M) costs associated with this ICR since all equipment associated with this ICR is present as part of ordinary business practices.

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.

EPA will consider any comments received and may amend the ICR, as appropriate. Then the final ICR packages will be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue one or more **Federal Register** notices pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR(s) to OMB and the opportunity to submit additional comments to OMB. If you have any questions about any of the above ICRs or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: August 10, 2007.

Richard Colbert,

Director, Agriculture Division, Office of Compliance, Office of Enforcement and Compliance Assurance.

[FR Doc. E7–16319 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2006–1010; FRL–8457–3]

Board of Scientific Counselors, Technology for Sustainability Subcommittee Meeting—September 2007

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Technology for Sustainability Subcommittee.

DATES: The meeting (via teleconference call) will be held on Thursday, September 6, 2007 from 3 p.m. to 5 p.m. All times noted are eastern time. The meeting may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to 1 business day before the meeting.

ADDRESSES: Participation in the conference call will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the call from Clois Slocum, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2006–1010, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2006–1010.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2006–1010.
- *Mail:* Send comments by mail to: Board of Scientific Counselors, Technology for Sustainability Subcommittee Meetings—Winter/Spring 2007 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2006–1010.
- *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW.,Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2006–1010. **Note:** this is not a mailing 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–HQ–ORD–2006–1010. 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 Board of Scientific Counselors, Technology for Sustainability Subcommittee Meetings—Winter/Spring 2007 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Clois Slocum, USEPA, 26 W. Martin Luther King Drive, Cincinnati, OH 45268; via phone/voice mail at: (513) 569–7281; via fax at: (513) 569–7549; or via e-mail at: *slocum.clois@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at the meeting may contact Clois Slocum, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

The proposed agenda item for the meeting includes but is not limited to: discussion of the draft report from the review. The meeting is open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Clois Slocum (513) 569–7281 or *slocum.clois@epa.gov.* To request accommodation of a disability, please contact Clois Slocum, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: August 10, 2007.

Mary Ellen Radizikowski,

Acting Director, Office of Science Policy.

[FR Doc. E7–16309 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2007–0700; FRL–8457–4]

Board of Scientific Counselors, Particulate Matter and Ozone (Air) Mid-Cycle Subcommittee Meetings—Fall, 2007

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of two meetings of the Board of Scientific Counselors (BOSC) Air Mid-Cycle Subcommittee.

DATES: The first meeting (a teleconference call) will be held on Thursday, September 6, 2007, from 1 p.m. to 2 p.m. The second meeting (face-to-face meeting) will be held on Tuesday, September 18, 2007 from 9:30 a.m. to 3:30 p.m. All times noted are eastern time. The meetings may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meetings will be accepted up to 1 business day before each meeting.

ADDRESSES: Participation in the conference call will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the call from Lawrence Martin, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The face-to-face meeting will be held at the Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209, Tel: (703) 524–6400, Fax: (703) 524–8964. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2007–0700, by one of the following methods:

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

• *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2007–0700.

• *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2007–0700.

• *Mail:* Send comments by mail to: Board of Scientific Counselors, Air Mid-Cycle Subcommittee Meeting—Fall 2007 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. EPA–HQ–ORD–2007–0700.

• *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2007–0700. **Note:** this is not a mailing 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–HQ–ORD–2007–0700. 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 *http://www.regulations.gov* or e-mail. The *http://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 *http://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 *http://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 *http://www.regulations.gov* or in hard copy at the Board of Scientific Counselors, Air Mid-Cycle Subcommittee Meeting—Fall 2007 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Lawrence Martin, U.S. EPA Office of Research & Development Office of Science Policy (8104R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via phone/voice mail at: (202) 564–6497; via fax at: (202) 565–2911; or via email at: *martin.lawrence@epa.gov*.

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at either meeting may contact Lawrence Martin, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

Proposed agenda items for the meetings include, but are not limited to: *Teleconference:* The objectives of the review; an overview of ORD's air research program; a summary of major changes in the air research program since 2005; and an update on the Air Multi-Year Plan; *face-to-face meeting:* The air research program's progress in response to recommendations from its 2005 BOSC review and other activities. The meetings are open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Lawrence Martin at (202) 564–6497 or *martin.lawrence@epa.gov*. To request accommodation of a disability, please contact Lawrence Martin, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated August 14, 2007.

Mary Ellen Radzikowski,

Acting Director, Office of Science Policy.

[FR Doc. E7–16317 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION

[EPA–HQ–OPP–2007–0005; FRL–8144–5]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations and providing a public comment period.

DATES: Unless a request is withdrawn by February 19, 2008 or September 19, 2007 for registrations for which the registrant requested a waiver of the 180–day comment period, orders will be issued canceling these registrations. The Agency will consider withdrawal requests postmarked no later than February 19, 2008 or September 19, 2007, whichever is applicable. Comments must be received on or before February 19, 2008 or September 19, 2007, for those registrations where the 180–day comment period has been waived.

ADDRESSES: Submit your comments and your withdrawal request, identified by docket identification (ID) number EPA–HQ–OPP–2007–0005, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. Written withdrawal requests should be to the Attention of: John Jamula, Information Technology and Resources Management Division (7502P), at the address above.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0005. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: John Jamula, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6426; e-mail address: *jamula.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel 238 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 below:

EPA is seeking public comments on these voluntary cancellation requests as required under Section 6(f) of FIFRA. The proposed cancellations do not affect tolerances for residues of these pesticides in or on food established under FFDCA. If all registrations of pesticide products for use on a food are cancelled, however, EPA will generally propose to revoke the associated tolerance, on the presumption that there will no longer be any need for a tolerance, since the pesticide can no longer be legally used in that way in the U.S. Proposals to modify or revoke tolerances are separate proceedings subject to public comment, and are notified to our trading partners under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures. If any person requests that a tolerance be continued (to cover residues in imported food) and the data are sufficient to support the required safety finding, that tolerance would not be revoked and would remain in effect.

Table 1.—Registrations With Pending Requests for Cancellation

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration no.	Product name	Chemical name
000100–01069	Fusilade 4 EC Herbicide	Propanoic acid, 2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)-, butyl ester
000228–00071	Riverdale 2,4-D L.V. 2 Ester	2,4-D, 2-ethylhexyl ester
000228–00148	Riverdale Turf Weedestroy-D	2,4-D, dimethylamine salt
000228–00152	Riverdale Weed and Feed	2,4-D, 2-ethylhexyl ester
		Mecoprop-P
000228–00163	Riverdale Premium Weed and Feed	2,4-D, 2-ethylhexyl ester
		Mecoprop-P
000228–00168	Riverdale 101 Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
000228–00169	Riverdale 81 Selective Weedkiller	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
000228–00170	Riverdale Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
000228–00191	Riverdale 2D + 2 MCPP-P Amine Turf Herbicide	2,4-D, dimethylamine salt
		Mecoprop-P
000228–00321	Riverdale XRM-5202 Premium Selective Hebicide	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
000228–00322	Millenium Ultra Selective Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol serie
000228–00337	Riverdale XRM-5202 Premium Lawn Weed Killer	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid
000228–00339	XRM-5202 Premium Spot Weed Killer	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid
000228–00340	Riverdale XRM-5202 Premium Weed and Feed	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid
000228–00341	Riverdale XRM-5202 Premium Granular Weed Killer	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid
000228–00345	Millennium Ultra Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol serie
000228–00346	Millennium Ultra 8000 Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol
000228–00347	Millennium Ultra Spot Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol
000228–00354	Depth Charge Aquatic Herbicide	2,4-D, dimethylamine salt
000228–00362	Riverdale XRM-5202 Lite Premium Selective Herbicide	2,4-D, triisopropanolamine salt
		Triclopyr, triethylamine salt
		Clopyralid
000228–00374	Riverdale DCDP-P Selective Herbicide	2,4-D, dimethylamine salt
		Propanoic acid, 2-(2,4-dichlorophenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol
000228–00377	Riverdale Millineum Ultra N.Y. Weed and Feed	Dicamba
		2,4-D, dimethylamine salt
		3,6-Dichloro-2-pyridinecarboxylic acid, alkanolamine salts (of ethanol and isopropanol
000228–00382	Riverdale Millennium Ultra Plus	MSMA (and salts)
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Clopyralid
000228–00383	Riverdale TSC TB-3 Premium Selective Herbicide	Dicamba
		2-4,D
		2,4-D, 2-ethylhexyl ester
		Clopyralid
000228 MS–91–0004	Riverdale Weedestroy (r) Am-40 Amine Salt	2,4-D, dimethylamine salt
000228 OR–94–0036	Riverdale Weedestroy (r) Am 40 Amine Salt	2,4-D, dimethylamine salt
000228 WA–94–0032	Riverdale Weedestroy (r) Am-40 Amine Salt	2,4-D, dimethylamine salt
000241 WA–00–0005	Prowl 3.3 EC Herbicide	Pendimethalin
000241 WA–99–0003	Prowl 3.3 EC Herbicide	Pendimethalin
000264–00724	Di-Syston Seed Treatment Insecticide	Disulfoton
000264–00981	Gaucho CS Flowable	Thiram
		Carboxin
		Imidacloprid
000264–00983	Cotguard	2-(Thiocyanomethylthio)benzothiazole
		Carboxin
		Metalaxyl
000264 TX–86–0007	Di-Syston 8	Disulfoton
000264 WA–04–0028	Di-Syston 15% Granular Systemic Insecticide	Disulfoton
000305–00040	Repel Insect Repellent Unscented Sportsmen Formula 18	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Diethyl toluamide
000352–00378	Dupont Velpar Herbicide	Hexazinone
000352–00404	Dupont Telar Herbicide	Chlorsulfuron

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
000352–00582	Velpar Ulw Df Herbicide	Hexazinone
000352–00630	Dupont Cimarron X-TRA (MP) Herbicide	Chlorsulfuron
		Metsulfuron
000352–00642	Dupont Gf 1:2 Herbicide	Flucarbazone-sodium
		Chlorsulfuron
000352–00687	Meturon 80 DF	Fluometuron
000352 OK–05–0001	Dupont Finesse Grass & Broadleaf (MP) Herbicide	Flucarbazone-sodium
		Chlorsulfuron
000352 TX–01–0015	Griffin Linuron 4l Flowable Weed Killer	Linuron
000352 TX–04–0028	Dupont Finesse Grass & Broadleaf (MP) Herbicide	Flucarbazone-sodium
		Chlorsulfuron
000400–00080	Vitavax Fungicide	Carboxin
000400–00092	Vitavax - T Fungicide (vitavax with Thiram)	Thiram
		Carboxin
000400–00106	Vitavax	Carboxin
000400–00113	Vitavax-17 Flowable Fungicide	Carboxin
000400–00115	Vitavax-25DB Fungicide	Carboxin
000400–00116	Vitavax-R Flowable Fungicide	Thiram
		Carboxin
000400–00124	Vitavax - 30c	Carboxin
000400–00152	Vitavax-3F Fungicide	Carboxin
000400–00156	Vitavax Pour-On Flowable Fungicide	Thiram
		Carboxin
000400–00475	Terraclor Super X Plus Di-Syston EC	Disulfoton
		Pentachloronitrobenzene
		Etridiazole
000400–00528	Gustafson Rival Flowable Systemic Fungicide	Pentachloronitrobenzene
		Thiabendazole
		Captan
000432–01283	Baygon 2% Bait	Propoxur
000432–01284	Baygon 70 WP__insecticide	Propoxur
000432–01323	Laser Ant and Roach Killer II	Propoxur
		Piperonyl butoxide
		Pyrethrins
		Cyfluthrin

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
000432–01327	Baygon 1.5 EC Formula II	Propoxur
000769–00583	R & M Aloe Repellent Treatment	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Piperonyl butoxide
		Pyrethrins
000769–00611	R & M Garden and Kennel Dust 5%	Carbaryl
000769–00652	SMCP Thiram 75 Turf Fungicide	Thiram
000769–00838	Miller Turf Food 12-6-6 Plus 2	2,4-D, dimethylamine salt
000769–00839	Miller Liquid Weedaway contains Banvel-D & 2,4-D	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
000769–00866	Pratt Animal Repellent	Thiram
000769–00907	Science Rabbit and Deer Repellent	Thiram
000769–00910	Science Thiram Seed Protectant	Thiram
000869–00123	Green Light Wipe-Out Broadleaf Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
001021–01472	Esbiothrin Technical	d-trans-Chrysanthemum monocarboxylic ester of dl-2-allyl-4-hydroxy-3-methyl-2-cyclopenten
001381–00145	4 LG	2,4-D, dimethylamine salt
001381–00150	Imperial Lawn Weed Killer (contains Banvel D and 2,4-D)	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
001381–00155	Wilfarm 2,4-D Amine 4	2,4-D, dimethylamine salt
001381–00156	Wilfarm 2,4-D LV4	2,4-D, 2-ethylhexyl ester
001381–00157	Wilfarm 2,4-D LV6	2,4-D, 2-ethylhexyl ester
001381–00176	Agrisolutions 2, 4-D Concentrate	2-4,D
001381 MI–05–0002	Actellic 5 E Insecticide	Pirimiphos-methyl
001812–00285	Meturon 4L	Fluometuron
001812–00438	Cotoran DF Herbicide	Fluometuron
002217–00041	Lawn Weed Killer (Amine Type)	2,4-D, dimethylamine salt
002217–00314	20% Granular 2,4-D Low Volatile	2,4-D, 2-ethylhexyl ester
002217–00354	Lawn Weed Killer Granules	2,4-D, 2-ethylhexyl ester
002217–00422	Dandelion and Broadleaf Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
002217–00457	Super Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		2,4-D, dimethylamine salt
002217–00468	LV-6 2,4-D Weed Killer	2,4-D, 2-ethylhexyl ester
002217–00489	Trimec Weed-'n-Feed	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00508	Trimec DMB Mix No. 1	Dicamba
		2-4,D
		Mecoprop-P
002217–00516	Gordon's Bl 9600 Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00530	Gordon's Broadleaf Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00533	Super Trimec Weed-'n-Feed	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00567	Trimec D.m.b. #3 Turf Herbicide	Dicamba
		2-4,D
		Mecoprop-P
002217–00568	St. Augustinegrass Weed & Feed 580 20-10-5 Lawn Fertilizer	Dicamba
		2-4,D
		Mecoprop-P
002217–00593	Trimec D.M.B ι4 Turf Herbicide	Dicamba
		2-4,D
		Mecoprop-P
002217–00594	Gordon's St. Augustinegrass Lawn Weeder & Feeder	Dicamba
		2-4,D
		Mecoprop-P
002217–00615	Trimec Dmb Mix No. 1-4x Manufacturing Concentrate	Dicamba
		2-4,D

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		Mecoprop-P
002217–00618	Trimec Vinex F Concentrate	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00621	DM Mix ι1 Turf Herbicide	2-4,D
		Mecoprop-P
002217–00623	Trimec 225 Turf Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00624	Gordon's Trimec 450 Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00625	Gordon's Sod Farm Trimec	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00633	Gordons Amine 2,4-D Turf Herbicide	2,4-D, dimethylamine salt
002217–00644	Gordon's Brush Killer 823	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00647	Gordon's 2,4-D/dicamba Amine Turf Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
002217–00648	Gordon's Brush Killer 801	Dicamba
		2,4-D, 2-ethylhexyl ester
		2-Ethylhexyl (R)-2-(2,4-dichlorophenoxy)propionate
002217–00654	4lb. Amine 2,4-D Herbicide Manufacturing Concentrate	2,4-D, dimethylamine salt
002217–00659	Gordon's Trimec Weed & Feed 4 1/2	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00662	Spreader King Lawn Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00663	Trimec 901 Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00665	6 lb. Amine 2,4-D Herbicide Manufacturing Concentrate	2,4-D, dimethylamine salt
002217–00698	Trimec 321 Turf Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00726	Trimec 901 Liquid Weed & Feed 20-0-0	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00727	Trimec 902 Liquid Weed & Feed 20-0-0	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00742	DM 899 Liquid Weed & Feed 20-0-0	2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002217–00772	DM Weed-No-More	2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
002724–00548	Speer Double Strength Insect Repellent	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Diethyl toluamide
002724–00611	Whitmire Foam-Off Flea Killer Shampoo for Dogs	Butoxypolypropylene glycol
		Rotenone
		Cube Resins other than rotenone
002724–00683	Killer Kane Kartridges	2,4-D, sodium salt
002792–00038	Deccoquin 305 Concentrate	Ethoxyquin
002935 WA–80–0073	Red Top Superior Spray Oil N.w.	Mineral oil - includes paraffin oil from 063503
004822–00224	Raid Wasp & Hornet Killer III	Propoxur
		Tetramethrin

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
004822–00433	Raid Product 319	Benzyl benzoate
004822–00449	Raid Max Roach & Ant Killer 6	Propoxur
		Piperonyl butoxide
		Pyrethrins
		Cyfluthrin
004822–00480	Raid Product 420	Benzyl benzoate
005383–00101	Mergal S 89 Paste	Diuron
		Octhilinone
		Carbendazim
005481–00016	Alco Parade	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Piperonyl butoxide
		Pyrethrins
005481–00052	Alco Parade (pressurized)	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Piperonyl butoxide
		Pyrethrins
005481–00153	Alco Equine Spray	2,5-Pyridinedicarboxylic acid, dipropyl ester
		MGK 264
		Piperonyl butoxide
		Pyrethrins
005481–00234	Low Vol 4D Weed Killer	2,4-D, 2-ethylhexyl ester
005481–00235	Low Vol 6D Weed Killer	2,4-D, 2-ethylhexyl ester
005887–00055	Black Leaf Spot Weed Killer	2,4-D, dimethylamine salt
005905–00068	Helena Brand Propanil-3	Propanil
005905–00077	Atlas Brand Propanil 4	Propanil
005905–00182	Helena Brand Propanil 4	Propanil
005905–00245	Helena Brand Diuron 80 Wp Weed Killer	Diuron
005905–00482	Helena 4.8 Lb. Diuron Flowable Herbicide	Diuron
005905–00517	Setre Carbaryl 80 WP Insecticide	Carbaryl
007138–00014	Carpetmaker with Atrazine	Atrazine
007401–00007	Ferti Lome Nutgrass Killer	MSMA (and salts)
		2,4-D, 2-ethylhexyl ester
007401–00033	Ferti-Lome Lawn Weed Killer Granules	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
007401–00037	Ferti-Lome Weed & Feed for Controlling Weeds	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		2,4-D, dimethylamine salt
007401–00040	Ferti Lome Broad Spectrum Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
007401–00144	Ferti-Lome Spot Weed Killer	2,4-D, dimethylamine salt
007401–00168	Ferti-Lome Liquid Nutgrass Killer	MSMA (and salts)
		2,4-D, dimethylamine salt
007401–00171	Ferti-Lome Systemic Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
007401–00263	Fertilome Dandelion and Crabgrass Killer	MSMA (and salts)
		2,4-D, dimethylamine salt
007401–00265	Ferti-Lome Home Garden Bug Bait	Metaldehyde
		Carbaryl
007401 MS–90–0023	2,4-D Amine Type Weed Killer	2,4-D, dimethylamine salt
007401 MS–97–0007	Weedar 64 (r) Broadleaf Herbicide	2,4-D, dimethylamine salt
007401 MS–98–0008	Weedar 64 Broadleaf Herbicide	2,4-D, dimethylamine salt
007969–00121	Ultima 160 Herbicide	Sethoxydim
007969–00129	Poast 3.5 Herbicide	Sethoxydim
007969–00176	Poast 2.0 Herbicide	Sethoxydim
007969 CA–92–0005	BASF Poast Herbicide	Sethoxydim
008378–00004	Shaw's Weed and Feed 10-6-4	2,4-D, dimethylamine salt
008378–00023	Shaw's Premium Weed & Feed - Formula 1	2,4-D, dimethylamine salt
		Propanoic acid, 2-(2,4-dichlorophenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
008378–00024	Shaw's Premium Weed & Feed - Formula 2	2,4-D, dimethylamine salt
		Propanoic acid, 2-(2,4-dichlorophenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
008378–00029	Shaw's Premium Weed & Feed with 25-3-3 Lawn Food	2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
008660–00025	Vertagard Thiram 75 WP	Thiram
008660–00047	Green - Up 2,4-D Amine Weed Killer	2,4-D, dimethylamine salt

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
008660–00064	Vertagreen Weed & Feed	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
008660–00069	Green-Up Dandelion & Broadleaf Weed Killer	2,4-D, dimethylamine salt
008660–00086	Vertagreen Nutgrass Spray Herbicide	MSMA (and salts)
		2,4-D, dimethylamine salt
008660–00090	Dandelion and Chickweed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
008660–00093	Dandelion, Chickweed and Broadleaf Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
008660–00105	Broadleaf Spot Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
008660–00118	Dandelion, Chickweed & Broadleaf Spot Weed Killer	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
008660–00176	Golden Vigoro 17-3-4 Weed Control Plus Fertilizer Weed	2,4-D, dimethylamine salt
008660–00183	Green Turf Weed & Feed	2,4-D, dimethylamine salt
008660–00198	Kmart Weed and Feed	2,4-D, dimethylamine salt
008660–00230	Swift's Lawn Weeder and Feeder	2,4-D, dimethylamine salt
009198–00046	Andersons Weed and Feed Xx-Xx-Xx	2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
009198–00066	Lofts Crabgrass Preventer Plus Lawn Food 25-3-3	Benfluralin
009198–00197	Andersons Golf Products Fluid Fungicide III	Thiram
		Triadimefon
009688–00138	Chemsico Brush Killer Concentrate	Dicamba
		2,4-D, 2-ethylhexyl ester
		2-Ethylhexyl (R)-2-(2,4-dichlorophenoxy)propionate
009688–00139	Chemsico Lawn Weed Killer Concentrate	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
009688–00163	Chemsico Liquid Weed & Feed 5000	2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
009779–00256	Riverside 2,4 D LV6	2,4-D, 2-ethylhexyl ester

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
009779–00257	Riverside 2,4-D LV4	2,4-D, 2-ethylhexyl ester
009779–00263	2,4-D Amine 4	2,4-D, dimethylamine salt
009779–00311	Fluometuron 80DF	Fluometuron
009779–00312	Agrisolutions Fluometuron 4l	Fluometuron
009779–00319	Fluometuron + MSMA	MSMA (and salts)
		Fluometuron
010163 ID–06–0001	Eptam 7-E (for Enhabced Control of Annual/perennial	Carbamothioic acid, dipropyl-, S-ethyl ester
019713–00367	Linuron Technical 1	Linuron
019713–00584	Pendimethalin 3.3	Pendimethalin
019713–00591	Metolachlor 8E	Metolachlor
019713–00593	Metolachlor AT	Atrazine
		Metolachlor
019713–00595	Metolachlor 8E Plus	Metolachlor
032802–00003	Howard Johnson's Weed & Feed	2,4-D, dimethylamine salt
032802–00031	All Season Triamine Weed and Feed	2,4-D, dimethylamine salt
		Propanoic acid, 2-(2,4-dichlorophenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
032802–00074	Weed & Feed for Northern Turfgrasses	Dicamba
		2-4,D
		Mecoprop-P
032970–00005	Haunt Residual Insect Spray	Propoxur
033068–00002	Aquashade OA	Acid Blue 9
		1H-Pyrazole-3-carboxylic acid, 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-4-((4-sulfophenyl)azo)
034911–00009	Hi-Yield Lawn Weed Killer	2,4-D, dimethylamine salt
035935–00029	Technical 2,4-D Acid	2-4,D
036029–00013	This Is the Way Zinc Phosphide Bait for Ground Squirrel	Zinc phosphide (Zn3P2)
036029 CA–03–0007	Gopher Getter Type 2 Bait By Wilco	Diphacinone
042057–00112	Morgro 20-2-2 Weed & Feed	2,4-D, dimethylamine salt
042750–00024	Mcpa Sodium Salt	MCPA, sodium salt
048234–00001	Regalstar	Benfluralin
		Oxadiazon
051036 MS–02–0019	Acephate 90SP	Acephate
053883–00158	Dicamba-D Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
		2,4-D, dimethylamine salt
059623 CA–76–0155	Clorox	Sodium hypochlorite
062719–00019	N-Serve 24E	Nitrapyrin
062719–00075	Turflon II Amine	2,4-D, dimethylamine salt
		Triclopyr, triethylamine salt
062719–00231	2,4-D Acid 85 Wp Herbicide	2-4,D
062719–00242	Formula 40 Ivm	2,4-D, dimethylamine salt
		2,4-D, triisopropanolamine salt
062719–00256	Justice Herbicide	2-4,D
062719–00264	Scorpion III	2-4,D
		Clopyralid
		Flumetsulam
062719–00469	GF-475	2,4-D, 2-ethylhexyl ester
062719 MI–94–0001	Lorsban 4E-HF	Chlorpyrifos
062719 WA–00–0010	Lorsban-4E	Chlorpyrifos
062719 WA–02–0010	Dithane DF Rainshield	Mancozeb
066300 PR–92–0002	Mocap 10% Granular Nematicide - Insecticide	Ethoprop
071368–00002	Weedone Lv4 Broadleaf Postemergence Herbicide	2,4-D, butoxyethyl ester
071368–00018	Weedar (r) 64tf Broadleaf Herbicide	2,4-D, dimethylamine salt
071368–00051	2,4-D Amine 6	2,4-D, dimethylamine salt
071368–00052	2,4-D Amine 4	2,4-D, dimethylamine salt
071368–00053	2,4-D Ester LV6	2,4-D, 2-ethylhexyl ester
071368–00054	2,4-D Ester LV4	2,4-D, 2-ethylhexyl ester
071368–00057	U-46 D6 Herbicide 2,4-D Non-Volatile Amine Salt	2,4-D, dimethylamine salt
071368–00058	U-46 D4-Ester-Lv 2,4-D Low-Volatile Ester Herbicide	2,4-D, 2-ethylhexyl ester
071368–00059	Basf U-46 D-4 Herbicide	2,4-D, dimethylamine salt
071368 AR–93–0001	Weedar 64 Broadleaf Herbicide	2,4-D, dimethylamine salt
071368 CT–00–0001	Aqua-Kleen	2,4-D, butoxyethyl ester
071368 LA–93–0001	Weedar 64 Broadleaf Herbicide	2,4-D, dimethylamine salt
071368 MS–05–0003	Extra Credit 5 Systemic Herbicide	Dicamba
		2,4-D, dimethylamine salt

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product name	Chemical name
071579 WA–98–0008	Harvade-5F	Dimethipin
071711 WA–01–0016	Moncut 50WP	Flutolanil
072155–00062	Triway + Phenoxaprop Ready-To-Spray Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
		Fenoxaprop-p-ethyl
072155–00063	Triway + Fenoxaprop Concentrate Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Mecoprop-P
		Fenoxaprop-p-ethyl
072155–00066	Triway + Phenoxaprop Ready-To-Use Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmethanamine (1:1)
		2,4-D, dimethylamine salt
		Propanoic acid, 2-(4-chloro-2-methylphenoxy)-, (R)-, compd. with N-methylmethanamine (1:1)
		Fenoxaprop-p-ethyl
073049–00223	Niagara Intermediate Concentrate Insecticide Code 924.2	Butoxypolypropylene glycol
		Piperonyl butoxide
		Pyrethrins
073049–00252	Pyrenone Plus Repellent	Butoxypolypropylene glycol
		Piperonyl butoxide
		Pyrethrins
073049–00253	Pyrenone S.A. Concentrate 5	Butoxypolypropylene glycol
		MGK 264
		Piperonyl butoxide
		Pyrethrins
080305–00001	I-Ching Naphthalene Moth Balls	Naphthalene
081876–00001	Boa Concentrate	Paraquat dichloride
081876–00002	Boa Herbicide	Paraquat dichloride
083884–00008	Fungitex TBZ	Thiabendazole

A request to waive the 180–day comment period has been received for the following registrations: 000769-00611; 002724-00548; 002724-00611; 002724-00683; 008660-00047; 008660-00064; 008660-00069; 008660-00086; 008660-00090; 008660-00093; 008660-00105; 008660-00118; 008660-00176; 008660-00183; 008660-00198; 008660-00230; 009688-00138; 009688-00139; 009688-00163; 062719-00019; 073049-00223; 073049-00252 073049-00253; 081876-00001; 081876-00002; 083884-00008. Therefore, the 30–day comment period will apply for these registrations.

Unless a request is withdrawn by the registrant by February 19, 2008 or by September 19, 2007 for those registrations with a 30–day comment period, orders will be issued canceling all of these registrations. A person may submit comments to EPA as provided in **ADDRESSES** and Unit I. of the **SUPPLEMENTARY INFORMATION** above. However, because FIFRA section 6(f)(1)(A) allows a registrant to request cancellation of its pesticide registrations at any time, users or anyone else desiring retention of those pesticides listed in Table 1 may want to contact the applicable registrant in Table 2 directly during this period to request that the registrant retain the pesticide registration or to discuss the possibility of transferring the registration. A user seeking to apply for its own registration of that pesticide may submit comments requesting EPA not to cancel a registration until its ''me-too'' registration is granted.

Table 2 of this unit includes the names and **ADDRESSES** of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number:

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company no.	Company Name and Address
000100	Syngenta Crop Protection, Inc., Attn: Regulatory Affairs, PO Box 18300, Greensboro, NC 274198300.
000228	Nufarm Americas Inc., 150 Harvester Drive, Suite 200, Burr Ridge, IL 60527.
000239	The Ortho Business Group, d/b/a The Scotts Co., Po Box 190, Marysville, OH 43040.
000241	BASF Corp., PO Box 13528, Research Triangle Park, NC 277093528.
000264	Bayer Cropscience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
000305	United Industries Corp., d/b/a Wpc Brands, Inc., PO Box 4406, Bridgeton, MO 63044.
000352	E. I. Du Pont De Nemours & Co., Inc., Dupont Crop Protection (s300/427), PO Box 30, Newark, DE 197140030.
000400	Chemtura Corp., 199 Benson Rd. (2-4), Middlebury, CT 06749.
000432	Bayer Environmental Science, A Business Group of Bayer Cropscience LP, PO Box 12014, Research Triangle Park, NC 27709.
000769	Value Gardens Supply, LLC, d/b/a Value Garden Supply, PO Box 585, Saint Joseph, MO 64502.
000869	Green Light Co., PO Box 17985, San Antonio, TX 78217.
001021	Mclaughlin Gormley King Co., 8810 Tenth Ave North, Minneapolis, MN 554274372.
001381	Agriliance, LLC, PO Box 64089, St. Paul, MN 551640089.
001812	Dupont Crop Protection/stine-Haskell Research Center, Agent For: Griffin L.L.C., PO Box 30, Newark, DE 197140030.
002217	PBI/Gordon Corp., PO Box 014090, Kansas City, MO 641010090.
002724	Wellmark International, 1501 E. Woodfield Rd., Suite 200 W., Schaumburg, IL 60173.
002792	Decco, Cerexagri, Inc., 1713 S California Ave., Monrovia, CA 910160120.
002935	Wilbur Ellis Co., PO Box 1286, Fresno, CA 93715.
004822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
005383	Troy Chemical Corp., PO Box 955, Florham Park, NJ 079324200.
005481	Amvac Chemical Corp., Attn: Jon C. Wood, 4695 Macarthur Ct., Suite 1250, Newport Beach, CA 926601706.
005887	Value Gardens Supply, LLC, d/b/a Value Garden Supply, PO Box 585, Saint Joseph, MO 64502.
005905	Helena Chemical Co., 225 Schilling Blvd., Suite 300, Collierville, TN 38017.
007138	Registrations By Design, Inc., Agent For: Southern States Cooperative, Inc., 118 1/2 E. Main St., Suite 1, Salem, VA 241533805.
007401	Voluntary Purchasing Groups, Inc., PO Box 460, 230 FM 87, Bonham, TX 75418.
007969	BASF Corp., Agricultural Products, PO Box 13528, Research Triangle Park, NC 277093528.
008378	Total Turf Consulting LLC, Agent For: Knox Fertilizer Co Inc., 300 W. Fifth St., ι411, Charlotte, NC 28202.
008660	United Industries Corp., d/b/a Sylorr Plant Corp., PO Box 142642, St. Louis, MO 631140642.
009198	The Andersons Lawn Fertilizer Division, Inc., dba/ Free Flow Fertilizer, PO Box 119, Maumee, OH 43537.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company no.	Company Name and Address
009688	Chemsico, Div of United Industries Corp., PO Box 142642, St Louis, MO 631140642.
009779	Agriliance, LLC, PO Box 64089, St Paul, MN 551640089.
010163	Gowan Co., PO Box 5569, Yuma, AZ 853665569.
019713	Drexel Chemical Co., 1700 Channel Ave., Memphis, TN 38106.
032802	Howard Johnson's Enterprises Inc., 700 W. Virginia St. Ste 222, Milwaukee, WI 532041548.
032970	American Cleaning Solutions, Division of American Wax Co., Inc., 39-30 Review Ave., Long Island City, NY 11101.
033068	Aquashade, W175 N11163 Stonewood Drive, Suite 234, Germantown, WI 530224799.
034911	Hi-Yield Chemical Co., PO Box 460, 230 FM 87, Bonham, TX 75418.
035935	Nufarm Limited, Agent For: Nufarm Limited, PO Box 13439, RTP, NC 27709.
036029	Wilco Distributors, Inc., PO Box 291, Lompoc, CA 93438.
042057	Morgro Chemical Co., 145 W. Central Ave, Salt Lake City, UT 84107.
042750	Albaugh, Inc., Agent For: Albaugh Inc., PO Box 2127, Valdosta, GA 316042127.
048234	Regal Chemical Co., 600 Branch Dr., Alpharetta, GA 30004.
051036	BASF Sparks LLC, PO Box 13528, Research Triangle Park, NC 27709.
053883	Control Solutions, Inc., 5903 Genoa-Red Bluff, Pasadena, TX 775071041.
059623	California Dept. of Food & Agriculture, office of Pesticide Consultation & Analysis, 1220 N Street, Room 444, Sacramento, CA 95814.
062719	Dow Agrosciences LLC, 9330 Zionsville Rd 308/2E, Indianapolis, IN 462681054.
066300	Aventis Cropscience USA LP, Agent For: Aventis Cropscience Puerto Rico, PO Box 12014, Research Triangle Park, NC 27709.
071368	Nufarm, Inc., 150 Harvester Drive Suite 200, Burr Ridge, IL 60527.
071579	Association of Basin Nurseries, PO Box 1339, Wenatchee, WA 98807.
071711	Nichino America, Inc., 4550 New Linden Hill Rd., Suite 501, Wilmington, DE 19808.
072155	Bayer Advanced, A Business Unit of Bayer Cropscience LP, PO Box 12014, Research Triangle Park, NC 27709.
073049	Valent Biosciences Corp., 870 Technology Way, Suite 100, Libertyville, IL 600486316.
080305	Dr. Shih Y. Chang, Agent For: I-Ching Chemical Co., Ltd., 4 Hudson Ct., West Windsor, NJ 08550.
081876	Landis International, Inc., Agent For: Griffin Corp., PO Box 5126, Valdosta, GA 316035126.
083884	Calvin Hartzog, Agent For: Huntsman International, LLC, 2215 Commerce St., Bldg. D, Houston, TX 770022372.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1)(A) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register** and provide for a 30–day public comment period. In addition, where a pesticide is registered for a minor agricultural use and the Administrator determines that cancellation or termination of that use would adversely affect the availability of the pesticide for use, FIFRA section 6(f)(1)(C) requires EPA to provide a 180–day period before approving or rejecting the section 6(f) request unless:

1. The registrant requests a waiver of the 180–day period, or

2. The Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before February 19, 2008 or before September 19, 2007 for those registrations where the 180–day comment period has been waived. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL–3846–4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: August 10, 2007.

Robert Forrest,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs

[FR Doc. E7–16320 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8457–5; Docket ID No. EPA–HQ–ORD–2007–0599]

Draft Toxicological Review of Tetrahydrofuran: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of peer-review workshop and public comment period.

SUMMARY: EPA is announcing that the Oak Ridge Institute of Science and Education (ORISE), under an Interagency agreement between the Department of Energy and EPA, will convene an independent panel of experts and organize and conduct an external peer-review workshop to review the external review draft document titled, ''Toxicological Review of Tetrahydrofuran: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' (NCEA–S–1620). The EPA also is announcing a public comment period for the draft document. EPA intends to consider comments and recommendations from the public and the expert panel meeting when EPA finalizes the draft document.

The public comment period and the external peer-review workshop are separate processes that provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments submitted in accordance with this notice to ORISE for consideration by the external peer-review panel prior to the workshop.

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.

ORISE invites the public to register to attend this workshop as observers. In addition, ORISE invites the public to give brief oral comments at the workshop regarding the draft document under review. The draft document and EPA's peer-review charge are available via the Internet on NCEA's home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea.* When finalizing the draft document, EPA intends to consider ORISE's report of the comments and recommendations from the external peer-review workshop and any public comments that EPA receives in accordance with this notice.

DATES: The peer-review panel workshop will begin on November 1, 2007, at 9 a.m. and end at 3 p.m. The public comment period begins August 20, 2007, and ends October 18, 2007. Technical comments should be in writing and must be received by EPA by October 18, 2007. EPA intends to submit comments from the public received by this date to ORISE prior to the workshop for consideration by the panel.

ADDRESSES: The peer-review workshop will be held at the American Geophysical Union, 2000 Florida Avenue, NW., Washington, DC 20009. ORISE is organizing, convening, and conducting the peer-review workshop. To attend the workshop, register by October 22, 2007, via the Internet at *http://www.orau.gov/tetrahydrofuran.* You may also register by calling ORISE at 865–576–2922, sending a facsimile to 865–241–3168, or sending an e-mail to Margaret Lyday, *lydaym@orau.gov.* You must register by October 22, 2007, if you wish to provide brief oral comments at the workshop.

The draft Toxicological Review of Tetrahydrofuran: In Support of Summary Information on the Integrated Risk Information System (IRIS) is available via the Internet on the National Center for Environmental Assessment's (NCEA) home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the Technical Information Staff, NCEA–W; telephone: 202–564–3261; facsimile: 202–565–0050. If you are requesting a paper copy, please provide your name, mailing address, and the document title. Copies are not available from ORISE. The National Toxicology Program studies referenced in the Toxicological Review of Tetrahydrofuran are available by calling EPA's IRIS Hotline at 202–566–1676, by fax at 202–566–1749 or by e-mail at *iris@epa.gov.*

Comments may be submitted electronically via *http://www.regulations.gov*, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the peer review workshop, contact Margaret Lyday, ORISE, P.O. Box 117, MS 17, Oak Ridge, TN 37831–0117, 865–576–2922 or 865–241–3168 (facsimile), *lydaym@orau.gov* (e-mail).

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.*

If you have questions about the document, contact Jamie Strong, IRIS Staff, National Center for Environmental Assessment, (8601D), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 202–564–3386; facsimile: 202–565–0075; *strong.jamie@epa.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Integrated Risk Information System (IRIS)

IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at *http://www.epa.gov/iris*) contains qualitative and quantitative health effects information for more than 500 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

II. Workshop Information

Members of the public may attend the workshop as observers, and there will be a limited time for oral comments from the public. Please let ORISE know if you wish to make comments during the workshop prior to the meeting by registering on the Web site at *http://www.orau.gov/tetrahydrofuran* and indicating your intent to make oral comments. Space is limited, and reservations will be accepted on a first-come, first-served basis.

III. How To Submit Technical Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2007–0599 by one of the following methods:

- *http://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, EPA West Building, Room 3334, 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 one unbound original with pages numbered consecutively, and 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–2007–0599. 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 *http://www.regulations.gov* or e-mail. The *http://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 *http://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 *http://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 *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: August 14, 2007.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E7–16321 Filed 8–17–07; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 100]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import Bank of the United States ("Ex-Im Bank") is seeking approval of the proposed information collection described below. Ex-Im Bank provides insurance for the financing of exports of goods and services. This collection allows insured parties and insurance brokers to report overdue payments from the borrower.

SUPPLEMENTARY INFORMATION: This notice is soliciting comments from the public concerning the proposed collection of information to (1) evaluate whether the proposed collection is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

DATES: Written comments should be received on or before October 19, 2007 to be assured of consideration.

ADDRESSES: Direct all comments or requests for additional information to Terry M. Faith, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571, (202) 563–3607, *Terry.M.Faith@exim.gov.*

Titles and Form Numbers:

Export-Import Bank of the United States Report of Overdue Accounts Under Short-Term Policies, EIB 92–27.

Export-Import Bank of the United States Report of Overdue Accounts Under Medium-Term Credit Insurance Policies, EIB 92–28.

OMB Number: None.

Type of Review: Regular.

Need and Use: The information requested enables insured parties and insurance brokers to report overdue payments from the borrower.

Affected Public: Insured parties and brokers.

	EIB 92–27	EIB 92–28
Estimated Annual Responses	396	820.
Estimated Time Per Response	15 minutes	15 minutes.
Estimated Annual Burden	99 hours	205 hours.

Frequency of Response: One form per reporting.

Dated: August 13, 2007.

Solomon Bush,

Agency Clearance Officer.

[FR Doc. 07–4037 Filed 8–17–07; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2827]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

August 14, 2007.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by September 4, 2007. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to oppositions must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Recommendations of the Independent Panel Reviewing the Impact of the Hurricane Katrina on Communications Networks (EB Docket No. 06–119) (WC Docket No. 06–63).

Number of Petitions Filed: 7.

William F. Caton,

Deputy Secretary.

[FR Doc. E7–16301 Filed 8–17–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 07–01]

APM Terminals North America, Inc. v. The Port Authority of New York and New Jersey; The Port Authority of New York and New Jersey v. Maher Terminals LLC; Notice of Filing of Third-Party Complaint

Notice is given that a Third-Party Complaint has been filed with the Federal Maritime Commission by the Port Authority of New York and New Jersey (''PANYNJ'' or ''Third-Party Complainant'') against Maher Terminals LLC (''Maher'' or ''Third-Party Respondent''), a Marine Terminal Operator, in this proceeding noticed on January 17, 2007 (46 FR 1997). The Third-Party Complainant here, PANYNJ, is respondent in this proceeding in which APM Terminals North American, Inc. (''APM'' or ''Complainant'') asserts that PANYNJ has violated the Shipping Act of 1984 by failing to turnover a certain land parcel to APM. PANYNJ asserts that Maher is liable to it if PANYNJ is liable to APM.

Specifically, PANYNJ asserts that Maher violated section 10(a)(3) of the Shipping Act (46 U.S.C. 41102(b)(2)) by failing to vacate certain lease premises as required by Lease EP–249 between PANYNJ and Maher. PANYNJ alleges that it was unable to meet its obligations to turn over marine terminal land designated in a lease it had with APM as a direct result of Third-Party Respondent's refusal to turn this land over as specified under the terms of its separate Lease EP–249. The Third-Party Complainant further alleges that section 249 of Lease EP–249 between it and the Third-Party Respondent, specifically required Third-Party Respondent to turn over this land so that it could be delivered to AMP. The Third-Party Complainant further contends that Lease EP–249 required Maher: (1) To indemnify and hold harmless the Third-Party Complainant for any damages resulting from the Third-Party Respondent's failure to turn over the Added Premises in a timely manner and (2) to defend PANYNJ at Maher's sole expense for any claim arising out of its terminal operation. PANYNJ also contends that ''any fair reading of eases EP–248 and EP–249 which were negotiated and entered into almost simultaneously reveals that the parties well knew that the Added Premises, then occupied by Maher, might not be handed over to AMP by December 31, 2007 * * * and that the eases contained provisions as to available remedies should that transfer not occur on time.''

The PANYNJ prays that Maher be required to answer the changes in this Third-Party Complaint and that after appropriate process and procedure, Maher be order to pay reparation to PANYNJ in the amount of any damages and costs due to AMP as the result of the failure of PANYNJ to timely deliver the Added Premises and pursuant to 46 U.S.C. 41305(c) twice the amount of the reasonable fees, costs, and expenses incurred by PANYNJ in defending the AMP action.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E7–16268 Filed 8–17–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center 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 September 14, 2007.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Anderen Financial of TampaBay, Inc., Clearwater, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Anderen Bank of Tampa Bay, Palm Harbor, Florida (in organization).

2. Banco Popular Espanol, S.A., Madrid, Spain; to become a bank holding company by acquiring 100 percent of the voting shares of TotalBank, Miami, Florida.

B. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. SB Bancorp, Inc., DeForest, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Settlers Bank, DeForest, Wisconsin (in organization).

C. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. M & P Community Bancshares, Inc. 401(k) Employee Stock Ownership Plan, Newport, Arkansas; to acquire additional voting shares, not to exceed 32 percent of the total voting shares of M & P Community Bancshares, Inc., and thereby indirectly acquire additional voting shares of Merchants & Planters Bank, both of Newport, Arkansas, and Greers Ferry Lake State Bank, Heber Springs, Arkansas.

D. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. Franklin Resources, Inc., San Mateo, California; to acquire 5.31 percent of the voting shares of Chemical Financial Corporation, and thereby indirectly acquire voting shares of Chemical Bank, both of Midland, Michigan.

Board of Governors of the Federal Reserve System, August 15, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–16295 Filed 8–17–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 4, 2007.

A. Federal Reserve Bank of New York (Anne MacEwen, Bank Applications Officer) 33 Liberty Street, New York, New York 10045-0001:

1. Banco Latinoamericano de Exportaciones S.A., Panama City, Republic of Panama; to engage *de novo* through its subsidiary, Bladex Asset Managment, New York, New York, in serving as investment adviser, including sponsoring, organizing and managing a closed-end investment company, pursuant to section 225.28(b)(6)(i); furnishing general economic information and advice, general economic statistical forecasting services, and industry studies, pursuant to section 225.28(b)(6)(ii); providing advice in connection with mergers, acquisitions, divestitures, investments, joint ventures, leveraged buyouts, recapitalizations, capital structurings, financing transactions and similar transactions, and conducting financial feasibility studies, pursuant to section 225.28(b)(6)(iii); providing information, statistical forecasting, and advice with respect to any transaction in foreign exchange, swaps, and similar transactions, commodities, and any forward contract, option, future, option on a future, and similar instruments, pursuant to section 225.28(b)(6)(iv); providing educational courses, and instructional materials to consumers on individual financial management matters, pursuant to section 225.28(b)(6)(v); and providing tax-planning and tax-preparation services to any person, pursuant to section 225.28(b)(6)(vi), all of Regulation Y. In addition, Applicant also has applied to engage in providing administrative services to mutual funds, including, but not limited do, recordkeeping, providing legal and regulatory advice, developing compliance procedures, preparing reports and tax returns, and coordinating with the funds' other advisers and service providers. See

Dresdner Bank AG, 82 Federal Reserve Bulletin 676 (1996).

Board of Governors of the Federal Reserve System, August 15, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc.E7–16296 Filed 8–19–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comments on its proposal to extend through June 30, 2010, the current OMB clearance for information collection requirements contained in its Used Motor Vehicle Trade Regulation Rule (''Used Car Rule'' or ''Rule''). That clearance expires on December 31, 2007.

DATES: Comments must be filed by October 19, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Used Car Rule: FTC Matter No. P067609,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission, Room H–135 (Annex J), 600 Pennsylvania Ave., NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, as prescribed below. However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.''[1]

Comments filed in electronic form should be submitted by following the instructions on the web-based form at *https://secure.commentworks.com/ftc-UsedCarRule*. To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the *https://secure.commentworks.com/ftc-UsedCarRule* weblink. If this notice appears at *http://www.regulations.gov*, you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to John C. Hallerud, Attorney, Midwest Region, Federal Trade Commission, 55 West Monroe, Suite 1825, Chicago, Illinois 60603, (312) 960-5634.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

The FTC invites comments on: (1) Whether the required collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden of the required collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before October 19, 2007.

The Used Car Rule facilitates informed purchasing decisions by requiring used car dealers to disclose information about warranty coverage, if any, and the mechanical condition of used cars that they offer for sale. The Rule requires that used car dealers display a form called a ''Buyers Guide'' on each used car offered for sale that, among other things, discloses information about warranty coverage.

Burden statement:

Estimated total annual hours burden: 2,250,000 hours.

The Rule has no recordkeeping requirements. The estimated burden relating solely to disclosure requirements is 2,250,000 hours. As explained in more detail below, this estimate is based on the number of used car dealers (approximately 63,000[2]), the number of used cars sold by dealers annually (approximately 28,029,000[3]), and the time needed to fulfill the information collection tasks required by the Rule.[4]

The Rule requires that used car dealers display a one-page, double-sided Buyers Guide on each used car that they offer for sale. The component tasks associated with the Rule's required display of Buyers Guides include: (1) ordering and stocking Buyers Guide forms; (2) entering applicable data on Buyers Guides; (3) posting the Buyers Guides on vehicles; (4) making any necessary revisions in Buyers Guides; and (5) complying with the Rule's requirements for sales conducted in Spanish.

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

[2] CNW Marketing Research, Inc. CNW lists franchised outlets with used car operations as 19,017 and independent used car outlets as 43,521 in June 2007, for a total of 62,538 outlets. Staff rounded that figure to 63,000.

[3] *Id.*

[4] Some dealers opt to contract with outside contractors to perform the various tasks associated with complying with the Rule. Staff assumes that outside contractors would require about the same amount of time and incur similar cost as dealers to perform these tasks. Accordingly, the hour and cost burden totals shown, while referring to ''dealers,'' incorporate the time and cost borne by outside companies in performing the tasks associated with the Rule.

1. Ordering and Stocking Buyers Guides: Dealers should need no more than an average of two hours per year to obtain Buyers Guides,[5] which are readily available from many commercial printers or can be produced by an office word-processing or desk-top publishing system.[6] Based on a population of 63,000 dealers, the annual hours burden for producing or obtaining and stocking Buyers Guides is 126,000 hours.

2. Entering Data on Buyers Guides: The amount of time required to enter applicable data on Buyers Guides may vary substantially, depending on whether a dealer has automated the process. For used cars sold ''as is,'' copying vehicle-specific data from dealer inventories to Buyers Guides and checking the ''No Warranty'' box may take two to three minutes per vehicle if done by hand, and only seconds for those dealers who have automated the process or use pre-printed forms. Staff estimates that this task will require an average of two minutes per Buyers Guide.[7] Similarly, for used cars sold under warranty, the time required to check the ''Warranty'' box and to add warranty information, such as the additional information required in the Percentage of Labor/Parts and the Systems Covered/Duration sections of the Buyers Guide will depend on whether the dealer uses a manual or automated process or Buyers Guides that are pre-printed with the dealer's standard warranty terms. Staff estimates that these tasks will take an average of one additional minute, *i.e.*, cumulatively, an average total time of three minutes for each used car sold under warranty.

Staff estimates that approximately fifty percent of used cars sold by dealers are sold ''as is,'' with the other one half sold under warranty.[8] Therefore, staff estimates that the overall time required to enter data on Buyers Guides consists of 467,000 hours for used cars sold without a warranty (28,029,000 × 50% × 2 minutes per vehicle) and 701,000 hours for used cars sold under warranty (28,029,000 × 50% × 3 minutes per vehicle) for a cumulative estimated total of 1,168,000 hours.

3. Displaying Buyers Guides on Vehicles: Although the time required to display the Buyers Guides on each used car may vary substantially, FTC staff estimates that dealers will spend an average of 1.75 minutes per vehicle to match the correct Buyers Guide to the vehicle and to display it on the vehicle.[9] The estimated burden associated with this task is approximately 818,000 hours for the 28,029,000 vehicles sold in 2006 (28,029,000 × 1.75 minutes per vehicle).

4. Revising Buyers Guides as Necessary: If negotiations between the buyer and seller over warranty coverage produce a sale on terms other than those originally entered on the Buyers Guide, the dealer must revise the Buyers Guide to reflect the actual terms of sale. According to the original rulemaking record, bargaining over warranty coverage rarely occurs. Staff notes that consumers often do not need to negotiate over warranty coverage because they can find vehicles that are offered with the desired warranty coverage online or in other ways before ever contacting a dealer. Accordingly, staff assumes that the Buyers Guide will be revised in no more than two percent of sales, with an average time of two minutes per revision.[10] Therefore, staff estimates that dealers annually will spend approximately 19,000 hours revising Buyers Guides (28,029,000 × 2% × 2 minutes per vehicle).

5. Spanish Language Sales: The Rule requires that contract disclosures be made in Spanish if a sale is conducted in Spanish.[11] The Rule permits displaying both an English and a Spanish language Buyers Guide to comply with this requirement.[12] Many dealers with large numbers of Spanish-speaking customers likely will post both English and Spanish Buyers Guides to avoid potential compliance violations.

Calculations from United States Census Bureau surveys indicate that approximately six percent of the United States population speaks Spanish at home, without also speaking fluent English.[13] Staff therefore projects that approximately six percent of used car sales will be conducted in Spanish. Dealers will incur the additional burden of completing and displaying a second Buyers Guide in six percent of sales assuming that dealers choose to comply with the Rule by posting both English and Spanish Buyers Guides. The annual hours burden associated with completing and posting Buyers Guides is 1,986,000 hours (1,168,000 hours for entering data on Buyers Guides + 818,000 hours for posting). Therefore, staff estimates that the additional burden caused by the Rule's requirement that dealers display Spanish language Buyers Guides when conducting sales in Spanish is 119,000 hours (6% × 1,986,000 hours). The other components of the annual hours burden, *i.e.*, purchasing Buyers Guides and revising them for changes in warranty coverage, would remain unchanged.

Estimated annual cost burden: $32,876,000, consisting of $27,270,000 in labor costs and $5,606,000 in non-labor costs.

Labor costs: Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Staff has determined that all of the tasks associated with ordering forms, entering data on Buyers Guides, posting Buyers Guides on vehicles, and revising them as needed, including the corresponding tasks associated with Spanish Buyers Guides, are typically done by clerical or low-level administrative personnel. Using a clerical cost rate of $12.12 per hour[14] and an estimated burden of 2,250,000 hours for disclosure requirements, the total labor cost burden would be approximately $27,270,000.

Capital or other non-labor costs: Although the cost of Buyers Guides can

[5] In the FTC's 2004 PRA notice staff estimated the time needed to purchase Buyers Guides as one hour per year. 69 FR 63535, 63536 (Nov. 2, 2004) (addressing comments). Based on industry input, staff believes that more time may be spent purchasing Buyers Guides than previously estimated because dealers periodically may change the warranty coverage that they offer and the corresponding preprinted Buyers Guides that they purchase.

[6] Buyers Guides are also available online from the FTC's Web site, *www.ftc.gov,* as links to *A Dealer's Guide to the Used Car Rule* at *http://www.ftc.gov/bcp/conline/pubs/buspubs/usedcarc.shtm.*

[7] The 2004 PRA notice estimated the average time spent for this task as one-and-one half minutes. 69 FR at 63536. Based upon comments received at that time and additional industry input in preparing this notice, staff has revised its estimate upward to 2 minutes.

[8] The 2004 PRA notice estimated that sixty percent of sales were ''as is.'' 69 FR at 63536. Industry input suggests that more used cars are now sold with warranties because of an increase in the availability of manufacturers' certified used car programs and a longer duration of manufacturers' original new car warranties. *See also* Manheim Market Report, p. 35, citing Autodata Corporation (Table noting that 1.6 million certified pre-owned used cars were sold in 2006, which constitutes a two percent increase in certified used car sales from 2004 and approximately six percent of the used cars sold by dealers in 2006). Staff thus has decreased its estimate of the number of ''as is'' sales from the prior PRA notice.

[9] The 2004 PRA notice also stated this estimate. See 69 FR at 63536. Absent specific industry estimates to the contrary, staff continues to believe this estimate is reasonable.

[10] See note 10.

[11] 16 CFR 455.5.

[12] *Id.*

[13] U.S. Census Bureau, Table S1601. Language Spoken at Home. 2005 American Community Survey available at: *http://factfinder.census.gov/servlet/STTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2005_EST_G00_S1601&-ds_name=ACS_2005_EST_G00_&-_lang=en&-redoLog=false&-CONTEXT=st.* The table indicates that 19.4% of the U.S. population do not speak English at home, 62% of this group speaks Spanish at home, and 47.8% of those home Spanish speakers speak English less than ''very well.''

[14] The hourly rate is based on Bureau of Labor Statistics estimate of the mean hourly wage for office clerks, general, No. 43–9061. National Occupational Employment and Wage Estimates, May 2006 available at: *http://www.bls.gov/oes/current/oes439061.htm.*

vary considerably, based on industry input staff estimates that the average cost of each Buyers Guide is 20 cents. Buyers Guides for the 28,029,000 used cars sold by dealers in 2006 would cost approximately $5,606,000. In making this estimate, staff conservatively assumes that all dealers will purchase preprinted forms instead of producing them internally, although dealers may produce them at minimal expense using current office automation technology. Capital and start-up costs associated with the Rule are minimal.

William Blumenthal,

General Counsel.

[FR Doc. E7–16239 Filed 8–17–07: 8:45 am]

BILLING CODE: 6750–01–S

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for Unmodified Qualified Trust Model Certificates and Model Trust Documents

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: The Office of Government Ethics is publishing this second round notice and requesting comment on the twelve executive branch OGE model certificates and model documents for qualified trusts. OGE intends to submit these forms for extension of approval (up to two years) by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. OGE is proposing no changes to these forms at this time. As in the past, OGE will notify filers of an update to the privacy information contained in the existing forms, and will post a notification thereof on its Web site.

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received by September 19, 2007.

ADDRESSES: Comments should be sent to Brenda Aguilar, OMB Desk Officer for OGE, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; Telephone: 202–395–7316; FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Paul D. Ledvina, Records Officer, Information Resources Management Division at the Office of Government Ethics; Telephone: 202–482–9281; TDD: 202–482–9293; FAX: 202–482–9237; E-mail: *pdledvin@oge.gov*. The model certificates of independence and compliance for qualified trusts are codified in appendixes A, B, and C to 5 CFR part 2634. Copies of the model trust documents are available through the Forms, Publications & Other Ethics Documents section of OGE's Web site at *http://www.usoge.gov*. Copies of the qualified trust model certificates and the model trust documents may also be obtained, without charge, by contacting Mr. Ledvina.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics intends to submit, shortly after this notice, all twelve qualified trust model certificates and model documents described below (all of which are included under OMB paperwork control number 3209–0007) for a two-year extension of approval by OMB under the Paperwork Reduction Act (44 U.S.C. chapter 35). The current paperwork approval for the model certificates and model trust documents is scheduled to expire at the end of September 2007. OGE is proposing no changes to the twelve qualified trust certificates and model trust documents at this time.

Privacy Act Statement

In 2003, OGE updated the OGE/GOVT–1 system of records notice (covering SF 278 Public Financial Disclosure Reports and other name-retrieved ethics program records), including the addition of the three new routine uses and the modification of one of the existing routine uses (the seventh one listed on the model trust forms). See 68 FR 3097–3109 (January 22, 2003), as corrected at 68 FR 24744 (May 8, 2003). As a result, the Privacy Act Statement on each of the qualified trust model certificates and documents, which includes paraphrases of the routine uses, is affected. OGE has not incorporated this update into the qualified trust model certificates and documents at this time, since a more thorough revision of these information collections is planned within the next two years. Upon distribution of the trust model certificates and documents, OGE will continue to inform users of the update to the Privacy Act Statement. OGE will also post a notification thereof on its Web site to accompany the model certificates and documents.

Model Trust Form Users

OGE is the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act of 1978 (Ethics Act). Presidential nominees to executive branch positions subject to Senate confirmation and any other executive branch officials may seek OGE approval for Ethics Act qualified blind or diversified trusts as one means to be used to avoid conflicts of interest.

OGE is the sponsoring agency for the model certificates and model trust documents for qualified blind and diversified trusts of executive branch officials set up under section 102(f) of the Ethics Act, 5 U.S.C. app. 102(f), and OGE's implementing financial disclosure regulations at subpart D of 5 CFR part 2634. The various model certificates and model trust documents are utilized by OGE and settlors, trustees and other fiduciaries in establishing and administering these qualified trusts.

Model Trust Forms and Documents

There are two categories of information collection requirements that OGE plans to submit for renewed paperwork approval, each with its own related reporting model trust certificates or model trust documents which are subject to paperwork review and approval by OMB. The OGE regulatory citations for these two categories, together with identification of the forms used for their implementation, are as follows:

i. Qualified trust certifications—5 CFR 2634.401(d)(2), 2634.403(b)(11), 2634.404(c)(11), 2634.406(a)(3) and (b), 2634.408, 2634.409 and appendixes A and B to part 2634 (the two implementing forms, the Certificate of Independence and Certificate of Compliance, are codified respectively in the cited appendixes; see also the Privacy Act and Paperwork Reduction Act notices thereto in appendix C); and

ii. Qualified trust communications and model provisions and agreements—5 CFR 2634.401(c)(1)(i) and (d)(2), 2634.403(b), 2634.404(c), 2634.408 and 2634.409 (the ten implementing forms are the: (A) Blind Trust Communications (Expedited Procedure for Securing Approval of Proposed Communications); (B) Model Qualified Blind Trust Provisions; (C) Model Qualified Diversified Trust Provisions; (D) Model Qualified Blind Trust Provisions (For Use in the Case of Multiple Fiduciaries); (E) Model Qualified Blind Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust); (F) Model Qualified Diversified Trust Provisions (Hybrid Version); (G) Model Qualified Diversified Trust Provisions (For Use in the Case of Multiple Fiduciaries); (H) Model Qualified Diversified Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust); (I) Model Confidentiality Agreement Provisions (For Use in the Case of a Privately Owned Business); and (J)

Model Confidentiality Agreement Provisions (For Use in the Case of Investment Management Activities). As noted above, blank copies of each of these model documents are posted on OGE's Web site.

The communications formats and the confidentiality agreements (items ii. (A), (I) and (J) above), once completed, would not be available to the public because they contain sensitive, confidential information. All the other completed model trust certificates and model trust documents (except for any trust provisions that relate to the testamentary disposition of trust assets) are publicly available based upon a proper Ethics Act request (by filling out an OGE Form 201 access form).

Reporting Burden

The Office of Government Ethics administers the qualified trust program for the executive branch. Therefore, the estimated burden figures provided below represent branchwide implementation of the forms. The estimated hour burden, which remains the same as last indicated by OGE in its prior second round paperwork renewal notice in 2005 (70 FR 31471–31472 June 1, 2005), is based on the amount of time imposed on a trust administrator or private representative.

i. Trust Certificates:

A. Certificate of Independence: Total filers (executive branch): 5; private citizen filers (100%): 5; private citizen burden hours (20 minutes/certificate): 2.

B. Certificate of Compliance: Total filers (executive branch): 10; private citizen filers (100%): 10; private citizen burden hours (20 minutes/certificate): 3; and

ii. Model Qualified Trust Documents:

A. Blind Trust Communications: Total users (executive branch): 5; private citizen users (100%): 5; communications documents (private citizens): 25 (based on an average of five communications per user, per year); private citizen burden hours (20 minutes/communication): 8.

B. Model Qualified Blind Trust: Total users (executive branch): 2; private citizen users (100%): 2; private citizen burden hours (100 hours/model): 200.

C. Model Qualified Diversified Trust: Total users (executive branch): 1; private citizen users (100%): 1; private citizen burden hours (100 hours/model): 100.

D.–H. Of the five remaining model qualified trust documents: total users (executive branch): 2; private citizen users (100%): 2; private citizen burden hours (100 hours/model): 200.

I.–J. Of the two model confidentiality agreements: total users (executive branch): 1; private citizen users (100%): 1; private citizen burden hours (50 hours/agreement): 50.

However, the total annual reporting hour burden on filers themselves is zero and not the 563 hours estimated above because OGE's estimating methodology reflects the fact that all respondents hire private trust administrators or other private representatives to set up and maintain the qualified blind and diversified trusts. Respondents themselves, typically incoming private citizen Presidential nominees, therefore incur no hour burden. The estimated total annual cost burden to respondents resulting from the collection of information is $1,000,000. Those who use the model documents for guidance are private trust administrators or other private representatives hired to set up and maintain the qualified blind and diversified trusts of executive branch officials who seek to establish qualified trusts. The cost burden figure is based primarily on OGE's knowledge of the typical trust administrator fee structure (an average of 1 percent of total assets) and OGE's experience with administration of the qualified trust program. The $1,000,000 annual cost figure is based on OGE's estimate of an average of five active trusts anticipated to be under administration for each of the next two years with combined total assets of $100,000,000. However, OGE notes that the $1,000,000 figure is a cost estimate for the overall administration of the trusts, only a portion of which relates to information collection and reporting. For want of a precise way to break out the costs directly associated with information collection, OGE is continuing to report to OMB the full $1,000,000 estimate for paperwork clearance purposes.

Consideration of Comments

On May 14, 2007, OGE published a first round notice of its intent to request paperwork clearance for the proposed unmodified qualified trust certificates and model trust documents. See 72 FR 27132–27134. OGE received only one response to that notice, which was critical of the Government, and provided no specific comment about the proposed renewal of these documents.

In this second notice, public comment is again invited on the qualified trust certificates and model trust documents, and underlying regulatory provisions, as set forth in this notice, including specific views on the need for and practical utility of this set of collections of information, the accuracy of OGE's burden estimate, the potential for enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology).

The Office of Government Ethics, in consultation with OMB, will consider all comments received, which will become a matter of public record.

Approved: August 13, 2007.

Robert I. Cusick,

Director, Office of Government Ethics.

[FR Doc. E7–16305 Filed 8–17–07; 8:45 am]

BILLING CODE 6345–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Case Plan Requirement, Section 422, 471(a)(16), 475(1) and 475(5)(A) of the Social Security Act.

OMB No.: 0980–0140.

Description: The Administration for Children and Families (ACF) is requesting authority to renew an existing information collection that is expiring October 31, 2007. The collection of information for the case plan requirement is authorized by titles IV–B, Section 422 (42 U.S.C. 422), and IV–E, Sections 471 and 475 (42 U.S.C. 471 and 475) of the Social Security Act (the Act). States must develop State plans for both titles IV–B and IV–E that are approved by the Secretary, U.S. Department of Health and Human Services. Both plans require that States maintain a case review system that periodically reviews case plans developed for each child receiving services under the Act.

Title IV–B provides for child welfare services funding and title IV–E provides for foster care maintenance payments for eligible children. Sections 422(b)(2) and (8)(A)(ii) of the Act require States to coordinate services and assistance under Federal programs, including titles IV–B and IV–E, and to ensure that States are operating a case review system that meets the requirements of section 475(5) of the Act.

Title IV–E funding, Section 471(a) of the Act, requires that State plans provide for the development of a case plan for each child receiving foster care maintenance payments and provide for a case review system that meets the requirements described in section 475(5)(B) of the Act with respect to each child.

The case plan is a written document that provides a narrative description of the child-specific program of care that addresses the needs of each child regarding safety, permanency and well-being. Federal regulations at 45 CFR 1356.21(g) and section 475(1) of the Act delineate the specific information that should be addressed in the case plan. ACF neither specifies a recordkeeping format for the case plan nor requires submission of the case plan to the Federal Government. Case plan information is recorded in a format developed and maintained by State child welfare agencies. Case plans are periodically reviewed under the purview of State case review systems.

In computing the number of burden hours for this information collection, ACF based the annual burden estimates on States' experiences in developing case plans.

Respondents: State title IV–B and title IV–E Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Case Plan	638,735	1	4.0	2,554,940

Estimated Total Annual Burden Hours: 2,554,940.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: August 14, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–4045 Filed 8–17–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council will meet on September 10–11, 2007.

The meeting is open to the public and will include presentations by SAMHSA staff and consumers on the following initiatives: The First Lady's Initiative, ''Helping America's Youth,'' SAMHSA's Role in Meeting the Physical and Mental Health Needs on Returning Veterans and their Families, SAMHSA's Suicide Prevention Initiative and SAMHSA's Workforce Development Activities. The agenda will also include a panel session where five recipients of SAMHSA's first Science and Service Awards will discuss their experiences in implementing evidence-based practices in the fields of mental health treatment, mental health promotion, substance abuse treatment; substance abuse promotion, and co-occurring disorders.

Attendance by the public will be limited to space available. Public comments are welcome. Please communicate with the SAMHSA National Advisory Council Executive Secretary, Toian Vaughn (see contact information below), to make arrangements to attend, to comment or to request special accommodations for persons with disabilities.

Substantive program information, a summary of the meeting, and a roster of Council members may be obtained as soon as possible after the meeting, either by accessing the SAMHSA Committee Web site, *http://www.nac.samhsa.gov*, or by contacting Ms. Vaughn. The transcript for the meeting will also be available on the SAMHSA Committee Web site within three weeks after the meeting.

Committee Name: SAMHSA National Advisory Council.

Date/Time/Type: Monday, September 10, 2007, from 9 a.m. to 4:15 p.m.: Open. Tuesday, September 11, 2007, from 9 a.m. to 12 p.m.: Open.

Place: 1 Choke Cherry Road, Sugarloaf and Seneca Conference Rooms, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Toian Vaughn, Executive Secretary, SAMHSA National Advisory Council and SAMHSA Committee Management Officer, 1 Choke Cherry Road, Room 8–1089, Rockville, Maryland 20857, Telephone: (240) 276–2307; FAX: (240) 276–2220 and E-mail: *toian.vaughn@samhsa.hhs.gov.*

Dated: August 7, 2007.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 07–4054 Filed 8–17–07; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use. Since publication of the 60 day proposed collection notice, 72 FR 26140, May 8, 2007, the burden estimates have been

changed to correct burden hours and cost estimates.

Title: Request for Site Inspection (FEMA Form 90–1) and Landowner's Authorization/Ingress-Egress Agreement.

OMB Number: 1660–0030.

Abstract: FEMA Temporary Housing Assistance is used to provide mobile homes, travel trailers, or other forms of readily fabricated forms of housing for the purpose of providing temporary housing to eligible applicants or victims of federally declared disasters. This information is required to determine the feasibility of the site for installation of the housing unit and ensured written permission of the property owner is obtained to allow the housing unit on the property to include ingress and egress authorization.

Affected Public: Individuals and Households.

Number of Respondents: 117,071.

Estimated Time per Respondent: FEMA Form 90–1, 10 minutes; FEMA Form 90–31, 10 minutes.

Estimated Total Annual Burden Hours: 39,024 hours.

Frequency of Response: On Occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/FEMA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974. Comments must be submitted on or before September 19, 2007.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Office of Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov.*

Dated: August 9, 2007.

John A. Sharetts-Sullivan,

Director, Office of Records Management, Office of Management Directorate, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–16278 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1716–DR]

Maine; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–1716–DR), dated August 8, 2007, and related determinations.

DATES: *Effective Date:* August 8, 2007.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 8, 2007, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Maine resulting from severe storms and flooding during the period of July 11–12, 2007, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sections 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. Section 777. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program also will be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Albert L. Lewis, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maine to have been affected adversely by this declared major disaster:

Oxford County for Public Assistance.

All counties within the State of Maine are eligible to apply for assistance under the Hazard Mitigation Grant Program).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E7–16281 Filed 8–17–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Automated Commercial Environment (ACE); Expansion of Processes Supported in the ACE Truck Manifest System

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that Customs and Border Protection (CBP) has expanded the processes that are supported in the Automated Commercial Environment (ACE) Truck Manifest System. Previously, CBP did not possess the capability for the electronic release of cargo off the manifest for certain release types. Now, through the collection of cargo information through ACE, electronic release of the cargo can be accommodated for the following release types: General Note 1 Exemptions as provided in General Note 3(e) of the Harmonized Tariff Schedules of the United States; Free of Duty (CBP Form

7523); Unaccompanied Goods (CBP Form 3299); and Free Returned U.S. Goods (CBP Form 3311).

DATES: Truck carriers will be able to take advantage of the additional processes supported in ACE beginning on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. James Swanson, via e-mail at *james.d.swanson@dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

ACE Truck Manifest Test

On February 4, 2004 and September 13, 2004, CBP published notices in the **Federal Register** (69 FR 5360 and 69 FR 55167) announcing a test, in conjunction with the Federal Motor Carrier Safety Administration (FMCSA), allowing participating truck carriers to transmit electronic manifest data in ACE, including advance cargo information as required by section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002 (see 68 FR 68140). The advance cargo information requirements are detailed in the final rule published in the **Federal Register** at 68 FR 68140 on December 5, 2003.

Truck carriers participating in the test were required to establish ACE Secure Data Portal (ACE Portal) Truck Carrier Accounts which would provide them with the ability to electronically transmit truck manifest data and obtain release of their cargo, crew, conveyances, and equipment via the ACE Portal or electronic data interchange (EDI) messaging.

In the September 13, 2004 notice, CBP stated that, in order to be eligible for participation in this test, a carrier must have:

1. Submitted an application (i.e., statement of intent to establish an ACE Account and to participate in the testing of electronic truck manifest functionality) as set forth in the February 4, 2004, **Federal Register** notice (69 FR 5360);
2. Provided a Standard Carrier Alpha Code(s) (SCAC);
3. Provided the name, address, and e-mail of a point of contact to receive further information.

In addition, participants intending to use the ACE Portal as the means to file the manifest were required to submit a statement certifying the ability to connect to the Internet. Participants intending to use an EDI interface were required to first test their ability to send and receive electronic messages in either American National Standards Institute (ANSI) X12 or United Nations/Directories for Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) format with CBP.

Subsequently, in a **Federal Register** notice published on March 29, 2006 (71 FR 15756), CBP announced a change advising truck carriers that they were no longer required to open ACE Truck Carrier [Portal] Accounts to participate in the ACE test. Specifically, truck carriers were advised that they could elect to use a third party to submit electronic manifest information to CBP via EDI. Truck carriers participating in this fashion do not have access to operational data and do not receive status messages on ACE Accounts, nor do they have access to integrated Account data from multiple system sources. These truck carriers are able to obtain release of their cargo, crew, conveyances, and equipment via EDI messaging back to the transmitter of the information. A truck carrier using a third party to transmit via EDI cargo, crew, conveyance and equipment information to CBP is required to have a Standard Carrier Alpha Code (SCAC). Any truck carrier with a SCAC may arrange to have a third party transmit manifest information to CBP via EDI consistent with the requirements of the ACE Truck Manifest Test. Due to limited functionality available via the portal at that time, truck carriers were advised that if they elected to use a third party to transmit the truck manifest information to CBP via the ACE portal (rather than EDI), the truck carrier who is submitting that information to the third party (for transmission to CBP) would be required to have an ACE Truck Carrier Account as described in the February 4, 2004, notice.

In a notice published in the **Federal Register** on March 15, 2007 (72 FR 12181), CBP announced that truck carriers participating in the ACE portal test and electing to use third parties to submit manifest information to CBP via the ACE portal are no longer required to have ACE portal accounts. Thus, truck carriers without ACE portal accounts, while participating in the test of the ACE truck manifest system, may now use third parties (such as Customs brokers or other truck carriers) with ACE portal accounts to electronically transmit truck manifest information, via the ACE portal, on their behalf.

Release Types

Previously, CBP did not possess the capability for the electronic release of cargo off the manifest for certain release types. Now, through the collection of cargo information through ACE, electronic release of the cargo can be accommodated for the following release types: General Note 1 Exemptions as provided in General Note 3(e) of the Harmonized Tariff Schedules of the United States; Free of Duty; Unaccompanied Goods; and Free Returned U.S. Goods. When applicable, the appropriate CBP forms, noted below in parenthesis for each release type, and supporting documentation are required to effectuate release of the cargo.

General Note 1 Exemptions

A General Note 1 Exemption release can be used for goods imported into the customs territory of the United States that are exempt from the provisions of the tariff schedule per General Note 3(e) of the Harmonized Tariff Schedule of the United States. Such goods qualifying for this exemption are as follows: Corpses, together with their coffins and accompanying flowers; telecommunications transmissions; records, diagrams and other data with regard to any business, engineering or exploration operation whether on paper; cards, photographs, blueprints, tapes or other media; articles returned from space within the purview of section 484a of the Tariff Act of 1930; articles exported from the United States which are returned within 45 days after such exportation from the United States as undeliverable and which have not left the custody of the carrier or foreign customs service; and any aircraft part or equipment that was removed from a United States-registered aircraft while being used abroad in international traffic because of accident, breakdown, or emergency, that was returned to the United States within 45 days after removal, and that did not leave the custody of the carrier or foreign customs service while abroad.

Free of Duty (CBP Form 7523)

Pursuant to the provisions of 19 CFR 143.23(d), a CBP Form 7523 (Free of Duty) can be used for the release of shipments not exceeding $2,000 in value which are either unconditionally free of duty and not subject to any quota or internal revenue tax, or are conditionally free and all conditions for free entry are met at the time of entry. Pursuant to the provisions of 19 CFR 143.23(g), shipments, regardless of value, which are imported for noncommercial purposes which qualify for entry free of duty under the Generalized System of Preferences and for which informal entry may be made can be released on a CBP Form 7523.

Unaccompanied Goods (CBP Form 3299)

A CBP Form 3299 (Unaccompanied Goods) can be used for the release of effects that are claimed to be free of duty under subheadings 9804.00.10, 9804.00.20, 9804.00.25, 9804.00.35, or 9804.00.45, Harmonized Tariff Schedule of the United States (HTSUS), that do not accompany the importer on his arrival in the United States or are forwarded in bond, pursuant to the provisions of 19 CFR 148.6. It may also be used for release of household effects used abroad and claimed to be free of duty under subheading 9804.00.05, pursuant to the provisions of 19 CFR 148.52, or tools of trade claimed to be free of duty under subheadings 9804.00.10 or 9804.00.15, pursuant to the provisions of 19 CFR 148.53.

Free Returned U.S. Goods (CBP Form 3311)

A CBP Form 3311 (Free Returned U.S. Goods) release can be used for certain shipments of products of the United States being returned without having been advanced in value or improved in condition abroad in accordance with the provisions of 19 CFR 123.4(c) or 19 CFR 143.23(b) and 19 CFR 10.1.

Previous Notices Continue To Be Applicable

All of the other aspects of the ACE Truck Manifest Test as set forth in 69 FR 55167, as modified by the General Notice published in the **Federal Register** (70 FR 13514) on March 21, 2005, continue to be applicable. (The March 21, 2005 notice clarified that all relevant data elements are required to be submitted in the automated truck manifest submission.) All of the aspects of the February 4, 2004, notice (69 FR 5360) continue to be applicable, except as revised in this notice.

Date: August 15, 2007.

Denise Crawford,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. E7–16343 Filed 8–17–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Trinity Adaptive Management Working Group

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Trinity Adaptive Management Working Group (TAMWG) affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the Trinity Management Council (TMC). Primary objectives of the meeting will include discussion of the following topics: Trinity River Restoration Program (TRRP) budget, channel rehabilitation progress and planning, TRRP science program, Klamath and Trinity river conditions, TRRP decision-making process, TAMWG–TMC communications, and experience with restoration efforts elsewhere. Completion of the agenda is dependent on the amount of time each item takes. The meeting could end early if the agenda has been completed. The meeting is open to the public.

DATES: The Trinity Adaptive Management Working Group will meet from 9 a.m. to 5 p.m. on Tuesday, September 11, 2007.

ADDRESSES: The meeting will be held at the Weaverville Victorian Inn, 1709 Main St., 299 West, Weaverville, CA 96093.

FOR FURTHER INFORMATION CONTACT: Randy A. Brown of the U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521. Telephone: (707) 822–7201. Randy A. Brown is the working group's Designated Federal Officer. For background information and questions regarding the Trinity River Restoration Program, please contact Douglas Schleusner, Executive Director, P.O. Box 1300, 1313 South Main Street, Weaverville, CA 96093. Telephone: (530) 623–1800.

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), this notice announces a meeting of the Trinity Adaptive Management Working Group (TAMWG).

Dated: August 1, 2007.

Randy A. Brown,

Designated Federal Officer, Arcata Fish and Wildlife Office, Arcata, CA.

[FR Doc. E7–16307 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1220–IU]

Notice of Emergency Closure of Public Lands in Tulare County, CA

SUMMARY: Notice is hereby given that approximately 560 acres of public lands have been temporarily closed to all public use. This closure is made under the authority of 43 CFR 8364.1 Closure and Restriction Orders. The closed area is in the vicinity of Kaweah, California in Tulare County and is within sections 13, 23, 24, and 26 T. 16S.R.28E. Mount Diablo Baseline and Meridian. All entry will be restricted during this emergency closure to protect persons, property, public lands, and natural resources. Closure signs will be posted at main entry points to this area. Gates and fencing will be installed to exclude vehicular entry and parking.

DATES: The emergency closure is effective May 24, 2007 and will remain in effect until the Bakersfield Field Office completes a revision to the current Resource Management Plan and an Activity Plan which will establish permanent rules for the public use of the property.

ADDRESSES: Maps of the closure area may be obtained from the Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, California 93308. Phone (661) 391–6000.

FOR FURTHER INFORMATION CONTACT: Diane Simpson (661) 391–6120 or Steve Larson (661) 391–6099.

SUPPLEMENTARY INFORMATION: The approximately 560 acres of public land known locally as the Paradise, Advance and Cherry Falls Recreation Sites along North Fork Drive receive a significant amount of public use during the summer months. The existing infrastructure including: the access road; parking areas; and sanitation facilities are inadequate to accommodate the large numbers of visitors thus creating unsafe and unsanitary conditions.

The closure is necessary to protect visitors to public lands and public lands and facilities. Overcrowding at these sites creates a dangerous situation and visitors could be trapped if a wildfire started and rapid evacuation was necessary.

Exemptions: Persons who are exempt from this emergency closure include: Federal, State, or local officials or employees in the scope of their duties; and members of any organized rescue or fire-fighting force in performance of an official duty.

Penalties: Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Patricia Gradek,

Acting Bakersfield Field Manager.

[FR Doc. E7–16334 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–169–1220–AL]

Notice of Public Meeting, Carrizo Plain National Monument Advisory Committee

SUMMARY: In accordance with Federal Land Policy and Management Act of 1976 (FLPMA), the Federal Advisory Committee Act of 1972 (FACA), the National Environmental Policy Act of 1969 (NEPA), and the Code of Federal Regulations (40 CFR 1501.7, 43 CFR 1610.2), the United States Department of the Interior, Bureau of Land Management (BLM), Carrizo Plain National Monument Advisory Committee will meet as indicated below:

DATES: The meeting will be held on Saturday, September 22, 2007, at the Carissa Plain Elementary School, located approximately 2 miles northwest of Soda Lake Road on Highway 58. The meeting will begin at 10 a.m. and finish at 5 p.m. The meeting will focus on draft alternatives for the Resource Management Plan/ Environmental Impact Statement being developed for the Carrizo Plain National Monument. There will be a public comment period from 3 p.m. to 4 p.m. Lunch will be available for $8.

SUPPLEMENTARY INFORMATION: The nine-member Carrizo Plain National Monument Advisory Committee advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues associated with the public land management in the Carrizo Plain National Monument in Central California. At this meeting, Monument staff will present updated information on the progress on the draft Carrizo Plain National Monument Resource Management Plan and the Environmental Impact Statement (RMP/ EIS). Draft alternatives being developed by the Carrizo Managing Partners—BLM, the California Department of Fish and Game and The Nature Conservancy—will be the focus of this meeting. This meeting is open to the public. Depending on the number of persons wishing to comment, and the time available, the time allotted for individual oral comments may be limited. Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact BLM as indicated below.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Attention: Johna Hurl, Acting Monument Manager, 3801 Pegasus Drive, Bakersfield, CA 93308. Phone at (661) 391–6093 or e-mail: *jhurl@blm.gov.*

Dated: August 14, 2007.

David Christy,

Public Affairs Officer.

[FR Doc. E7–16293 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–HAG 07–0181]

Medford District Resource Advisory Committee: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of the Interior Bureau of Land Management (BLM) announces the following advisory committee meeting:

Name: Medford District Resource Advisory Committee.

Time and Date: 9 a.m., August 29, 2007. Public Input: 1 p.m.–1:30 p.m.

Place: Medford District Office, 3040 Biddle Road, Medford, OR 97504.

Status: Open to the public.

Matters To Be Considered: The Resource Advisory Committee will consider proposed projects for Title II funding that focus on maintaining or restoring water quality, land health, forest ecosystems, and infrastructure.

Contact Person for More Information: Program information, meeting records and a roster of Committee members may be obtained from Jim Whittington, 3040 Biddle Road, Medford, OR 97504; (541) 618–2220. The meeting agenda will be posted at *http://www.blm.gov/or/districts/medford/newsroom/index.php* when available. Should you require reasonable accommodation, please contact the BLM Medford District at (541) 618–2200 as soon as possible.

Timothy B. Reuwsaat,

District Manager, Bureau of Land Management, Medford District.

[FR Doc. E7–16298 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–110–1492–ES; AZA–33679]

Notice of Realty Action; Recreation and Public Purposes Act Classification; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands in Mohave County, Arizona, have been examined by the Bureau of Land Management (BLM) and found suitable for classification for lease or conveyance to Mohave Community College under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, 43 U.S.C. 869 *et seq.*, and under Sec. 7 of the Taylor Grazing Act, 43 U.S.C. 315(f), and Executive Order No. 6910.

Gila and Salt River Meridian

T. 41 N., R. 15 W.

Sec. 35, N1/2SE1/4 (area south and east of Interstate 15 only).

The area described contains, 40 acres, more or less.

The Mohave Community College has not applied for more than the 6,400 acre limitation for recreation uses in a year.

The Mohave Community College has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b). The Mohave Community College proposes to use the land as a community college campus. The initial phase of construction will be a single building for several offices and classrooms. Later phases would include additional classrooms, laboratories, vocational instructional areas, faculty and administrative offices, support space, student activity areas, conference centers, performing arts venues, and fields and courts for sports activities.

DATES: Submit comments on or before October 4, 2007.

ADDRESSES: Detailed information including but not limited to, a proposed development plan and documentation relating to compliance with applicable environmental and cultural resource laws, is available for review at the BLM, Arizona Strip Field Office, 345 E. Riverside Drive, St. George, UT 84790.

FOR FURTHER INFORMATION CONTACT: Laurie Ford, Team Lead, 435–688–3271.

SUPPLEMENTARY INFORMATION: The lands are not needed for any Federal purposes.

Lease or conveyance of the lands for recreational or public purposes use is in conformance with the Arizona Strip District Resource Management Plan and Final Environmental Impact Statement, dated January 1992, as amended, and would be in the public interest.

All interested parties will receive a copy of this notice once it is published in the **Federal Register**. The notice will be published in the newspaper of local circulation for three consecutive weeks. The regulations do not require a public meeting.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws.

The lease or conveyance of the land, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391 (43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. All valid existing rights documented on the official public land records at the time of lease or patent issuance.

5. CERCLA Term: ''Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620 (h)) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988 (100 Stat. 1670), notice is hereby given that the above-described land has been examined and no evidence was found to indicate that any hazardous substances had been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.''

6. Indemnification Term: ''All lessees, purchasers, or patentees, by accepting a lease or patent, covenant and agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentees or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentees use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentees and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. Patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, State and local environmental and regulatory provisions, throughout the life of the facility, including any closure or post-closure requirements that may be imposed with respect to any physical plant or facility upon the real property under any Federal, State or local environmental laws or regulatory provisions. This covenant shall be construed as running with the above described parcel of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

7. Terms and conditions identified through the site-specific environmental analysis.

8. Those rights granted to Mohave County Board of Supervisors for a road right-of-way AZA–21199.

9. Those rights granted to Rio Virgin Telephone Co. for a telephone line right-of-way AZA–30658.

10. Those rights granted to Thomas Cheney for a road right-of-way AZA–31716.

11. Those rights granted to Dixie Escalante Electric for a power line right-of-way AZA–24946.

12. Those rights granted to Arizona Department of Transportation for a highway and drainage easements right-of-way AZAR–031230.

Classification Comments

Interested persons may submit comments involving the suitability of the land for development of a community college campus. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with state and Federal programs.

Application Comments

Interested persons may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for a community college campus. Any adverse comments will be reviewed by the BLM State Director. In the absence of any adverse comments, the classification will become effective on October 19, 2007. The lands will not be offered for conveyance until after the classification becomes effective.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2741.5)

Dated: July 19, 2007.

Becky J. Hammond,

Field Manager.

[FR Doc. E7–16333 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–210–5410–FR–A508; AZA–33810]

Notice of Realty Action: Application for Conveyance of Federal Mineral Interests, Maricopa County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The surface owner of the land described in this notice, aggregating approximately 1.5 acres, has filed an application for the purchase of the federally-owned mineral interests. Publication of this notice temporarily segregates the mineral interest from appropriation under the public land laws, including the mining laws.

DATES: Interested persons may submit written comments to the Bureau of Land Management (BLM) at the address stated below. Comments must be received no later than October 4, 2007.

ADDRESSES: Bureau of Land Management, Phoenix District, 21605 North 7th Avenue, Phoenix, Arizona 85027. Detailed information concerning this action is available for review at the above address.

FOR FURTHER INFORMATION CONTACT: Matthew Magaletti, Lands and Realty Specialist, at the above address, or at 623–580–5590.

SUPPLEMENTARY INFORMATION: The surface owner of the following described land has filed an application pursuant to Section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), for the purchase and conveyance of the federally-owned mineral interest in the following described land:

Gila and Salt River Meridian

T. 4 N., R. 2 W.,
Sec. 10, part of the NE¼ more particularly described as follows:
Commencing at the Center of said sec. 10;
Thence North 00°04′00″ East, coincident with the West Line of the Northeast Quarter of said sec. 10, a distance of 658.13 feet;
Thence North 89°58′06″ East, a distance of 40.00 feet to the True Point of Beginning of the parcel herein described;
Thence continuing North 89°58′06″ East, a distance of 288.04 feet;
Thence South 00°04′00″ West, a distance of 215.00 feet;
Thence South 89°58′06″ West, a distance of 288.04 feet to a point on a line which is parallel to and 40.00 feet Easterly of the West Line of the Northeast Quarter of said sec. 10;
Thence North 00°04′44″ East, along said parallel line, a distance of 215.00 feet to the True Point of Beginning.

The area described contains in area 61,929 Square Feet or 1.422 acres more or less in Maricopa County.

Effective immediately, BLM will process the pending application in accordance with the regulations stated in 43 CFR Part 2720. Written comments concerning the application must be received no later than the date specified above in this notice for that purpose. The purpose for a purchase and conveyance is to allow consolidation of surface and subsurface minerals ownership where (1) There are no known mineral values, or (2) in those instances where the Federal mineral interest reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

On August 20, 2007, the mineral interests owned by the United States in the above described land will be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of a patent or deed of such mineral interest; upon final rejection of the mineral conveyance application; or August 19, 2009, whichever occurs first.

Comments: Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All persons who wish to present comments, suggestions, or objections in connection with the pending application may do so by writing to Teresa A. Raml, Phoenix District Manager, at the above mentioned address.

(Authority: 43 CFR 2720.1–1(b))

Teresa A. Raml,

Phoenix District Manager.

[FR Doc. E7–16336 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–210–5410–FR–A508; AZA–33809]

Notice of Realty Action: Application for Conveyance of Federal Mineral Interests, Maricopa County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The surface owner of the land described in this notice, aggregating approximately 40 acres, has filed an application for the purchase of the federally-owned mineral interests. Publication of this notice temporarily segregates the mineral interest from appropriation under the public land laws, including the mining laws.

DATES: Interested persons may submit written comments to the Bureau of Land Management (BLM) at the address stated below. Comments must be received no later than October 4, 2007.

ADDRESSES: Bureau of Land Management, Phoenix District, 21605 North 7th Avenue, Phoenix, Arizona 85027. Detailed information concerning this action is available for review at the above address.

FOR FURTHER INFORMATION CONTACT: Matthew Magaletti, Lands and Realty Specialist, at the above address, or at 623–580–5590.

SUPPLEMENTARY INFORMATION: The surface owner of the following described land has filed an application pursuant to Section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), for the purchase and conveyance of the Federally-owned mineral interest in the following described land:

Gila and Salt River Meridian

T. 4 N., R. 2 E.,
Sec. 14, NW¼NW¼.

The area described contains 40 more or less, in Pima County.

Effective immediately, BLM will process the pending application in accordance with the regulations stated in 43 CFR Part 2720. Written comments concerning the application must be received no later than the date specified above in this notice for that purpose. The purpose for a purchase and conveyance is to allow consolidation of surface and subsurface minerals ownership where (1) There are no known mineral values, or (2) in those instances where the Federal mineral interest reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

On August 20, 2007 the mineral interests owned by the United States in the above described land will be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of a patent or deed of such mineral interest; upon final rejection of the mineral conveyance application; or August 20, 2009, whichever occurs first.

Comments: Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All persons who wish to present comments, suggestions, or objections in connection with the pending application may do so by writing to Teresa A. Raml, Phoenix District

Manager, at the above mentioned address.

(Authority: 43 CFR 2720.1–1(b)).

Teresa A. Raml,

Phoenix District Manager.

[FR Doc. E7–16338 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–210–5410–FR–A508; AZA–33808]

Notice of Realty Action: Application for Conveyance of Federal Mineral Interests, Pima County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The surface owner of the land described in this notice, aggregating approximately 260 acres, has filed an application for the purchase of the Federally-owned mineral interests. Publication of this notice temporarily segregates the mineral interest from appropriation under the public land laws, including the mining laws.

DATES: Interested persons may submit written comments to the Bureau of Land Management (BLM) at the address stated below. Comments must be received no later than October 4, 2007.

ADDRESS: Bureau of Land Management, Phoenix District, 21605 North 7th Avenue, Phoenix, Arizona 85027. Detailed information concerning this action is available for review at the above address.

FOR FURTHER INFORMATION CONTACT: Matthew Magaletti, Lands and Realty Specialist, at the above address, or at 623–580–5590.

SUPPLEMENTARY INFORMATION: The surface owner of the following described land has filed an application pursuant to Section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), for the purchase and conveyance of the Federally-owned mineral interest in the following described land:

Gila and Salt River Meridian

T. 4 N., R. 2 E.
Sec. 10, SE¼;
Sec. 11, NW¼SW¼, SW¼NE¼SW¼, and E½NE¼SW¼;
Sec. 14, E½NE¼NW¼ and NE¼NW¼SW¼.

The area described contains 260 more or less, in Pima County.

Effective immediately, BLM will process the pending application in accordance with the regulations stated in 43 CFR Part 2720. Written comments concerning the application must be received no later than the date specified above in this notice for that purpose. The purpose for a purchase and conveyance is to allow consolidation of surface and subsurface minerals ownership where (1) There are no known mineral values, or (2) in those instances where the Federal mineral interest reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

On August 20, 2007 the mineral interests owned by the United States in the above described lands will be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of a patent or deed of such mineral interest; upon final rejection of the mineral conveyance application; or August 19, 2009 whichever occurs first.

Comments: Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All persons who wish to present comments, suggestions, or objections in connection with the pending application may do so by writing to Teresa A. Raml, Phoenix District Manager, at the above mentioned address.

(Authority: 43 CFR 2720.1–1(b))

Teresa A. Raml,

Phoenix District Manager.

[FR Doc. E7–16346 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–690–1430–ES; CA–44393]

Notice of Realty Action; Recreation and Public Purposes Act Classification; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes Act (R&PP), as amended (43 U.S.C. 869 *et seq.*), approximately 55.20 acres of public land in San Bernardino County, California. The Needles Unified School District proposes to use the land for a K–8 public school facility to include an elementary school, administrative offices, classrooms, head start program, daycare facility, a cafeteria, playgrounds, athletic fields, ancillary facilities and parking areas. The site has been designed to accommodate a high school within the proposed project boundary for future community needs.

DATES: Submit comments on or before October 4, 2007 to the Field Manager, BLM Needles Field Office, at the address below.

ADDRESSES: Bureau of Land Management, Needles Field Office, 1303 South U.S. Highway 95, Needles, California 92363.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Connell, Realty Specialist, BLM Needles Field Office, (760) 326–7006.

SUPPLEMENTARY INFORMATION: The Needles Unified School District filed an R&PP application for the classification, lease, and subsequent conveyance of the following described 55.20 acres of public land, to be developed for a K–8 public school:

That portion of land north of the Colorado River Indian Reservation per retracement resurvey in the unsurveyed portions of sections 30 and 31, T. 1 N., R. 25 E., San Bernardino Meridian, as shown per U. S. Department of the Interior's Bureau of Land Management map, dated April 9, 1981, in the County of San Bernardino, State of California, described as follows:

Beginning at a point on the northwesterly reservation line of the Colorado River Indian Reservation, said point being 599.07 feet southeasterly along said reservation line, from the 1981, 12 mile marker (found brass disk), as shown per said map, said point being the beginning of a non-tangent curve concave southerly and having a radius of 340.00 feet, a radial line to said point bears north 07°32′31″east;

Thence, northwesterly along said curve through a central angle of 07°32′31″ an arc distance of 44.75 feet;

Thence west 1,743.25 feet to the beginning of a tangent curve concave northeasterly having a radius of 50.00 feet;

Thence northwesterly along said curve through a central angle of 23°33′23″ an arc distance of 20.56 feet to the beginning of a reverse curve concave southwesterly and southeasterly and having a radius of 70.00 feet, a radial line to said beginning bears south 23°33′23″ west;

Thence northwesterly and southerly along said curve through a central angle of 137°06′47″ an arc distance of 178.22 feet to the beginning of a reverse curve concave southwesterly and having a radius of 50.00 feet, a radial line to said beginning bears north 66°27′37″ east;

Thence southwesterly along said curve through a central angle of 23°33′23″ and arc distance of 20.56 feet;

Thence south 2,385.63 feet to the beginning of a tangent curve concave northeasterly and having a radius of 970.00 feet;

Thence southeasterly along said curve through a central angle of 02°15′41″ an arc distance of 38.39 feet to a point on the said northwesterly reservation line of the Colorado River Indian Reservation, a radial line to said point bears north 87°44′19″ east, said point being 1,520.10 feet northeasterly along said northwesterly line, from the 1981, 13 mile marker (found brass disk);

Thence northeasterly along said northwesterly reservation line a distance of 1,119.38 feet to the 1981, 12½ mile marker (found brass disk);

Thence continuing northeasterly along said northwesterly reservation line a distance of 2,040.81 feet to the point of beginning.

This tract as described contains approximately 55.20 acres in San Bernardino County.

Leasing and subsequent conveyance of the land to the Needles Unified School District is consistent with current Bureau planning for this area and would be in the public interest. The land is not needed for any Federal purpose. The lease would be issued for an initial term of 10 years to allow sufficient time to develop the planned facilities. The land would be conveyed after substantial development has occurred on the land. The lease and subsequent patent, if issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals under applicable laws and regulations established by the Secretary of the Interior.

3. All valid existing rights.

4. Provisions of the R&PP Act and all applicable regulations of the Secretary of the Interior.

5. The lessee/patentee, its successors or assigns, by accepting a lease/patent, agrees to indemnify, defend, and hold the United States, its officers, agents, representatives, and employees (hereinafter ''United States'') harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising out of or in connection with the lessee's/patentee's use, occupancy, or operations on the leased/patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts or omissions of the lessee/patentee and its employees, agents, contractors, lessees, or any third-party arising out of or in connection with the lessee's/patentee's use, occupancy, or operations on the leased/patented real property which cause or give rise to, in whole or in part: (1) Violations of Federal, state, and local laws and regulations that are now, or may in future become, applicable to the real property and/or applicable to the use, occupancy, and/or operations thereon; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), pollutant(s), or contaminant(s), and/or petroleum product or derivative of a petroleum product, as defined by Federal and state environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) other activities by which solid or hazardous substance(s) or waste(s), pollutant(s), or contaminant(s), or petroleum product or derivative of a petroleum product as defined by Federal and state environmental laws, are generated, stored, used, or otherwise disposed of on the leased/patented real property, and any cleanup response, remedial action, or other actions related in any manner to the said solid or hazardous substance(s) or waste(s), pollutant(s), or contaminant(s), or petroleum product or derivative of a petroleum product; (6) Natural resource damages as defined by Federal and state laws. Lessee/Patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, state, and local environmental laws and regulatory provisions throughout the life of the facility, including any closure and/or post-closure requirements that may be imposed with respect to any physical plant and/or facility upon the real property under any Federal, state, or local environmental laws or regulatory provisions. In the case of a patent being issued, this covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

6. Terms, covenants, and conditions identified through the applicable environmental analysis or that the authorized officer determines appropriate to ensure public access and the proper use and management of the land.

Upon publication of this notice in the **Federal Register**, the public land described above is segregated from all forms of appropriation under the public land laws, including the general mining laws and leasing under the mineral leasing laws, except for lease/conveyance under the Recreation and Public Purposes Act. Interested parties may submit comments regarding the proposed lease/conveyance or classification of the lands until October 4, 2007.

Classification Comments

Comments on the classification are restricted to the following four subjects: (1) Whether the land is physically suited for the proposal; (2) Whether the use will maximize the future use or uses of the land; (3) Whether the use is consistent with local planning and zoning; and (4) If the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching its classification decision, or any other factor not directly related to the suitability of the land for R&PP use as a K–8 public school.

All submissions from organizations or businesses will be made available for public inspection in their entirety. Individuals, before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

In the absence of any adverse comments, the classification of the land described in this notice will become effective October 19, 2007. The land will not be available for lease/conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

Dated: August 14, 2007.

Robert M. Doyel,

Chief, Branch of Lands Management (CA–930).

[FR Doc. E7–16289 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–800–1430–EU; COC 71056]

Notice of Realty Action; Proposed Non-Competitive (Direct) Sale of Public Land, La Plata County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: Public lands totaling 2.11 acres, in La Plata County, Colorado, are being considered for direct sale to Indian Shadow Preserve, LP, under the provisions of the Federal Land Policy Management Act of 1976 (FLPMA), at no less than the appraised fair market value.

DATES: In order to ensure consideration in the environmental analysis of the proposed sale, comments must be received by October 4, 2007.

ADDRESSES: Address all comments concerning this Notice to Pauline E. Ellis, Columbine Field Manager, Bureau of Land Management, 15 Burnett Court, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Charlie Higby, Realty Specialist, BLM, 15 Burnett Court, Durango, Colorado 81301, or phone (970) 385–1374.

SUPPLEMENTARY INFORMATION: The following described public land is being considered for sale on a non-competitive (direct) sale basis to Indian Shadow Preserve, LP, in accordance with Section 203(f)(2) of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713):

New Mexico Principal Meridian

T. 35 N., R. 11 W.
Sec. 11: lots 2 and 4.

The area described contains 2.11 acres in La Plata County.

The BLM Columbine Field Manager has determined that a non-competitive (direct) sale will be in the best interest of the public in facilitating overall administration of public lands in the vicinity of the sale parcel. The FLPMA authorizes the use of direct sales of public lands to recognize public policies by giving preference to users such as adjoining land owners. The BLM parcel lacks public access. The parcel varies from 28 feet to 38 feet in width, is approximately 2,600 feet in length, and is bounded on three sides by the private land of the sale proponent. The subject land is administered through the 1985 BLM San Juan/San Miguel Resource Management Plan. Conveyance of title to the parcel will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. Conveyance of any mineral interests pursuant to Section 209 of the FLPMA will be analyzed during processing of the proposed sale.

On August 20, 2007 the above-described land will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or August 19, 2009, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Public Comments

For a period until October 4, 2007, interested parties and the general public may submit in writing any comments concerning the lands being considered for sale, including notification of any encumbrances or other claims relating to the identified lands, to Pauline E. Ellis, BLM Columbine Field Office, at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered by October 4, 2007. Comments transmitted via e-mail will not be accepted.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments, including names and street addresses of respondents, will be available for public review at the BLM Columbine Field Office during regular business hours, except holidays.

(Authority: 43 CFR 2711.1–2)

Pauline E. Ellis,

Columbine Field Manager.

[FR Doc. E7–16352 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–040–5870–EU; N–80737, 7–08807]

Notice of Realty Action: Direct (Non-Competitive) Sale of Public Lands in Lincoln County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell a 217 acre parcel (N–80737) of federally owned lands in Lincoln County, located south of Alamo, Nevada. These public lands have been examined and found suitable for disposal utilizing direct sale procedures. The authority for the sale is established under section 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719).

DATES: Comments regarding the proposed sale must be received by BLM on or before October 4, 2007.

ADDRESSES: Written comments regarding the proposed sale must be submitted to: Field Manager, BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: You may contact the Las Vegas Field Office at (702) 515–5000 from 7:30 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays), and ask to have your call directed to Manuela Johnson, Realty Specialist.

SUPPLEMENTARY INFORMATION: Parcel N–80737 (Parcel A) is located south of Alamo, Nevada and will be offered for sale utilizing non-competitive (direct sale) procedures in Lincoln County.

Mount Diablo Meridian, Nevada

T. 07 S., R. 61 E., (Parcel A)—Non-competitive
Section 9, NW¼ and N½SW¼;
Section 8, NE¼.

The area described contains 217 acres, more or less in Lincoln County.

This parcel of public land is proposed for sale to Lincoln County, Nevada at no less than the appraised fair market value (FMV) as determined by the authorized officer after appraisal. Current appraisal for the parcel will be available for public review at the LVFO.

As stated, parcel A is proposed for sale subject to the applicable provisions of sections 203 and 209 of the FLPMA, as well as regulations at 43 CFR Parts 2710 and 2720. The sale disposal is carried out in accordance with section 205 of the Federal Land Transaction Facilitation Act of July 25, 2000 (FLTFA) (43 U.S.C. 2304), in which the proceeds from the sale of the lands will be deposited into the Federal Land Disposal Account.

Consistent with the FLPMA section 203, the tract of public lands may be sold as a result of approved land use planning if the sale of the tract meets the disposal criteria. These lands are identified as suitable for disposal in the BLM Caliente Management Framework Plan approved July 14, 1980, and the Caliente Management Framework Plan Amendment (MFP Amendment) and Record of Decision for the Management of Desert Tortoise Habitat, approved on September 19, 2000. The identified lands are not needed for any Federal purpose. The proposed disposal action is consistent with the objectives, goals, and decisions of the MFP Amendment, and would be in the public interest.

The MFP Amendment and Record of Decision for the Management of Desert Tortoise Habitat provides that a maximum of 16,926 acres of desert tortoise habitat outside of areas of critical environmental concern (ACECs) and designated critical habitat may be disposed of through the appropriate laws. The U.S. Fish and Wildlife Service Biological Opinion (BO) for the Amendment (Appendix B) states that the actions proposed for implementation including land disposal are not likely to jeopardize the continued existence of the threatened Mojave population of desert tortoise. This disposal is in accordance with the MFP decision L–4. According to the MFP Amendment, lands identified within desert tortoise habitat, but outside designated ACECs/Desert Wildlife Management Areas (DWMAs), and critical habitat may be conveyed for community expansion and public projects. The above described lands fall outside the ACEC/DWMAs and critical habitat. They lie within the 16,926 acres and are available for sale. Once lands are transferred from public to private ownership, actions that may impact desert tortoise would be covered under section 10 of the Endangered Species Act.

This sale also meets the criteria found in Title 43 CFR 2710.0–3(a)(2) which states ''Disposal of such tract shall serve important public objectives, including but not limited to, expansion of communities and economic development which cannot be achieved prudently or feasibly on lands other than public lands and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.'' The City of Alamo needs these lands to promote community expansion and economic development which is prohibited by the lack of private land in Lincoln County.

The disposal (sale) of the lands also meets the criteria found under Title 43 CFR 2710.0–3(a)(3) where ''such a tract, because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency''. Parcel A is bordered on the west half by private lands and U.S. Highway 93 although physical access is limited due to the terrain.

BLM regulations at 43 CFR 2711.3–3(a) provide: ''Direct sales (without competition) may be utilized, when in the opinion of the authorized officer, a competitive sale is not appropriate and the public interest would best be served by a direct sale.'' Examples include, but are not limited to: (1) 43 CFR 2711.3–3(a)(1) ''A tract identified for transfer to State or local government or nonprofit organization'' or (2) 43 CFR 2711.3–3(a)(2) ''A tract identified for sale that is an integral part of a project of public importance and speculative bidding would jeopardize a timely completion and economic viability of the project.'' Direct sale is appropriate for these identified lands because Lincoln County has expressed an interest in purchasing them for the purpose of providing for community expansion and business opportunities. The County has invested substantial resources in planning efforts regarding these opportunities since 1998. The County's ownership of this parcel is vital to the success of a proposed industrial park. At present, this land is without any type of infrastructure that is necessary to attract and support business. Alamo is a remote community and businesses have been unwilling to make the necessary substantial investments in infrastructure due to the uncertainty of a market. As a result, the responsibility for providing this infrastructure will fall to Lincoln County. Lincoln County has explored a number of grant opportunities to partially fund the infrastructure investment necessary. To receive these grants, however, the county must have title to the land. Therefore it is essential that the County acquire these lands. Speculative bidding could jeopardize the economic viability for the Alamo region. If sold competitively, the lands could be purchased for speculation and remain undeveloped for a period of time. It is in the public benefit to ensure timely development of these lands; that can only be ensured by the County's acquisition of these lands. Less than two percent of the land area in Lincoln County is private. The Town of Alamo is surrounded by BLM-administered land and has no sizeable private land to accommodate economic growth or community expansion. The local economy in Lincoln County has seen little expansion or diversification in the past few decades.

Limitations in local employment have resulted in a high rate of young persons who leave the county to seek higher education or employment. While Lincoln County would like these lands to be developed for light manufacturing or industrial use, the County would like to maintain control over location and development of such facilities. Since the issuance of its Overall Economic Development Plan (OEDP) in August 1998, Lincoln County has been working on the development of this parcel as a priority project. The light manufacturing and related industries were identified in a study by a consulting group. In December 1999, they began working on securing water rights for the project. On April 9, 2001 the Nevada State Engineer granted them a permit for 215.5 acre-feet of groundwater.

The Nevada Commission on Economic Development granted Lincoln County $280,000 for land acquisition and another $90,000 for infrastructure improvements. Lincoln County Regional Development Authority (LCRDA) budgeted $75,000 for the Alamo project infrastructure, and received from the Nevada Commission on Economic Development a $20,000 grant to design and implement a Phase II target industry marketing campaign.

During the past eight years, Lincoln County has obtained a permit for drilling and pump testing in preparation of a design report and application for groundwater. In 2001, they began to actively market the proposed project to the prospective industry. Because of the lack of available private lands, the County has lost interested prospects for this project.

The BLM provided a 30-day comment period for the EA as part of its public involvement. All comments received have been considered and incorporated into the EA and Decision Record. The EA (NV–040–07–35), Decision Record, Environmental Site Assessment, map and approved appraisal report covering the proposed sale, are available for review at the BLM, Las Vegas Field Office, Las Vegas, Nevada.

Minerals for this parcel will be reserved in accordance with BLM's approved Mineral Potential Report dated October 5, 2006. Information pertaining to the reservation of minerals specific to the parcel is located in the case file and available for public review at the BLM Las Vegas Field Office (address above) or the Ely Field Office, 702 North Industrial Way, Ely, NV 89301.

Sale Segregation

Publication of this Notice in the **Federal Register** segregates the subject lands from all appropriations under the public land laws, including the general mining laws, except sale under the Federal Land Policy and Management Act of 1976. The segregation will terminate upon issuance of the patent, upon publication in the **Federal Register** of a termination of the segregation, or August 20, 2009, whichever occurs first.

Terms and Conditions

The patent issued would contain the following numbered reservations, covenants, terms and conditions:

1. All leasable minerals are reserved to the United States, its permittees, licensees and lessees, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, along with all necessary access and exit rights.

2. A rights-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcel is subject to valid existing rights.

4. Those rights for access road and water pipeline purposes which have been granted to Alamo Sewer & Water, its successors and assigns, by rights-of-way N–26753, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for buried fiber-optic cable purposes which have been granted to Lincoln County Telephone System, its successors and assigns, by rights-of-way N–55053, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for highway purposes which have been granted to Nevada Department of Transportation, its successors and assigns, by rights-of-way N–058197, pursuant to the Act of August 27, 1958 (43 U.S.C. 317(A)).

7. Those rights for irrigation canal purposes which have been granted to Alamo Irrigation Company, its successors and assigns, by rights-of-way NVCC–022589, pursuant to the Act of March 3, 1891 (43 U.S.C. 946–951).

8. Those rights for water facility purposes which have been granted to Lincoln County Commissioners, its successors and assigns, by rights-of-way N–63392, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

9. The purchaser/patentee, the County of Lincoln, Nevada by accepting a patent, covenant and agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

10. Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 43 U.S.C. 9620(h), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances has been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

The sale parcel is subject to reservations for roads, public utilities and flood control purposes in accordance with the local governing entities' transportation plans. The parcel may also be subject to applications received prior to publication of this Notice of Realty Action if processing the application would have no adverse affect on the marketability or the federally approved fair market value of a parcel. Encumbrances that may appear on the BLM public files for the parcel proposed for sale are available for review during business hours, 7:30 a.m. to 4:30 p.m. PDT, Monday through Friday, at BLM Las Vegas and Ely field offices.

No representation, warranty or covenant of any kind, express or implied, will be given or made by the United States, its officers or employees, as to access to or from the above described parcel of land, the title to the land, whether or to what extent the land may be developed, its physical condition or its past, present or potential uses, and the conveyance of any such parcel will not be on a contingency basis. It is the buyer's responsibility to be aware of all applicable Federal, State and local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

The approved appraisal report, maps, EA, and other supporting documentation are available for review at the BLM Las Vegas and Ely field offices. Information is also available online at *http://www.nv.blm.gov.*

Under 43 CFR 2711.3–1(d) and 2711.3–1(b), a deposit of not less than 20 percent of the federally approved fair market value must be submitted, 30 days from the date of the sale offer, by 4 p.m. PDT at the BLM Las Vegas Field Office. Payment must be made in the form of cash (U.S. dollars), or in the form of a certified check, bank draft, cashier's check, postal money order or any combination thereof, made payable in U.S. dollars to the order of the DOI-Bureau of Land Management.

Failure to submit the deposit will result in forfeiture of the sale offer. Remainder of the purchase price must be paid within 180 calendar days following the date of the sale offer. Failure to pay the full price within the 180 days will disqualify the sale offer and cause the entire 20 percent deposit to be forfeited to the BLM, 43 CFR 2711.3–1(d) and 2711.3–3. No exceptions will be made. BLM cannot accept the full price at any time following the expiration of the 180th day after the sale offer. Payment must be received in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the order of the DOI-Bureau of Land Management. Personal checks will not be accepted for the remainder payment. Arrangements for electronic fund transfer to BLM for the balance due shall be made a minimum of two weeks prior to payment.

Public Comments: The subject parcel of land will not be offered for sale prior to 60 days after publication of this notice of realty action. For a period until October 4, 2007, interested parties may submit written comments to the Field Manager, BLM Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Only written comments submitted by postal service or overnight mail will be considered as properly filed. E-mail, facsimile or telephone comments will not be considered as properly filed.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.1–2)

John F. Ruhs,

Field Manager, Ely.

[FR Doc. E7–16339 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1430–EU; N–78083, 7–08808]

Notice of Realty Action: Non-Competitive (Direct) Sale of Reversionary Interest, Portion of Recreation and Public Purposes Act Patent Number 27–74–0044; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell the reversionary interest of the United States held in the 3.75 acres of land patented to Carson City pursuant to the Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*), for a public park (N 7325) in Carson City, Nevada. The sale is authorized under the provisions in section 203 of the Federal Land Policy and Management Act (FLPMA) [43 U.S.C. 1713] and applicable regulations found at the 43 Code of Federal Regulations (CFR) at 2710.

DATES: For a period until October 4, 2007, interested parties may submit comments to the Field Manager, BLM Carson City Field Office.

ADDRESSES: Detailed information including but not limited to documentation relating to compliance with all applicable environmental and cultural resource laws is available for review at the BLM Carson City Field Office. Address written comments concerning this notice to: Donald T. Hicks, BLM Carson City Field Office Manager, 5665 Morgan Mill Road, Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Charles J. Kihm, Realty Specialist, at the address above or call (775)–885–6000.

SUPPLEMENTARY INFORMATION: The following described land in Carson City, Nevada, was patented to Carson City pursuant to the R&PP Act of June 14, 1926 (44 Stat. 741, as amended; 43 U.S.C. 869 *et seq.*), on May 7, 1974, for use as a public park (N 7325).

Mount Diablo Meridian, Nevada

T. 15 N., R. 20 E.
Sec. 1, SW¼SW¼NW¼;
Sec. 2, W½ Lot 2 of NW¼, NE¼, and N½SE¼;
Sec. 3, E½ Lot 2 of NE¼.
T. 16 N., R. 20 E.
Sec. 35, SW¼ and W½SE¼.

The area described contains 573.22 acres, more or less.

Pursuant to the Recreation and Public Purpose (R&PP) Act, the United States retained and continues to hold a reversionary interest in the above described land. If Carson City attempts to transfer the title to, or control over, the land to a for-profit entity, or if the land is devoted to a for-profit use, the land, as stated in the Act, shall revert to the United States (43 U.S.C. 869–2(a)). Carson City proposes to change the use of a 3.75 acre parcel, located wholly within the above described 573.22 acre parcel of land from a city park use to a commercial (for-profit) use. If pursued, this new use would trigger the R&PP Act reverter or require its enforcement.

The Federal reversionary interest in 3.75 acres of land in Carson City, Nevada, has been examined and found suitable for non-competitive (direct) sale, at fair market value, to the City of Carson City, Nevada in accordance with the FLPMA. Consequently, Carson City has requested the BLM to sell, pursuant to section 203 of the FLPMA, the following described parcel of land, free and clear of the R&PP Act reversionary interest of the United States:

Mount Diablo Meridian, Nevada

T. 15 N., R. 20 E.
Sec. 2, S½SW¼SW¼NE¼SE¼, and SE¼SW¼NE¼SE¼.

The area described contains 3.75 acres, more or less.

Carson City would pay the fair market value of this land in the sum of $510,000, as determined by the BLM authorized officer having taken into account an appraisal, conducted in accordance with the applicable appraisal standards and that assumed the land to be free and clear of the outstanding reversionary interest now held by the United States.

Direct sale procedures to Carson City are considered appropriate, in this case, pursuant to 43 CFR 2710.0–6(c)(3)(iii) as the 3.75 acre parcel of land described above was patented previously to Carson City, and transfer of the Federal reversionary interest to any other entity would not protect existing equities in the land. The reversionary interest is not needed for any Federal purpose. The disposal is consistent with the 2001 BLM Carson City Consolidated Resource Management Plan, and would be in the public interest. The commercial use of this parcel would benefit Carson City by allowing resolution of an inadvertent encroachment onto the parcel.

Terms And Conditions

The conveyance for the reversionary interest of the 3.75 acres will be subject to the provisions of the Federal Land Policy and Management Act and applicable regulations of the Secretary of the Interior, and the land will continue to be subject to the following numbered terms and conditions:

1. The reservation of a right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights;

3. Subject to valid existing rights;

4. A right-of-way for Federal-Aid Highway purposes under Serial No. CC 020801 as authorized under the Act of August 27, 1958, as amended (23 U.S.C. 317);

5. By accepting the sale patent, Carson City, subject to the limitations of law and to the extent allowed by law, shall be responsible for the acts or omissions of its officers, directors and employees in connection with the use or occupancy of the patented real property. Successors-in-interests of the patented real property:

Mount Diablo Meridian, Nevada

T. 15 N., R. 20 E.
Sec. 2, S½SW¼SW¼NE¼SE¼ and SE¼SW¼NE¼SE¼.

The area described contains 3.75 acres, more or less.

except Carson City, shall indemnify, defend, and hold the United States and Carson City harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the successors-in-interest, excluding Carson City, or its employees, agents, contractors, or lessees, arising out of or in connection with the successor-in-interests, excluding Carson City, use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the successor-in-interests, excluding Carson City, and its employees, agents, contractors, or lessees, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States or Carson City; (3) Costs, expenses, or damages of any kind incurred by the United States or Carson City; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States or Carson City; (5) Other activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced against successors-in-interest, excluding Carson City, by the United States or Carson City in a court of competent jurisdiction.

No representation, warranty or covenant of any kind, express or implied, will be given or made by the United States, its officers or employees, as to access to or from the above described parcel of land, the title to the land, whether or to what extent the land be developed, its physical condition or its past, present of potential uses. However, to the extent required by law, the sale will be subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)).

Comments must be received by the BLM Carson City Field Office Manager at the address above, on or before the date noted in the **DATES** section above. 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 by made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Facsimiles, telephone calls, and electronic mails are unacceptable means of notification. Any adverse comments regarding the proposed action will be reviewed by the State Director, who may sustain, vacate or modify this realty action. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Authority: 43 CFR 2711.1–2(a) and (c).

Donald T. Hicks,
Manager, Carson City Field Office.

[FR Doc. E7–16340 Filed 8–17–07; 8:45 am]
BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–040–5870–EU; N–80738, 7–08807]

Notice of Realty Action: Competitive Sale of Public Lands in Lincoln County, NV

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer for sale competitively one parcel of federally owned land in Lincoln County located southeast of Alamo, Nevada, which totals approximately 159 acres, more or less. The sale is authorized under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) 43 U.S.C. 1713 and 1719, respectively.

DATES: Comments regarding the proposed sale must be received by BLM on or before October 4, 2007. N–80738 (Parcel B) will be offered for sale at a public auction on October 16, 2007. Registration for oral bidding will begin at 9 a.m., PDT, and the public auction will begin at 11 a.m., PDT.

ADDRESSES: Written comments regarding the proposed sale and Environmental Assessment (EA) must be submitted by postal service or overnight mail to: Field Manager, Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130.

More detailed information regarding the proposed sale and the lands involved may be reviewed during normal business hours (7:30 a.m. to 4:30 p.m.) at the BLM Las Vegas Field Office (LVFO). Information is also available on the BLM Web site at *http://www.nv.blm.gov.*

Pre-registration for oral bidding before the day of the sale may be done at the LVFO. The location for sale day registration and the public auction will be at the Rapport Executive Retreat, 1 JFDI Way, Alamo, Nevada.

FOR FURTHER INFORMATION CONTACT: You may contact the LVFO at (702) 515–5000 from 7:30 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays), and ask for Manuela Johnson, realty specialist. For general information on BLM's public land sale procedures, refer to the following Web address: *http://www.blm.gov/nhp/what/lands/realty/tenure/sale.htm.*

SUPPLEMENTARY INFORMATION: Parcel N–80738 (Parcel B) is located southeast of Alamo, Nevada.

Mount Diablo Meridian, Nevada

T. 7 S., R. 61 E.
Section 9, NE¼.
The area described contains 159 acres, more or less, in Lincoln County.

This parcel of public land is proposed for competitive sale at no less than the appraised fair market value (FMV) as determined by the authorized officer after appraisal. Current appraisal for the parcel will be available for public review at the LVFO.

As stated, Parcel B is proposed for sale subject to the applicable provisions of sections 203 and 209 of the FLPMA, as well as the BLM land sale and mineral conveyance regulations at 43 Code of Federal Regulations (CFR) Parts 2710 and 2720. Consistent with the FLPMA Section 203, the tract of public lands may be sold as a result of approved land use planning; the sale of the tract meets the disposal criteria.

The sale is in accordance with provisions at 43 CFR 2710.0–3(2), which state ''Disposal of such tract shall serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on lands other than public lands and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership,'' and 43 CFR 2710.0–3(3), where ''such a tract, because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency.''

The disposal would be carried out in accordance with section 205 of the Federal Land Transaction Facilitation Act of July 25, 2000 (FLTFA) (43 U.S.C. 2304), in which the proceeds from the sale of the lands would be deposited into the Federal Land Disposal Account.

These lands are identified as suitable for disposal in the BLM Caliente Management Framework Plan approved July 14, 1980 and the Caliente Management Framework Plan Amendment (MFP Amendment) and Record of Decision (ROD) for the Management of Desert Tortoise Habitat, approved September 19, 2000. The proposed disposal action is consistent with the objectives, goals, and decisions of the MFP Amendment. The identified lands are not needed for any Federal purpose.

The MFP Amendment and ROD provide that a maximum of 16,926 acres of desert tortoise habitat outside areas of critical environmental concern (ACEC) may be disposed through the appropriate land laws as identified by the U.S. Fish and Wildlife Service (USFWS) under the biological opinion (BO) for the Amendment. The identified lands are not needed for any Federal purpose, and their disposal would be in the public interest.'' This disposal is in accordance with the MFP L–4 and BO decision. According to the MFP Amendment, lands identified within desert tortoise habitat, but outside of designated Areas of Critcal Environmental Concern/Desert Wildlife Management Areas (ACEC/DWMAs), may be conveyed for community expansion and public projects. The above described lands fall outside the ACEC/DWMAs. The lands are among the maximum 16,926 acres available for sale. Lands may be conveyed prior to having a USFWS-approved habitat conservation plan in place.

The BLM provided a 30-day comment period for the EA as part of its public involvement. All comments received have been considered and incorporated into the EA and decision record. The EA, number NV–040–07–35, Decision Record, Environmental Site Assessment, map and approved appraisal report covering the proposed sale, are available for review at the BLM LVFO in Las Vegas, Nevada.

Sale Segregation

Publication of this Notice in the **Federal Register** segregates the subject lands from all appropriations under the public land laws, including the general mining laws, except sale under the Federal Land Policy and Management Act of 1976. The segregation will terminate upon issuance of the patent, upon publication in the **Federal Register** of a termination of the segregation or August 20, 2009, whichever occurs first.

Terms And Conditions

The patent issued would contain the following numbered reservations, covenants, terms and conditions:

1. All leasable minerals are reserved to the United States, its permittees, licensees and lessees, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, along with all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcel is subject to valid existing rights.

4. The parcels are subject to the requirements of Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA) (43 U.S.C. 9620(h)).

5. The purchaser/patentee, by accepting a patent, covenant and agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, state, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

No representation, warranty or covenant of any kind, express or implied, will be given or made by the United States, its officers or employees, as to access to or from the above described parcel of land, the title to the land, whether or to what extent the land may be developed, its physical condition or its past, present or potential uses, and the conveyance of any such parcel will not be on a contingency basis.

Maps delineating the individual proposed sale parcels are available for public review at the BLM LVFO. Current appraisal for the parcel will be available for public review at the LVFO.

If the parcels of land are sold, the locatable mineral interest of no known value therein will be sold simultaneously as part of the sale. The unreserved mineral interest has been determined, prior to the sale, to have no known mineral value pursuant to 43 CFR 2710.2(a). An offer to purchase the parcels at auction will constitute an application for conveyance of the locatable mineral interest. In conjunction with the final payment, the applicant will be required to pay a $50.00 non-refundable filing fee for processing the conveyance of the locatable mineral interests.

Bids may be received by sealed bid for the proposed parcel prior to the auction or orally at the public auction. All sealed bids must be received at the LVFO no later than 4:30 p.m., PDT, October 12, 2007. Sealed bid envelopes must be marked on the *front lower left-hand corner:* SEALED BID—DO NOT OPEN and with the BLM serial number N–80738—Parcel B and the sale date October 16, 2007. Bids must not be less than the federally approved FMV. The sealed bid shall be accompanied by a certified check, money order, bank draft, or cashier's check made payable in U.S. dollars to the order of the DOI-Bureau of Land Management, for not less than 10 percent or more than 30 percent of the amount of the bid. The highest qualified sealed bid for the sale parcel will become the starting bid at the oral auction. If no sealed bids are received, oral bidding will begin at the FMV, as determined by the authorized officer.

The parcel will be offered for competitive sale by oral auction beginning at 11 a.m., PDT, October 16, 2007, at the Rapport Executive Retreat, 1 JFDI Way, Alamo, Nevada. Interested parties who will not be bidding are not required to register. Interested parties are welcome to observe the process, however, bidders will have preference for seating if it becomes limited.

All oral bidders are required to register. Registration for oral bidding will begin at 9 a.m., PDT, on the day of the sale and will end at 11 a.m., PDT. Oral bidders may pre-register by mail or fax by completing the form in the sale folder. Sale folders are available at the BLM LVFO.

On the day of the sale, pre-registered bidders must present a photo identification card to receive a bidder number. All other bidders will be asked for additional information along with a photo identification card. A bidder number will be assigned at the completion of registration. Oral bids will be considered only if received at the place of sale and made at least for the FMV as determined by the authorized officer.

The highest qualifying bid for the parcel, whether sealed or oral, will be declared the high bid. The apparent high bidder, if an oral bidder, must submit the full deposit amount to a BLM collection officer at the Rapport Executive Retreat Building by 3 p.m., PDT, on the day of the sale, either in the form of cash, personal check, bank draft, cashier's check, money order, or any combination thereof, made payable in U.S. dollars to the order of DOI-Bureau of Land Management, for not less than 20 percent of the amount of the successful bid.

The remainder of the full bid price on any parcel, whether sealed or oral, must be paid on or prior to the expiration of 180 calendar days after the competitive sale date in the form of a certified check, money order, bank draft, or cashier's check made payable in U.S. Dollars to the order of the Bureau of Land Management. Personal checks will not be accepted for the remainder payment. Failure to pay the full price on the parcel or prior to expiration of the 180 days will disqualify the apparent high bidder and cause the entire bid deposit to be forfeited to the BLM.

The BLM may accept or reject any or all offers or withdraw the parcel of land or interest therein from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the FLPMA or other applicable laws or are determined not to be in the public interest.

If not sold, the parcel described above in this notice may be identified for sale at a later date and/or at another location without further legal notice. Upon publication of this notice and until completion of the sale, the BLM is no longer accepting land use applications affecting the parcel identified for sale. However, land use applications may be considered after completion of the sale if the parcel is not sold through the sealed or oral bidding procedures, provided the authorization will not adversely affect the marketability or value of the parcel.

Federal law requires bidders to be United States citizens 18 years of age or older, a corporation subject to the laws of any state or of the United States, a state, state instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships capable of holding property or interests therein under the laws of the State of Nevada (see 43 CFR 2711.2). Certification of qualification, including United States citizenship status, must accompany the bid deposit.

In order to determine the value, through appraisal of the parcel of land proposed to be sold, certain assumptions may have been made of the attributes and limitations of the land and potential effects of local regulations and policies on potential future land uses. Through publication of this NORA, the BLM gives notice that these assumptions may not be endorsed or approved by units of local government. It is the buyer's responsibility to be aware of all applicable local government policies, laws and regulations that would affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or projected use of nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals will be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Detailed information concerning the sale, including the reservations, sale procedures and conditions, CERCLA and other environmental documents, is available for review at the BLM LVFO or by calling (702) 515–5224.

Public Comments: The general public and interested parties may submit comments regarding the proposed sale and EA to the Field Manager, BLM LVFO. Comments must be received by the BLM no later than October 4, 2007. Only written comments submitted by postal service or overnight mail will be considered as properly filed. E-mail, facsimile or telephone comments will not be considered as properly filed.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

BLM will not consider any anonymous comments. Comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action in whole or in part.

(Authority: 43 CFR 2711.1–2(a) and (c))

John F. Ruhs,

Ely Field Manager.

[FR Doc. E7–16341 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–ES; N–79952, N–79953, N–79957, N–80959, N–80961, N–80963, N–80964, and N–80966; 7–08807]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 207.15 acres of public land in Las Vegas, Clark County, Nevada. The Clark County School District proposes to use the lands for nine public schools. This land disposal action has been coordinated with Clark County, in whose jurisdiction such lands are located for joint selection purposes pursuant to Sec. 4(d)(1) of the Southern Nevada Public Lands Management Act, Pub. L. 105–263, (112 Stat. 2345).

DATES: Interested parties may submit comments regarding the proposed lease/conveyance of the lands until October 4, 2007.

ADDRESSES: Please submit comments to: Field Manager, BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130–2301.

FOR FURTHER INFORMATION CONTACT: Kim Liebhauser, (702) 515–5088.

SUPPLEMENTARY INFORMATION: In response to eight applications submitted by the Clark County School District, the BLM has examined and found suitable for classification for lease or subsequent conveyance for recreational or public purposes under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*). These eight parcels of land are in the Las Vegas Valley and are classified accordingly and described below:

Mount Diablo Meridian, Nevada

(1) *Middle school (N–79952):*

T. 19 S., R. 60 E.
Sec. 18, N½SW¼NE¼.

The area described contains 20 acres.

General location: northwestern part of valley southwest of the intersection of Gilcrease Avenue and Tee Pee Lane.

(2) *Elementary school (N–79953):*

T. 22 S., R. 60 E.
Sec. 14, E½SW¼NE¼SW¼, W½SE¼NE¼SW¼, and SE¼SE¼NE¼SW¼.

The area described contains 12.5 acres.

General location: southwestern part of valley northwest of the intersection of Torrey Pines Drive and Ford Avenue.

(3) *Middle school (N–79957):*

T. 23 S., R. 61 E.
Sec. 4, lots 6 and 7, and SW¼NW¼NE¼.

The area described contains 19.65 acres.

General location: southern part of the valley southeast of the intersection of Starr Avenue and Gilespie Street.

(4) *Middle school (N–80959):*

T. 22 S., R. 60 E.
Sec. 24, W½NE¼SE¼.

The area described contains 20 acres.

General location: southwestern part of the valley southeast of the intersection of Serene Avenue and Edmond Street.

(5) *Elementary school (N–80961):*

T. 22 S., R. 60 E.
Sec. 24, E½SW¼NW¼SW¼, NW¼SE¼NW¼SW¼, and E½SE¼NW¼SW¼.

The area described contains 12.5 acres.

General location: southwestern part of the valley generally northeast of the intersection of Jones Boulevard and Richmar Avenue.

(6) *Elementary school (N–80963):*

T. 22 S., R. 60 E.
Sec. 36, E½NE¼SE¼SE¼ and E½SE¼SE¼SE¼.
T. 22 S., R. 61 E.
Sec. 31, W½NW¼NW¼SW¼SW¼, W½SW¼NW¼SW¼SW¼, W½NW¼SW¼SW¼SW¼, and W½SW¼SW¼SW¼SW¼.

The area described contains 15 acres.

Middle school

T. 22 S., R. 61 E.
Sec. 31, E½SW¼SW¼, E½NW¼SW¼SW¼, E½SW¼SW¼SW¼, E½NW¼NW¼SW¼SW¼, E½SW¼NW¼SW¼SW¼, E½NW¼SW¼SW¼SW¼, and E½SW¼SW¼SW¼SW¼.

The area described contains 35 acres.

General location: southwestern part of the valley northeast of the intersection of Starr Avenue and Decatur Boulevard.

(7) *High school (N–80964):*

T. 20 S., R. 60 E.
Sec. 6, N½SW¼SE¼ and NE¼SE¼SW¼SE¼.

The area described contains 22.5 acres.

General location: northwestern part of the valley southeast of the intersection of Grand Canyon Drive and Hickam Avenue.

(8) *High school (N–80966):*

T. 22 S., R. 60 E.
Sec. 28, SW¼NE¼ and NW¼SE¼SE¼.

The area described contains 50 acres.

General location: southwestern part of the valley northeast of the intersection of Cactus Avenue and Cimarron Road.

The areas described above aggregate approximately 207.15 acres in Clark County, Nevada.

The lands are not required for any Federal purpose. The lease or conveyance is in conformance with the BLM Las Vegas Resource Management Plan (RMP) dated October 5, 1998. The RMP has been reviewed and it has been determined the proposed action is in conformance with the land use plan decision LD–1. The lease or conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to:

(1) Valid and existing rights.

(2) N–79952—(a) A right-of-way for water distribution system purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way N–77494, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(b) A right-of-way for road, drainage, and sewer pipeline purposes granted to the City of Las Vegas, its successors or assigns, by right-of-way N–76605, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(c) A right-of-way for road, drainage, and sewer pipeline purposes granted to the City of Las Vegas, its successors or assigns, by right-of-way N–76812, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(d) A right-of-way for underground telephone facility purposes granted to the Central Telephone Company, its successors or assigns, by right-of-way N–76336, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(e) A right-of-way for underground power distribution line purposes granted to the Nevada Power Company, its successors or assigns, by right-of-way N–76130, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(f) A right-of-way for underground telephone facility purposes granted to the Central Telephone Company, its successors or assigns, by right-of-way N–75583, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(g) A right-of-way for a water distribution system purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way N–62751, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(3) N–79953—there are no existing encumbrances.

(4) N–79957—(a) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–76983, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(b) A right-of-way for underground water pipeline purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way N–76313, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(c) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–76131, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(d) A right-of-way for sewer pipeline purposes granted to the Clark County Water Reclamation District, its successors or assigns, by right-of-way N–75027, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(e) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–63015, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(f) A right-of-way for underground power distribution line purposes granted to the Nevada Power Company, its successors or assigns, by right-of-way N–54967, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(g) A right-of-way for underground telephone facility purposes granted to the Central Telephone Company, its successors or assigns, and Nevada Power Company, its successors or assigns, by right-of-way N–30971, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(5) N–80959—(a) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–75197, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(b) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–59342, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(c) A right-of-way for underground telephone facility purposes granted to the Central Telephone Company, its successors or assigns, and Nevada Power Company, its successors or assigns, by right-of-way N–27608, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(6) N–80961—(a) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–80627, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(b) A right-of-way for above and underground power facility purposes granted to the Nevada Power Company, its successors or assigns, by right-of-way N–81386, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(7) N–80963—(a) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–65870, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(8) N–80964—(a) A right-of-way for underground water pipeline purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way N–60844, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(b) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–46505, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(c) A right-of-way for underground distribution line purposes granted to the Nevada Power Company, its successors or assigns, by right-of-way N–60562, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(d) A right-of-way for road and drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–60735, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(e) A right-of-way for underground telephone facility purposes granted to the Central Telephone Company, its successors or assigns, by right-of-way N–66793, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

(9) N–80966—(a) A right-of-way for natural gas pipeline purposes granted to the Southwest Gas Corporation, its successors or assigns, by right-of-way N–77953, pursuant to the Act of February 25, 1920, 41 Stat. 0437, 30 U.S.C. 185 sec. 28;

(b) A right-of-way for sewer system purposes granted to the Clark County Water Reclamation District, its successors or assigns, by right-of-way N–77199, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761;

(c) A right-of-way for underground water pipeline purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way N–77507, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761; and

(d) A right-of-way for drainage purposes granted to Clark County, its successors or assigns, by right-of-way N–77084, pursuant to the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

Additional detailed information concerning this action is available for review at the BLM Las Vegas Field Office.

On August 20, 2007, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the land for R&PP sites. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Comments, including names and addresses of respondents, will be available for public review. Interested parties may submit comments regarding the specific use proposed in the applications and plans of development, whether the BLM followed proper administrative procedures in reaching the decision to lease or convey under the R&PP Act, or any other factor not directly related to the suitability of the lands for public school sites. Facsimiles, telephone calls, and electronic mails are unacceptable means of notification. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Any adverse comments will be reviewed by the BLM Nevada State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective on October 19, 2007. The lands will not be available for lease or conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

Mark R. Chatterton,

Assistant Field Manager, Non-Renewable Resources, Las Vegas, NV.

[FR Doc. E7–16344 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–5870–EU; N–82710, N–82711; 7–08807]

Notice of Realty Action: Segregation of Public Land for Proposed Sale in Lyon County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: Two parcels of public lands totaling 998.2 acres in Lyon County, Nevada, are being considered for sale under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) 43 U.S.C. 1713. This Notice of Realty Action (NORA) is to provide for the segregation of lands being considered for sale for a period of up to 2 years.

DATES: Comments regarding the NORA must be received by October 4, 2007.

ADDRESSES: Address comments to: Donald T. Hicks, BLM Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Fred Slagle, (775) 885–6115.

SUPPLEMENTARY INFORMATION: The following described public lands in Lyon County are located southwest (sec. 22) and south (sec. 36) of Fernley, Nevada.

Mount Diablo Meridian, Nevada

T. 20 N., R. 24 E.
Sec. 22, lots 1 to 6, inclusive, NE¼, E½NW¼, E½SW¼, and W½SE¼.
Sec. 36, E½NE¼NE¼, NW¼NE¼NE¼, N½NW¼NE¼, and W½.

The areas described aggregate 998.2 acres, more or less, in Lyon County.

The 2001 BLM Carson City Consolidated Resource Management Plan (RMP) identifies these public lands as suitable for disposal; therefore the sale meets the disposal qualification of Section 205 of the Federal Land Transaction Facilitation Act of July 25, 2000, 43 U.S.C. 2304. Conveyance of the identified public land will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. Conveyance of any mineral interests pursuant to Section 209 of the FLPMA will be analyzed during processing of the proposed sale.

On August 20, 2007, the above-described lands will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. Until completion of the sale, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously-filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on August 20, 2009, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Comments should concern the lands being considered for sale, including notification of any encumbrances or other claims relating to the identified lands. To ensure consideration in the environmental analysis of the proposed sale, comments must be in writing. Comments transmitted via telephone, fax, or e-mail will not be accepted. Comments, including names and street addresses of respondents, will be available for public review at the BLM Carson City Field Office during regular business hours, except holidays.

Before including your address, phone number, e-mail, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2711.1–2.

Donald T. Hicks,

Manager, Carson City Field Office.

[FR Doc. E7–16354 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–130–1430–EU; DB–G07–1009; IDI–33192]

Notice of Realty Action; Non-Competitive (Direct) Sale of Public Land in Owyhee County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: A 1,356.55 acre parcel of public land in Owyhee County, Idaho is being considered for non-competitive (direct) sale to Owyhee County under the provisions of the Federal Land Policy Management Act of 1976, at no less than the appraised fair market value.

DATES: Comments must be received by October 4, 2007.

ADDRESSES: Address all comments concerning this notice to Kelley Moore, BLM, Owyhee Field Office, 20 1st Avenue West, Marsing, Idaho 83639.

FOR FURTHER INFORMATION CONTACT: Kelley Moore, Realty Specialist, at the above address or phone (208) 896–5917.

SUPPLEMENTARY INFORMATION: The following described public land in Owyhee County, Idaho, has been examined and found suitable for sale utilizing direct sale procedures under the authority of section 203 and section 209 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713 and 1719):

Boise Meridian, Idaho

T. 2 N., R. 4 W.,
Sec. 20, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼, and W½SE¼SE¼;
Sec. 29, lots 1, 2, 3, 4, NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 32, lots 1 to 12, inclusive, W½NE¼, E½NW¼, N½NE¼SW¼, and N½NW¼SE¼.

The area described contains 1,356.55 acres in Owyhee County.

The 1999 BLM Owyhee Resource Management Plan identified this parcel of public land as suitable for disposal. On August 20, 2007, the above described land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except the sale provisions of the Federal Land Policy and Management Act (FLPMA). The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or August 20, 2009, whichever comes first.

The public land will not be offered for sale until October 19, 2007 at the appraised fair market value of $203,500.00. A copy of the approved appraisal is available at the above address. The patent, if issued, will be subject to the following terms, conditions and reservations: (1) A reservation to the United States for ditches and canals; (2) a reservation to the United States of a 175′ wide right-of-way to PacifiCorp Property Management for a 500 kV transmission line, IDI–8875; (3) a reservation to the United States of a 40′ wide right-of-way to Idaho Power Company for a 69 kV power line, IDBL–056088; (4) a 2 year reservation for grazing; and (5) subject to a road right-of-way to Gem Highway District for Sommercamp Road, IDI–22579.

This land is being offered by direct sale to Owyhee County pursuant to 43 CFR 2711.3–3 to construct, operate and maintain a municipal solid waste facility (landfill) to serve the residents of Owyhee County and accommodate community growth and expansion. To provide for future landfill space needs, Owyhee County contracted a study to locate a suitable site in the northwest part of the County. A site on public land south of Marsing, Idaho, was recommended. Owyhee County has purchased space in the regional depository and landfill site at the Pickle's Butte landfill in Canyon County, Idaho, but that site is filling up much more quickly than previously projected, resulting in a future landfill space issue for Owyhee County.

In the event of a sale, the unreserved mineral interests will be conveyed simultaneously with the sale of the land. These unreserved mineral interests have been determined to have no known mineral value pursuant to 43 CFR 2720.2(a). Acceptance of the sale offer will constitute an application for conveyance of those unreserved mineral interests. The purchaser will be required to pay a $50.00 non-refundable filing fee for conveyance of the available mineral interests. The purchaser will have 30 days from the date of receiving the sale offer to accept the offer and to submit a deposit of 10 percent of the purchase price and the $50.00 filing fee for conveyance of mineral interests. The purchaser must remit the remainder of the purchase price within 180 days from the date the sale offer is received. Payments must be by certified check, postal money order, bank draft or cashiers check payable to the U.S. Department of the Interior—BLM. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited.

Public Comments

For a period until October 4, 2007, interested parties and the general public may submit written comments to the BLM Owyhee Field Office at the address above. Comments, including names and street addresses of respondents, will be available for public review at the BLM Owyhee Field Office during regular business hours, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the BLM Idaho State Director, who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.1–2(a))

Mark A. Lane,

Owyhee Field Manager.

[FR Doc. E7–16353 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–1430–ES; WYW167264]

Recreation and Public Purposes (R&PP) Act Classification, Sweetwater County, WY

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease or conveyance to the Rock Springs School District Number One under the provisions of the Recreation and Public Purposes Act, as amended, 124.45 acres of public lands in Sweetwater County, Wyoming. The School District proposes to use the land for a public school complex. In association with the proposed schools, playgrounds, parking lots, and athletic fields are proposed.

ADDRESSES: Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

DATES: Interested persons may submit written comments to the BLM at the address stated above. Comments must be received by no later than October 4, 2007.

FOR FURTHER INFORMATION CONTACT: Eddie Arreola, Realty Specialist, BLM at the address stated above or at 307–352–0243.

SUPPLEMENTARY INFORMATION: The following described land has been examined and found suitable for classification for lease or conveyance for a public school complex under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*), and is hereby classified accordingly:

Sixth Principal Meridian

T. 19 N., R. 105 W.,
Sec. 28, lots 3, 4, and 5.

The area described contains 124.45 acres in Sweetwater County.

In accordance with the R&PP Act, the Rock Springs School District Number One has filed an R&PP application and Plan of Development in which it proposes to use the above described land for a public school complex. The land is not needed for Federal purposes. Lease or conveyance pursuant to the R&PP Act is consistent with the BLM Green River Resource Area Management Plan, dated August 8, 1997, which identifies the land as suitable for disposal for public school purposes. The proposal is in the public interest.

The lease or conveyance, when issued, will be subject to the following terms, conditions, and reservations.

1. Provisions of the R&PP Act and to all applicable regulations, policy and guidance, including but not limited to the regulations stated in 43 CFR 2740, of the Secretary of the Interior.

2. Reservation of a right-of-way to the United States for ditches and canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals under applicable laws and regulations established by the Secretary of the Interior.

4. Provided, that the land conveyed shall revert to the United States upon finding, and after notice and opportunity for a hearing, that the patentee has not substantially developed the land in accordance with the approved plan of development on or before the day, 5 years after the date of conveyance.

5. All valid existing rights of record, including those documented on the official public land records at the time of lease or patent issuance.

6. Provided, that if the patentee or its successor attempts to transfer title to or control over the land to another, or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors, including without limitation, lessees, sublessees and permittees, to prohibit or restrict, directly or indirectly, the use of any part of the patented land or any of the facilities whereon by any person because of such person's race, creed, sex, color, or national origin, title shall revert to the United States.

Detailed information concerning the proposed action, including but not limited to documentation relating to compliance with applicable environmental and cultural resource laws, is available for review at the BLM, at the address stated above, telephone: 307–352–0243.

On August 20, 2007, the above described lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws.

Interested parties may submit written comments regarding the proposed lease or conveyance or classification of the land for a public school complex to the Field Manager, BLM Rock Springs Field Office, at the address stated above. Comments must be received by October 4, 2007.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a public school complex. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and Plan of Development, whether the BLM followed proper administrative procedures in reaching the decision; or any other factor not directly related to the suitability of the land for a public school complex.

Confidentiality of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the BLM State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective October 19, 2007.

(Authority: 43 CFR part 2741)

Lance Porter,

Acting Field Manager.

[FR Doc. E7–16345 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–070–07–1610–DU]

Notice of Intent (NOI) To Amend the Resource Management Plan for the Buffalo Field Office, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau of Land Management (BLM) Buffalo Field Office, Wyoming, proposes to amend its 1985 Resource Management Plan (RMP) because of changes in circumstances and proposed actions that may result in changes in the scope of resource uses and/or changes in decisions of the approved plan. The BLM will evaluate the following: (1) Management guidance for the Fortification Creek area, (2) Designation of an Area of Critical Environmental Concern (ACEC) in the Fortification Creek area, and (3) a potential land exchange with the State of Wyoming to consolidate ownership and facilitate management of the Fortification Creek area. The BLM may consider further land use planning decisions for the area surrounding the proposed ACEC.

DATES: Scoping for the proposed plan amendment will commence on the date that this notice is published in the **Federal Register**. The BLM will host several public, open house meetings to provide additional information about the proposed amendment, and identify any additional resource information or concerns. The BLM will announce the dates and locations of public meetings at least 15 days in advance through local news media, Web site announcements, or mailings. Written comments will be accepted for 30 calendar days after the last public meeting.

ADDRESSES: Written comments should be submitted to the BLM through any of the following methods:

- Web site: *http://www.blm.gov/wy/st/en/info/NEPA/bfodocs/fortification_creek.html*;
- E-mail: *Fort_Crk_WYMail@blm.gov*;
- Fax: (307) 684–1122;
- Mail: Fortification Creek RMP Amendment, BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834; or
- By personal delivery to the Buffalo Field Office or at a BLM-hosted public meeting.

FOR FURTHER INFORMATION CONTACT: Thomas Bills, Project Manager, BLM Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834, or by telephone at (307) 684–1133.

SUPPLEMENTARY INFORMATION: The Buffalo RMP and associated Environmental Impact Statement (EIS) were prepared in 1985; the RMP was amended in 2003. The 1985 RMP identified an area of approximately 12,415 acres as having wilderness characteristics and established it as the Fortification Creek (Fort Creek) Wilderness Study Area (WSA). The 1985 RMP also evaluated an area adjacent to the Fort Creek WSA to determine whether it met ACEC relevance and importance criteria, but it did not designate the area as an ACEC in its Record of Decision (ROD). In addition, the 1985 RMP stated that the area surrounding the WSA would require special management. However, it did not specify what resource values were in need of special management, nor did it clearly describe limitations or use restrictions that might be needed to manage those resource values. This RMP amendment process will evaluate resources and issues related to the planning criteria, including the designation of an area surrounding the Fort Creek WSA as an ACEC and the appropriate management actions and use restrictions for the ACEC, if designated. The Fort Creek area is located in Campbell, Johnson, and Sheridan Counties, Wyoming.

The purpose of the scoping process is to determine relevant issues that will influence the scope of the environmental analysis and alternatives. Scoping comments will also guide the planning process. The BLM will prepare an associated NEPA document, either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), based on scoping comments and issues.

The BLM has identified the following preliminary issues:

• *Management of the Fort Creek Area.* Should the BLM recommend the area, or a portion of the area, as an ACEC, or should it establish a management area (MA) with specific goals and objectives?

• *Resource Values and Limitations.* If the BLM concludes that some or all of the Fort Creek planning area merit establishment of an ACEC, what resource values and what measures would be appropriate to manage the area and its resources?

If the BLM decides that the Fort Creek planning area does not merit ACEC status, the BLM will determine what resources should be evaluated for activities and use limitations within the area:

1. *Uses.* Appropriate use and occupancy of the public lands in the Fort Creek area for energy resources.

2. *Management Activities.* Continue management activities for resource values currently identified in the RMP, or generate new goals and objectives and use limitations for the protection of steep slopes, erosive soils, elk habitat, cultural resources and visual resources.

3. *Landownership Adjustments.* Identify opportunities, if any, to exchange lands with other landowners including the State of Wyoming for the purpose of consolidating public lands and maintaining continuous wildlife habitat.

The preliminary land use planning criteria are:

1. The amendment will be in compliance with FLPMA and applicable laws, regulations, and policies. The land use plan amendment process will be governed by the planning regulations at 43 CFR 1610 and BLM Land Use Planning Handbook H–1601–1.

2. The proposed action and alternatives will be analyzed in accordance with NEPA.

3. Lands affected by the proposed plan amendment include public surface and mineral estate managed by the BLM. No decisions will be made relative to non-BLM administered lands or non-federal minerals.

4. Broad-based public participation will be an integral part of the planning process.

5. The plan amendment will recognize all valid existing rights.

6. The BLM will work with cooperating agencies and all other interested groups, agencies, and individuals. The amended RMP will be consistent with existing non-Federal plans and policies, provided the decisions in the existing plans are consistent with the purposes, policies, and programs of Federal law and regulations for public lands.

7. The WSA will continue to be managed under the BLM's Interim Management Policy for Lands under Wilderness Review until Congress either designates all or portions of the WSA as wilderness or releases the lands from further wilderness consideration.

8. The planning process will involve consultation with American Indian tribal governments to provide strategies for the protection of recognized traditional uses.

9. The RMP amendment may include adaptive environmental management (AEM) principles and protocol to deal with future issues and outcomes.

All comment submittals must include the commenter's name and street address. Comments, including the names and street addresses of respondent, will be available for public review at the Buffalo Field Office listed above during its business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except for Federal holidays. 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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Alan Rabinoff,

Acting State Director.

[FR Doc. E7–16332 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–520–1430–FM; NMNM 106766]

Notice of Intent To Prepare an Amendment and Associated Environmental Assessment to the Carlsbad Field Office Resource Management Plan, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) Carlsbad Field Office intends to prepare a Resource Management Plan Amendment (RMPA) and associated Environmental Assessment (EA) to analyze the possible disposal, by either exchange and/or sale, of up to 3,566.88 acres of BLM-administered public land in Eddy and Lea Counties in southeastern New Mexico.

DATES: Written comments will be accepted for 30 days after the date this Notice is published in the **Federal Register**.

ADDRESSES: Written comments may be submitted through any of the following methods:

• *Mail:* Field Manager, BLM, Carlsbad Field Office, 620 East Greene, Carlsbad, New Mexico 88220.

• *Fax:* (505) 885–9264.

• *Personal delivery to the Carlsbad Field Office:* see address above.

Additional information on the project is also available at the Field Office's above address. The 1988 Carlsbad RMP is also available at the Carlsbad Field Office and posted on the following BLM Web site: *http://www.nm.blm.gov/cfo/index.htm.*

FOR FURTHER INFORMATION CONTACT: Owen W. Lofton, Realty Specialist, BLM, Carlsbad Field Office, 620 East Greene, Carlsbad, New Mexico, (505) 234–5923.

SUPPLEMENTARY INFORMATION: The BLM is currently considering a proposal from Intrepid Potash, Inc. (formerly Mississippi Potash Inc.), to complete a land exchange and/or sale. Intrepid Potash, Inc. proposes that BLM dispose of public lands around its mine sites in exchange for private lands around the Pecos River. In addition, Intrepid Potash, Inc. proposes to purchase additional BLM lands in order to continue its mining operations and hazardous material mitigation. The public lands proposed for disposal contain mine tailings and other industrial waste. The private lands offered for exchange consist of riparian habitat and native rangeland. The public land proposed for disposal is currently identified for retention in Federal ownership in the 1988 Carlsbad RMP. The RMP must therefore be amended to identify these public lands as suitable for exchange and/or sale. The lands proposed for disposal are described as follows:

New Mexico Principal Meridian

T. 21 S., R. 29 E.,
 sec. 01, N½SW¼, SE¼SW¼, SE¼; 280.00 acres.
 sec. 12, E½, E½NW¼, SW¼; 560.00 acres.
 sec. 13, N½NE¼, SE¼NE¼; 120.00 acres.
 sec. 14, SW¼NE¼; 40.00 acres.
T. 20 S., R. 30 E.,
 sec. 04, W½SW¼, NE¼SE¼; 120.00 acres.
 sec. 05, N½SW¼, SE¼SW¼, S½SE¼; 200.00 acres.
 sec. 09, N½N½; 160.00 acres.
T. 21 S., R. 31 E.,

sec. 03, S½SW¼; 80.00 acres.
sec. 04, Lots 1–16, inclusive; 648.96 acres.
sec. 05, S½SE¼; 80.00 acres.
sec. 09, N½; 320.00 acres.
sec. 10, NW¼; 160.00 acres.
T., 20 S., R. 32 E.,
sec. 07, Lot 4, SE¼SW¼, S½SE¼; 159.43 acres.
sec. 08, S½SW¼; 80.00 acres.
sec. 17, W½; 320.00 acres.
sec. 18, Lots 1, 2, 4, and SE¼SW¼, S½SE¼; 238.49 acres.
Total: 3,566.88 acres

A Notice of Intent (NOI) regarding a similar proposal was originally published in the **Federal Register** on September 11, 2002. The purpose of this earlier proposal was to provide notice of the BLM's intent to prepare a plan amendment to change the classification of lands previously identified for retention to suitable for disposal solely by exchange. However, a recent appraisal necessitated acreage adjustments to reach equal land values, and consequently, Intrepid Potash, Inc. had to eliminate lands that they would still like to acquire. Without any more lands to offer the BLM for exchange, Intrepid Potash, Inc. has proposed to purchase some BLM lands to continue mining operations and hazardous material mitigation. Therefore, the current proposed amendment is to consider land disposal by either exchange and/or sale in the plan amendment process.

Preliminary issues include, but are not limited to: Wildlife and riparian habitat, rangeland resources, recreation, hazardous materials, and cultural resources. In addition to the No Action Alternative (existing management situation), a range of alternatives will be considered that will address a combination of land sale and exchange, as well as mitigation.

The preliminary land use planning criteria are:

1. The amendment will be in compliance with FLPMA and applicable laws, regulations, and policies. The land use plan amendment process will be governed by the planning regulations at 43 CFR part 1610 and BLM Land Use Planning Handbook H–1601–1.
2. The proposed action and alternatives will be analyzed in accordance with NEPA.
3. Lands affected by the proposed plan amendment include public surface and mineral estate managed by BLM. No decisions will be made relative to non-BLM administered lands or non-federal minerals.
4. Public participation will be an integral part of the planning process.
5. The plan amendment will recognize all valid existing rights.
6. The BLM will work with cooperating agencies and all other interested groups, agencies, and individuals. The amended RMP will be consistent with existing non-Federal plans and policies, provided the decisions in the existing plans are consistent with the purposes, policies, and programs of Federal law and regulations for public lands.

The RMPA/EA will be prepared by an interdisciplinary team of BLM resource specialists including realty, recreation, cultural, minerals, and hazardous materials specialists. Additional technical support will be provided by other specialists as needed. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 20, 2007.

Jim Stovall,

Carlsbad Field Manager.

[FR Doc. E7–16342 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–OX–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–310–7122–ES–5793; AZA 32905]

Notice of Intent To Prepare an Amendment to the Kingman Resource Management Plan; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) Field Office, Kingman, Arizona intends to prepare an amendment to the Kingman Resource Management Plan (RMP) to determine if a parcel of public lands (identified below) should be classified under Section 7 of the Taylor Grazing Act (43 U.S.C. 315f) and Executive Order No. 6910, for actions under the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*).

DATES: In order to ensure consideration in the Environmental Analysis (EA) of the proposed plan amendment, comments must be received by September 19, 2007.

ADDRESSES: Comments should be addressed to Wayne King, Field Manager, BLM Kingman Field Office, 2755 Mission Boulevard, Kingman, Arizona 86401.

Documents pertinent to this proposal may be examined at the Kingman BLM Field Office.

FOR FURTHER INFORMATION CONTACT: Andy Whitefield, Land Law Examiner, BLM Kingman Field Office, telephone 928–718–3746.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Field Office, Kingman, Arizona, intends to prepare an environmental analysis to determine whether or not it should amend its RMP and initiates scoping for the proposed amendment. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis concerning whether or not the BLM should be allowed to classify the following described public lands for actions under the R&PP Act:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 16 W.,
Sec. 1, lot 5.

The area described contains 1.31 acres, more or less.

These lands were acquired along with other lands pursuant to an exchange executed under the authority of section 206 of the Federal Land Policy and Management Act (FLPMA), as amended, 43 U.S.C. 1716. When acquired, these lands became ''public lands,'' pursuant to section 205(c) of FLPMA, 43 U.S.C. 1715(c), and thus made subject to BLM classification and planning requirements. One parcel was acquired subject to a lease made with the Pinion Pine Fire District for a fire station. The lease subsequently expired, prior to which the Fire District applied to the BLM for the conveyance of the same parcel, together with additional adjacent public land, pursuant to the R&PP Act. This parcel and the adjacent public lands are those described above and are included in the Fire District's R&PP Act application. Since it is the policy of the BLM not to convey lands under the authority of the R&PP Act that have been acquired by exchange under the authority of Section 206 of FLPMA, the BLM will only consider leasing the surface of the above described lands under the authority of the R&PP Act. 43 CFR 2740.0–6(e).

The BLM Kingman RMP limits the public lands under its purview that may be leased or conveyed pursuant to the R&PP Act to those parcels specifically identified in the RMP for that use or that are designated for disposal. The above described lands are not so identified in the Kingman RMP. Therefore, the BLM is initiating scoping to determine if it should amend the Kingman RMP in accordance with 43 CFR 1610.5–5 to identify the above described lands as being eligible for actions under the authority of the R&PP Act. Planning criteria relevant to this proposal are found in the Kingman RMP.

Comments: The public is invited to provide comments regarding any concerns, issues, or proposed alternatives to the proposed Kingman RMP amendment.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: August 8, 2007.

Wayne King,

Kingman Field Manager.

[FR Doc. E7–16337 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before August 3, 2007.

Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by September 4, 2007.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

CALIFORNIA

San Diego County

Cuyamaca Village, Address Restricted, San Diego, 07000935.

GEORGIA

Fulton County

Apartments at 2 Collier Road, 2 Collier Rd., Atlanta, 07000937.

Apartments at 22–24 Collier Road, 22–24 Collier Rd., Atlanta, 07000938.

Spalding County

Marian Apartments, 400 W. Poplar St., Griffin, 07000936.

Talbot County

Stamper, Martin and Lucretia, House, 3224 Flint Hill Hwy (GA 85E), Shiloh, 07000939.

LOUISIANA

Orleans Parish

Broadmoor Historic District (Boundary Increase), Roughly bounded by Walmsley, S. White, Eden, and S. Jefferson Davis Pkwy, New Orleans, 07000940.

MARYLAND

Anne Arundel County

Freetown Rosenwald School, (Rosenwald Schools of Anne Arundel County, Maryland MPS), 7825 Freetown Rd., Glen Burnie, 07000943.

Baltimore Independent city, Clifton Park, Bounded by Hartford Rd., Erdman Ave., Clifton Park Terrace, the Baltimore Relt RR and Sinclair Ln., Baltimore (Independent City), 07000941.

Highfield House, 4000 N. Charles St., Baltimore (Independent City), 07000942.

MASSACHUSETTS

Essex County

Essex Town Hall and TOHP Burnham Library, 30 Martin St., Essex, 07000946.

Middlesex County

Concord Armory, 51 Walden St., Concord, 07000945.

Norfolk County

Millis Center Historic District, Curve, Daniels, Exchange, Irving, Lavender, Main, Union Sts., Millis, 07000944.

MONTANA

Carbon County

Red Lodge Brewing Company—Red Lodge Canning Company, 904 N. Bonner St., Red Lodge, 07000947.

NEW HAMPSHIRE

Carroll County

Carroll County Court House, 20 Courthouse Square, Ossipee, 07000949.

Rockingham County

Smyth Public Library, 194 High St., Candia, 07000948.

NEW MEXICO

Santa Fe County

Arroyo Hondo Pueblo, Address Restricted, Santa Fe, 07000950.

NEW YORK

Kings County

75th Police Precinct Station House, 484 Liberty Ave., Brooklyn, 07000952.

PENNSYLVANIA

Philadelphia County

Biberman Building, 611–619 N. 15th St., Philadelphia, 07000951.

[FR Doc. E7–16240 Filed 8–17–07; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,429]

Burns Best, Inc.; Spooner, WI; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Burns Best, Inc., Spooner, Wisconsin. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA–W–61,429; Burns Best, Inc., Spooner, Wisconsin (August 10, 2007).

Signed at Washington, DC, this 13th day of August 2007.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–16282 Filed 8–17–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,859]

Eaton Corporation Aerospace Division Including Workers Whose Wages Are Reported Under FEID Number for Perkin Elmer Including On-Site Leased Workers From Aerotek, Kelly Services, Otterbase, and Adecco Phelps, New York and TA–W–60,859A Eaton Corporation, Aerospace Division Employee of Phelps, New York Working Out of Beltsville, Maryland; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on February 28, 2007, applicable to workers at Eaton Corporation, Aerospace Division, in Phelps, New York. The notice was published in the **Federal Register** on March 14, 2007 (72 FR 11904).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of solenoid valves.

The company official reports that Ms. Susan Whitledge was an employee of the Eaton Corporation, Aerospace Division in Phelps, New York, and worked off-site at the company's Beltsville, Maryland facility. Ms. Whitledge was among the workers of the firm's Aerospace Division in Phelps, New York, who were separated from employment based on a shift in production of solenoid valves to Mexico.

The intent of the Department's certification is to include all workers of Eaton Corporation, Aerospace Division, in Phelps, New York, who were adversely affected by the shift in production to Mexico.

Accordingly, the Department is amending the certification to include Ms. Whitledge, an employee of the Eaton Corporation, Aerospace Division in Phelps, New York, working out of Beltsville, Maryland.

The amended notice applicable to TA–W–60,859 is hereby issued as follows:

All workers of Eaton Corporation, Aerospace Division, including workers whose wages were reported under FEID number for Perkin Elmer, including on-site leased workers from Aerotek, Kelly Services, Otterbase, and Adecco, Phelps, New York (TA–W–60,859), and an employee of Eaton Corporation Aerospace Division, Phelps, New York working out of Beltsville, Maryland (TA–W–60,859A), who became totally or partially separated from employment on or after January 30, 2006 through February 28, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974; and

I further determine that all workers of Eaton Corporation, Aerospace Division, including workers whose wages were reported under FEID number for Perkin Elmer, including on-site leased workers from Aerotek, Kelly Services, Otterbase, and Adecco, Phelps, New York (TA–W–60,859), and an employee of Eaton Corporation Aerospace Division, Phelps, New York working out of Beltsville, Maryland (TA–W–60,859A), are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 8th day of August 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–16284 Filed 8–17–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,086]

Ford Motor Company Product Development and Engineering Center, Dearborn, MI; Notice of Revised Determination on Reconsideration

On May 24, 2007, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 30, 2007 (72 FR 30030).

The previous investigation initiated on September 14, 2006, resulted in a negative determination issued on March 15, 2007, was based on the finding that the subject worker group did not directly support production at the subject firm. The denial notice was published in the **Federal Register** on March 30, 2007 (72 FR 15168).

In the request for reconsideration the petitioners allege that the petitioning group of workers was in direct support of manufacturing and assembly of Ford automobiles at various Ford Motor Company manufacturing facilities.

A company official was contacted to verify whether workers at the subject facility were supporting production at Ford Motor Company manufacturing facilities. The company official stated that workers of the subject facilities were in direct support of production at Ford Motor Company Atlanta Assembly Plant, Hapeville, Georgia (TA–W–59017), Ford Motor Company Norfolk Assembly Plant, Norfolk, Virginia (TA–W–60,367), Ford Motor Company Twin Cities Assembly Plant, St. Paul, Minnesota (TA–W–60,435), and Ford Motor Company St. Louis Assembly Plant, Hazelwood, Missouri, (TA–W–60,478) during the relevant period. All of the above mentioned production facilities were certified eligible for adjustment assistance during April through December 2006.

The investigation further revealed that employment at the subject firm declined during the relevant period.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the facts obtained in the investigation, I determine that increases of imports of articles like or directly competitive with articles produced by Ford Motor Company contributed importantly to the total or partial separation of workers at the subject firm and to the decline in sales or production at that firm or subdivision. In accordance with the provisions of the Act, I make the following certification:

All workers of Ford Motor Company, Product Development and Engineering Center, Dearborn, Michigan, who became totally or partially separated from employment on or after September 14, 2005, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 8th day of August 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–16283 Filed 8–17–07; 8:45 am]

BILLING CODE 4510–FN–P

LIBRARY OF CONGRESS

Copyright Royalty Board

Docket No. 2005–4 CRB CD 2003]

Distribution of the 2003 Cable Royalty Fund

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing partial Phase I settlement and soliciting comments on motion for further distribution.

SUMMARY: The Copyright Royalty Judges are announcing a partial Phase I settlement in connection with the 2003 cable royalty fund. The Judges are also soliciting comments on a motion for further distribution in connection with that fund.

DATES: Comments are due on or before September 19, 2007.

ADDRESSES: Comments may be sent electronically to *crb@loc.gov.* In the alternative, send an original, five copies, and an electronic copy on a CD either by mail or hand-delivery. Please do not use multiple means of transmission. Comments may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If hand delivered by a private party, comments must be brought to the Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Ave., SE., Washington, DC 20559–6000. If delivered by a commercial courier, comments must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Ave., SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707–7658 or e-mail at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Each year, semiannually, cable systems must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 111 of the Copyright Act for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. *See* 17 U.S.C. 111(d). These royalties are then distributed to copyright owners whose works were included in a qualifying retransmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds will be distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges (''Judges'') must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B).

August 2005 Motion for Partial Distribution

On August 31, 2005, a group of claimants filed a motion with the Copyright Royalty Board (''CRB''), requesting a partial distribution of 50% of the 2003 cable royalty fund (''2003 Fund''). Motion of Phase I Claimants for Partial Distribution. On September 13, 2005, the proposal was published in the **Federal Register.** Docket No. 2005–4 CRB CD 2003, 70 FR 53973. In the notice, the CRB sought comment on whether any controversy exists that would preclude the distribution of 50% of the 2003 cable royalty funds to the Phase I claimants.[1] The CRB also sought comment on the existence of any controversies to the 2003 cable royalty funds, either at Phase I or Phase II, with respect to the 50% of those funds that would remain if the partial distribution were granted. 70 FR at 53973–53974.

The CRB received eleven comments in response to the notice, one of which was from the Independent Producers Group (''IPG'').[2] In its comment, IPG notified the CRB that it maintains claims on behalf of certain unnamed producers and distributors of devotional programming and that a controversy exists with respect to the 2003 cable royalty fund. IPG stated: ''The extent of the controversy is not known at this time, however, the reservation of at least 2% of the cable proceedings funds as relates to claims on behalf of devotional programming, together with Phase I Claimants' pledges to return any amounts finally awarded in excess of sums partially released, is deemed sufficient to protect the interests of devotional programming claimants.'' *Id.*

IPG also stated that it maintains claims on behalf of certain unnamed producers and distributors of syndicated programming (which IPG refers to as ''program suppliers'') and asserted that a controversy exists with respect to that category of funds. With respect to

[1] Historically, cable royalty proceedings have occurred in two phases. In Phase I, royalties have been divided among the categories of broadcast programming represented in the proceeding. The categories into which copyright owners have divided themselves in Phase I have remained largely unchanged over time. *See* Distribution of 1998 and 1999 Cable Royalty Funds, Docket No. 2001–8 CARP CD 98–99, 69 FR 3606, 3607 (Jan. 26, 2004) ((1) movies and syndicated television programs (known as ''Program Suppliers'' and represented by the Motion Picture Association of America, Inc. (''MPAA'')); (2) sports programming (referred to as ''Joint Sports Claimants'' and includes sports programming belonging to the National Football League, National Hockey League, National Basketball Association, and National Collegiate Athletic Association); (3) commercial broadcast programming (consists of copyright owners of commercial radio and television programming and represented by the National Association of Broadcasters, Inc. (''NAB'')); (4) religious broadcast programming (referred to as ''Devotional Claimants'' and consists of various copyright owners of religious programming); (5) public television broadcast programming (referred to as ''PBS'' and consists of various copyright owners of television programs broadcast by the Public Broadcasting Service)); (6) Canadian broadcast programming (referred to as ''Canadian Claimants'' and consists of various Canadian copyright owners whose programs are retransmitted by cable systems located near the U.S./Canada border); (7) public radio broadcast programming (referred to as ''NPR'' and consists of various copyright owners of radio programs transmitted by National Public Radio); and (8) music (referred to as ''Music Claimants'' and consists of copyrighted programming belonging to songwriters and music publishers and represented by the American Society of Composers, Authors and Publishers (''ASCAP''), Broadcast Music, Inc. (''BMI'') and SESAC, Inc.). *See also* 1989 Cable Royalty Distribution Proceeding, Docket No. CRT 91–2–89CD, 57 FR 15286, 15287 (April 27, 1992) ((1) Program Suppliers; (2) Sports; (3) U.S. Noncommercial Television (PBS); (4) U.S. Commercial Television (NAB); (5) Music; (6) Devotional Claimants; (7) Canadian Claimants; (8) Non-Commercial Radio (NPR); and (9) Commercial Radio).

In Phase II, royalties are divided among claimants within a particular category. *See* Distribution Order in Docket No. 94–3 CARP CD–90–92, 61 FR 55653, 55655 (Oct. 28, 1996).

[2] IPG Comment, dated October 25, 2005. On October 25, 2005, IPG filed a motion with the CRB requesting that the CRB accept its late-filed comment. *See* Independent Producers Group's Motion to Accept Late-Filed Comments on the Existence of Controversies and Notice of Intent to Participate in Phase I and Phase II Hearings.

The CRB also received a comment from claimants representing program suppliers. This comment is discussed below.

program suppliers, IPG stated: ''The extent of the controversy is not known at this time, however, the reservation of at least 50% of the cable proceedings funds as relates to claims on behalf of syndicated programming, together with Phase I Claimants' pledges to return any amounts finally awarded in excess of sums partially released, is deemed sufficient to protect the interests of syndicated programming claimants.'' *Id.*

IPG also stated that it maintains claims on behalf of certain unnamed producers and distributors of Spanish-language programming. IPG stated:

> [a]t an appropriate later date, IPG intends to submit a formal motion with the Copyright Office to create the new category of ''Spanish-Language Programming.'' Spanish-Language Programming constitutes a significant percentage of retransmitted programming and, for the reasons to be articulated in the motion, constitute[s] a unique category of broadcast programming that is retransmitted by cable system operators. In connection herewith, IPG asserts that a controversy exists with respect to the 2003 cable royalty fund, subject to certification of [S]panish-language programming as a category. The extent of the controversy is not known at this time, however, the reservation of at least 2% of the cable proceedings funds as relates to claims on behalf of [S]panish-language programming, together with Phase I Claimants' pledges to return any amounts finally awarded in excess of sums partially released, is deemed sufficient to protect the interests of [S]panish-language programming claimants.

Id.

IPG also asserted that a conflict exists with respect to the 2003 cable royalty fund in Phase II of the syndicated programming, sports programming, devotional programming and Spanish-language programming categories. With respect to Phase II, IPG stated:

> The extent of the controversy is not known at this time, however, the reservation of at least (i) 20% of the program supplier category funds, (ii) 2% of the sports programming category funds, (iii) 50% of the devotional programming category funds, and (iv) 80% of the [S]panish-language programming category funds, together with Phase I Claimants' pledges to return any amounts finally awarded in excess of sums partially released, is deemed sufficient to protect IPG's interests.

Id. IPG also stated that it intended to participate in any Phase I proceedings involving devotional programming, syndicated programming, and Spanish-language programming.

On October 26, 2005, the CRB denied the August 31, 2005 Motion of Phase I Claimants for Partial Distribution. In its order denying the motion, the CRB discussed the comments it received in response to the September 13, 2005 **Federal Register** notice, stating: ''[w]hile many identified the existence of a controversy at both Phase I and Phase II, none objected to the 50% partial distribution'' proposed in the Phase I claimants' motion. Nevertheless, the CRB denied the motion based largely on the claimants' statement in their motion and a subsequent comment from an individual claimant suggesting that more than 50% of the royalties in the 2003 fund was still in controversy. Based on this information, the CRB concluded that 100% of the funds remained in controversy and therefore the CRB was not authorized to distribute any funds at that time.

In particular, the CRB stated:

> Program Suppliers argue that a distribution can be made under [17 U.S.C.] 801(b)(3)(A) provided no party objects to the distribution, though 100% of the funds remain in controversy. The Board does not share this interpretation of the provision. Section 801(b)(3)(A) was crafted to enable the Board to make a distribution of royalties without conducting a proceeding, either in full or in part, *provided* that the parties agreed that the requested amount was not in controversy. This provision is in contrast to 801(b)(3)(C), where a partial distribution may be made of royalties, with the agreement of the parties, regardless of whether those royalties are in controversy.* * * [A]s the Board observed in the September 13, 2005, satellite Order [Docket No. 2005–2 CRB SD 2001–2003] it cannot [authorize a partial distribution of royalty funds under 17 U.S.C. 801(b)(3)(C)] without announcing the negotiation period and initiating the proceeding [required by that section of the Copyright Act]. Consequently, for the Board to distribute any royalties prior to this period, it must determine that their distribution is not in controversy.

Distribution Order at 2, Docket No. 2005–4 CRB CD 2003 (Oct. 26, 2005).

The CRB reiterated its position in its March 21, 2006 Order Denying Petition for Reconsideration. In that order the CRB stated:

> Copyright Act Section 801(b)(3) allows the Board to make partial distributions, prior to the commencement of the distribution proceedings, only ''to the extent that the [Judges] have found that the distribution of such fees is not subject to controversy.'' * * * The Phase I parties' August 31 Motion did not even aver that only 50% of the 2003 cable royalty fund remains in controversy. To the contrary, the Board was affirmatively advised (Motion at 4 n.2) that the Phase I parties reserved the right to seek shares of the fund, in subsequent contested distribution proceedings, without limitation. And, in a separate submission, designed to drive this point home, the Program Suppliers, who traditionally form one of the largest Phase I claimants' groups, stated * * * that ''the entire 2003 Cable Fund remains in controversy.'' In this case, the record plainly cannot support a finding that 50% of the 2003 cable fund is not in controversy.

Order Denying Petition for Reconsideration at 3 n.6, Docket No. 2005–4 CRB CD 2003 (March 21, 2006).

August 2006 Motion for Partial Distribution

On August 1, 2006, a group of Phase I claimants, pursuant to sections 801(b)(3)(A) and 111(d)(4)(C) of the Copyright Act (17 U.S.C. 801(b)(3)(A) and 111(d)(4)(C)) filed a second motion requesting partial distribution of 50% of the 2003 cable royalty funds. Motion of Phase I Claimants for Distribution of Royalties, Docket No. 2005–4 CRB CD 2003. In that motion, the moving claimants stated:

> In August 2005 the Phase I Parties requested that the Board distribute to each Party a specified share of 50% of the 2003 Funds. The Board denied that request because it concluded, on the record before it, that a controversy existed over all of the 2003 Funds. Here, however, the Phase I Parties are requesting that the Board distribute 50% of the 2003 Funds to the Phase I Parties collectively. The Phase I Parties have agreed that, as a group, they are entitled to at least 50% of the 2003 Funds and that no controversy exists over the distribution of that 50% to the group.

Id., citations omitted.

The motion continued: ''The Phase I Parties have just recently learned that [IPG] filed two pleadings [sic] in this docket on October 28, 2005, one of which asserted an interest in the 2003 Funds'' [3] The motion continued: ''[w]hile IPG is not a party to the motion, the Phase I Parties cannot contemplate any reasonable basis on which IPG could assert a claim to 50% or more of the 2003 Funds.'' *Id.* at n.1.

On August 11, 2006, IPG filed a response to the Phase I claimants' partial distribution request. Comments of Independent Producers Group to Motion of Phase I Claimants for Distribution of Royalties, Docket No. 2005–4 CRB CD 2003. In its response IPG stated, after noting that the CRB had not addressed its previous filings in the matter:

> [I]f IPG's motion and filings are granted, IPG will be a participant in both Phase I and Phase II proceedings relating to the 2003

[3] Given that no proceeding in this matter has been commenced, no official service list has been compiled. *Compare* 37 CFR 350.4(g) (''The [Judges] will compile and distribute, to those parties who have filed a petition to participate that has been accepted by the [Judges], the official service list of the proceeding. In all filings, a copy shall be served upon counsel of all other parties identified in the service list, or, if the party is unrepresented by counsel, upon the party itself.''). As noted in note 2 above and accompanying text, instead of two pleadings, IPG actually filed a comment in response to the CRB's request for comments in the September 13, 2005, **Federal Register** notice and a motion to accept the comment late.

cable royalty pool. The Phase I Claimants' Motion thereby affects IPG's rights by seeking distribution of fifty percent (50%) of the available funds within the 2003 cable royalty pool. Such agreement amongst the signatory Phase I Claimants has occurred in the absence of IPG's consent or participation, as IPG is not yet formally established as a Phase I participant. According to such agreement, fifty percent of the available funds will be distributed to a Common Agent, who will thereafter distribute funds to the respective Phase I Claimants.

IPG has no objection to the Motion, subject to the qualifications of distribution set forth therein. Notwithstanding, IPG asks that the Board additionally clarify that following the distribution from the Common Agent to the respective Phase I Claimants, that further distribution to claimants (or representatives thereof) within the particular categories be prohibited absent an agreement amongst Phase II parties within such categories, or application to the Board. In prior proceedings, certain Phase I parties that also are Phase II participants have received advance royalty distributions, then unilaterally distributed such funds exclusively to themselves and their represented claimants without the knowledge or consent of the other Phase II parties or the CARP. Such process has therefore transformed an unobjectionable distribution to Phase I parties into a very objectionable backdoor means of Phase II distribution, and without any notice to multiple Phase II parties or any opportunity to object.

Of the Phase I categories participating in the Motion, IPG has Phase II claims within the Program Supplier, Sports Programming and Devotional categories. IPG's claims are substantial, and in the lattermost category IPG's claims appear to be larger than all other Phase II parties combined, by whatever criteria of distribution can be employed.

Id. at 1–2.

In a response filed with the CRB on August 16, 2006, the Phase I claimants disputed IPG's assertions and allegations and stated "the 50% of the 2003 Funds that remain in controversy after the requested distribution will indisputably be more than adequate to satisfy any IPG royalty claims that might be substantiated in these proceedings." Reply in Support of Motion of Phase I Claimants for Distribution of Royalties at 3 (footnote omitted), Docket No. 2005–4 CRB CD 2003.

In an August 23, 2006 order, the Judges granted the Phase I claimants' motion for partial distribution. Distribution Order, Docket No. 2005–4 CRB CD 2003 ("2006 Distribution Order"). In that order, the Judges stated: "Representatives of the Phase I Parties seek full distribution of 50% of the 2003 cable royalty funds. Unlike their previous request for a partial distribution under 17 U.S.C. 801(b)(3)(C) prior to the commencement of a proceeding, the Phase I Parties now represent that there is no controversy as to a distribution of 50% of royalties under 17 U.S.C. 801(b)(3)(A)." *Id.*, citations and note omitted.

The Judges continued:

[IPG] submitted what it styled as a "comment," stating that it did not object to the Phase I Parties' motion but that it did object to any subsequent distribution of royalties within each category. In other words, IPG would agree to a dissemination of royalties to the common agent designated by the Phase I Parties, but the agent could not make a further distribution to any copyright owners until all Phase II controversies have been resolved.

The Board is granting the Phase I Parties' motion under 17 U.S.C. 801(b)(3)(A). That provision permits the Board to distribute royalties "to the extent that the [Judges] have found that the distribution of such fees is not subject to controversy." *Id.* The Phase I Parties assert that 50% of the 2003 cable royalties are not subject to a controversy and IPG has not challenged that assertion. The Board is also rejecting IPG's request to prohibit the common agent receiving the royalties from distributing them to parties within the Phase I categories. Not only would IPG's request frustrate the purpose of making a Phase I distribution, it is contrary to well-established precedent.

Id., citing *National Assoc. of Broadcasters* v. *Copyright Royalty Tribunal*, 772 F.2d 922, 939 (D.C. Cir. 1985) (claimant with no claim to settled royalties not permitted to "upset the settlement apple cart.").

The Judges stated further, "[b]ecause the distribution is being made under 17 U.S.C. 801(b)(3)(A), no publication of the distribution in the **Federal Register** is necessary. Likewise, no obligation to return funds is necessary." 2006 Distribution Order at 2.

June 2007 Motion for Further Distribution

On June 8, 2007, a group of Phase I claimants ("settling claimants"), pursuant to section 801(b)(3)(C) of the Copyright Act, 17 U.S.C. 801(b)(3)(C), filed a Notice of Partial Phase I Settlement and Motion for Further Distribution. In the filing, the claimants represented that they have reached a settlement of all outstanding Phase I controversies regarding distribution of the 2003 Fund among the claimants to which Phase I royalties have been allocated in the past, with the exception of the Canadian Claimants. The settling claimants state that the Copyright Office is holding in reserve approximately 50% of the 2003 Fund (estimated to be $70,417,221 as of March 31, 2007). The settling claimants request that the Judges: (1) Authorize a distribution of 0.18% of the 2003 Fund to NPR; (2) maintain for the Devotional Claimants (a subgroup of the settling claimants) 0.5% of the 2003 Fund;[4] (3) reserve 5.5% of the 2003 Fund to satisfy ongoing disputes between the Canadian Claimants and the settling claimants; (4) request comment from interested claimants on the extent to which any Phase II controversies exist and the amount that should be withheld to account for such controversies; and (5) authorize a lump sum distribution of all the remaining 2003 Fund to the settling claimants, except NPR and the Devotional Claimants. The settling claimants agree to identify a common agent to receive the lump sum distribution.

IPG's Opposition

IPG opposes the Phase I claimants' motion for further distribution. Independent Producers Group's Opposition to "Phase I Claimants" Notice of Partial Phase I Settlement and Motion for Further Distribution," Docket No. 2005–4 CRB CD 2003 (June 15, 2007). In that filing, IPG details its previous filings with the CRB in this matter, stating that IPG "represents the interests of no less than 200 film and television producers, and [intends] to participate in Phase I proceedings relating to interests existent in the Program Suppliers, Devotional and Spanish-language Programming category," the latter of which, as IPG notes, has yet to be designated as a Phase I category. IPG states its belief that its October 25, 2005 filings (*see* note 2 above) are still pending with the CRB. IPG also alleges that it has been frozen out of Phase I settlement negotiations. IPG contends that it should be provided an opportunity to make a prima facie showing of the value of its members' programming and should be advanced "*some* portion of the funds withheld by the CRB." *Id.*, emphasis in original. Finally, IPG contends that it was not served with the Phase I claimants' motion in a timely manner.

In its reply, the Phase I claimants contend that IPG is ineligible "to receive a portion of the partial distribution of the 2003 Fund because it has not established its entitlement to any royalties in a prior proceeding." Phase I Claimants' Reply to Independent Producers Group's Opposition to "Phase I Claimants" Notice of Partial Phase I Settlement and Motion for Further Distribution" at 1, Docket No. 2005–4 CRB CD 2003 (June 21, 2007).[5] The

[4] The motion states that the Devotional Claimants do not seek a further partial distribution at this time and ask that the Judges hold their share pending resolution of their Phase II controversies.

[5] IPG's share of cable royalty revenues was litigated previously under the Copyright Arbitration

Phase I claimants also assert that ''[g]ranting the Motion simply will not prejudice IPG in any way, because the process sufficiently protects whatever claims IPG successfully proves as part of the final determination of the allocation of the 2003 Fund.'' *Id.*

Clarification Regarding the Status of IPG's October 25, 2005 Filings

As discussed above, on October 25, 2005, in response to a **Federal Register** notice in which the CRB solicited comments on Phase I Claimants' August 31, 2005 motion for partial distribution, IPG submitted a comment and a motion to accept it late. IPG's comment, like others the CRB received in response to the notice, stated that there was a controversy that should preclude the CRB from granting the Phase I claimants' motion. The CRB agreed and denied the Phase I claimants' motion. *See* Distribution Order, Docket No. 2005–4 CRB CD 2003 (Oct. 26, 2005); *see also* Order Denying Petition for Reconsideration (March 21, 2006). To the extent that IPG's October 2005 motion was not already addressed in the denial of the Phase I claimants' motion for partial distribution, it is moot because the motion to which IPG's motion related has already been resolved.

Resolution of Phase I Claimants' 2007 Motion for Further Distribution

Phase I claimants file their current motion pursuant to section 801(b)(3)(C) of the Copyright Act. 17 U.S.C. 801(b)(3)(C). That section states in relevant part:

> Notwithstanding section 804(b)(8), the [Judges], at any time after the filing of claims under section 111 * * *, may, upon motion of one or more of the claimants and after publication in the **Federal Register** of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—(i) agree to the partial distribution; (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B) [of section 801(b)(3) of the Copyright Act]; (iii) file the agreement with the [Judges]; and (iv) agree that such funds are available for distribution.

Section 804(b)(8) of the Copyright Act states: ''With respect to proceedings under section 801(b)(3) concerning the distribution of royalty fees in certain circumstances under section 111 * * *, the [Judges] shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the **Federal Register** notice of commencement of proceedings under this chapter.'' 17 U.S.C. 804(b)(8). *See also* Copyright Act section 111(d)(4)(B) (''After the first day of August of each year, the [Judges] shall determine whether there exists a controversy concerning the distribution of royalty fees * * *. If the [Judges] find the existence of a controversy, [they] shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.'').

Solicitation of Comments

In light of the Phase I Claimants' Motion for Further Distribution and the Judges' obligations under Copyright Act sections 801(b)(3)(C) and 111(d)(4)(B), the Judges hereby request comment from interested persons regarding whether any claimant entitled to receive royalty fees from the 2003 Cable Fund has a reasonable objection to the proposed partial distribution. As discussed above, with respect to the proposed distribution, the settling Phase I claimants request that the Judges: (1) Authorize a distribution of 0.18% of the 2003 Fund to NPR; (2) maintain for the Devotional Claimants 0.5% of the 2003 Fund; (3) reserve 5.5% of the 2003 Fund to satisfy ongoing disputes between the Canadian Claimants and the settling claimants; and (4) authorize a lump sum distribution of all the remaining 2003 Fund to the settling claimants, except NPR and the Devotional Claimants. The Judges seek comment on the proposed distribution as a whole and on each of the four specific aspects of the proposal. In addition, the Judges seek comment on the specific percentage allocations that the Phase I claimants have proposed. In particular, with respect to element (4) of the proposal, the Judges seek comment on what percentage lump sum partial distribution would not be objectionable (*e.g.*, would a 75 percent partial lump sum distribution be objectionable? if not, would a 50 percent distribution be objectionable?). If the Judges find that a partial distribution is warranted, what conditions, if any, other than those required by section 801(b)(3)(C) of the Copyright Act, should the Judges impose on the claimants to whom the royalties are distributed?

Moreover, the Judges seek comment on any potential Phase I or Phase II controversies.[6] If commenters believe that a controversy exists, please specify the categories of claimants to which the controversy applies and estimate the percentage of funds subject to controversy. In addition, please specify whether the categories into which the claimants have traditionally divided themselves in Phase I proceedings[7] are adequate to fairly represent the interests of all claimants or should additional categories of claimants be recognized. For commenters that favor recognition of additional claimant categories, please specify what those categories should be and why they are not currently adequately represented by the traditional claimant categories.

If the Judges find that there is a controversy with respect to the distribution of royalty payments, section 804(b)(8) of the Copyright Act requires that the Judges ''cause to be published in the **Federal Register** notice of commencement of proceedings.'' For commenters that contend that a controversy exists, the Judges seek comment on whether a proceeding should be commenced at this time or whether such commencement should be delayed to permit negotiation among the claimants. If commenters believe that more time for negotiation is warranted, how much time should the Judges permit for negotiation before a proceeding is commenced?

Certain claimants have expressed concerns regarding timely service of process in matters dealing with the distribution of royalty payments from the 2003 Fund. Current CRB regulations require that, once a proceeding has commenced, all parties on the official service list prepared by the CRB for that proceeding receive timely service of process. 37 CFR 350.4(g). CRB service rules do not, however, address the period prior to the commencement of a proceeding. As a result, it is not always possible for interested persons to become aware in a timely manner of motions and other filings that might

Royalty Panel (''CARP'') system. *See* Distribution of 1993, 1994, 1995, 1996 and 1997 Cable Royalty Funds, Docket No. 2000–2 CARP CD 93–97, 69 FR 23821 (Apr. 30, 2004). In that matter, the Librarian of Congress convened a CARP to resolve a dispute within the syndicated programming category between the MPAA and IPG over the division of royalties collected in 1997 for the retransmission of movies and syndicated television series by cable systems. The Librarian rejected the CARP's initial and revised reports and remanded the matter for a new proceeding before a new CARP. The MPAA and IPG ultimately settled the dispute and the Librarian vacated as moot the order remanding the matter. The Librarian also vacated the CARP's initial and final determinations ''to make clear that those determinations have no precedential value.'' 69 FR at 23822.

[6] Effective August 10, 2007, the Copyright Office terminated all pending distribution proceedings under Sections 111, 119 and 115 of the Copyright Act of 1976. Those proceedings are null and void and new proceedings will have to be commenced before the Copyright Royalty Judges. 72 FR 45071.

[7] *See* note 1 above.

impact their interests. The Judges seek comment on what action, if any, the Judges should take to remedy this issue. For example, would posting all incoming filings or a notice that a filing has been made in a matter on the CRB Web site be sufficient notice to potential claimants and other interested persons in those instances prior to commencement of a proceeding? In the alternative, the Judges could adopt a rule requiring service of process prior to the commencement of a proceeding. If the Judges adopted such a rule, what sort of service should be required and to whom?

For full consideration, comments should be received by September 19, 2007.

Dated: August 14, 2007.

James Scott Sledge,

Chief Copyright Royalty Judge.

[FR Doc. E7–16267 Filed 8–17–07; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL SCIENCE FOUNDATION

RIN Z–RIN 3145–ZA02

Proposed Addition of a Routine Use to NSF Systems of Records

Authority: 44 U.S.C. 3101 and 42 U.S.C. 1870; OMB Memorandum M–07–16, ''Safeguarding Against and Responding to the Breach of Personally Identifiable Information.''

ACTION: Notice of alteration to existing Privacy Act systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the National Science Foundation is altering its existing systems of records in accordance with OMB Memorandum M–07–16, ''Safeguarding Against and Responding to the Breach of Personally Identifiable Information.'' M–07–16 calls on agencies to publish a routine use for appropriate systems specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a data breach.

A Federal agency's ability to respond quickly and effectively in the event of a breach of Federal data is critical to its efforts to prevent or minimize any consequent harm. An effective response may necessitate disclosure of information regarding the breach to those individuals affected by it, as well as to persons and entities in a position to cooperate, either by assisting in notification to affected individuals or playing a role in preventing or minimizing harms from the breach.

The information to be disclosed to such persons and entities may be subject to the Privacy Act, 5 U.S.C. 552a. The Privacy Act prohibits the disclosure of any record in a system of records absent the written consent of the subject individual, unless the disclosure falls within one of the twelve statutory exceptions, including a routine use, 5 U.S.C. 552a(b)(3).

As described in the President's Identity Theft Task Force's Strategic Plan, all agencies should publish a routine use for their systems of records allowing for the disclosure of information in the course of responding to a breach of Federal data. See Appendix B of the Identity Theft Task Force report (*http://www.identitytheft.gov/reports/StrategicPlan.pdf*). Such a routine use will serve to protect the interests of the individuals whose information is at issue by allowing agencies to take appropriate steps to facilitate a timely and effective response, thereby improving their ability to prevent, minimize, or remedy any harm resulting from a compromise of data maintained in their systems of records.

Accordingly, NSF proposes to add the following routine use to each of its Systems of Records Notices listed below:

To appropriate agencies, entities, and persons when (1) the NSF suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the NSF 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 NSF 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 NSF's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DATES: Submit comments on or before August 30, 2007. The proposed altered systems will become effective on September 30, 2007.

ADDRESSES: Send comments to Leslie Jensen, National Science Foundation, Office of the General Counsel, Room 1265, 4201 Wilson Boulevard, Arlington, Virginia 22230 or by electronic mail (e-mail) to: *ljensen@nsf.gov*.

SUPPLEMENTARY INFORMATION: This publication is in accordance with the Privacy Act requirement that agencies publish their amended systems of records in the **Federal Register** when there is a revision, change, or addition. NSF's Office of the General Counsel (OGC) has reviewed its Systems of Records notice and has determined that its records systems notices must be revised to incorporate the change described herein. As required by 5 U.S.C. 552a(R) and Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals,'' dated November 30, 2000, a report of an altered system of records has been submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Identify all comments sent in electronic E-mail with Subject Line: Comments on proposed changes to Privacy Act SORNs.

FOR FURTHER INFORMATION CONTACT: Leslie Jensen (703) 292–5065.

Dated: August 14, 2007.

Lawrence Rudolph,

General Counsel.

System Names:

NSF–3 Application and Account for Advance of Funds
NSF–6 Doctorate Records File
NSF–8 Employee Grievance Files
NSF–10 Employee's Payroll Jacket
NSF–12 Fellowships and Other Awards
NSF–13 Fellowship Payroll
NSF–16 Individual Retirement Record (SF–2806)
NSF–18 Integrated Personnel System (IPERS)
NSF–19 Medical Examination Records for Service in the Polar Regions
NSF–22 NSF Payroll System
NSF–23 NSF Staff Biography
NSF–24 Official Passports
NSF–26 Personnel Security
NSF–34 Integrated Time and Attendance System (ITAS)
NSF–36 Personnel Tracking System (Antarctic)
NSF–38 Visa Applications and Alien Application for Consideration of Waiver of Two-Year Foreign Residence Requirements—NSF
NSF–43 Doctorate Work History File
NSF–48 Telephone Call Detail Program Records
NSF–49 Frequent Traveler Profile
NSF–50 Principal Investigator/Proposal File & Associated Records
NSF–51 Reviewer/Proposal File & Associated Records
NSF–52 Office of Inspector General Investigative Files
NSF–53 Public Transportation Subsidy Program

NSF–54 Reviewer/Fellowship & Other Award File & All Associated Records
NSF–55 Debarment/Scientific Misconduct Files
NSF–56 Antarctic Conservation Act Files
NSF–57 Delinquent Debtors File
NSF–59 Science & Technology Centers (STC) Database
NSF–60 Antarctica Service Records
NSF–61 Diving Safety Records (Polar Regions)
NSF–62 Radiation Safety Records (Polar Regions)
NSF–63 Accident & Injury Reports (Antarctic)
NSF–64 Project Participant File
NSF–65 NSF Electronic Payment File
NSF–66 NSF Photo Identification Card System
NSF–67 Invention, Patent & Licensing Documents
NSF–68 Project Results Information Database
NSF–69 Education and Training Records Files
NSF–70 NSF Visitor Credentials System
NSF–71 General Correspondence Files

[FR Doc. 07–4049 Filed 8–17–07; 8:45 am]
BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Consideration of Issuance of Amendment to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing (TAC Nos. J60622 and J60626); Plum Brook Reactor Facility, Docket Nos. 50–30 and 50–185, Sandusky, OH

Dates of amendment requests: May 18, 2005, May 12, 2006, February 9, 2007, and January 10, 2007.

Description of amendment request: The licensee (National Aeronautics and Space Administration (NASA)) has proposed to amend the Facility Operating Licenses (TR–3 and R–93) of the two research reactors located at Plum Brook Reactor Facility, Sandusky, Ohio. The amendments to the licenses include revisions to the Technical Specifications (TS), and incorporating a Final Status Survey Plan (Revision 1). The same TS set applies equally to both licenses.

The Decommissioning Plan (DP) for the Plum Brook Reactor Facility, approved by the Commission by issuance of license amendment dated March 20, 2002, will remained unchanged.

Proposed revisions to the TS include but are not limited to administrative changes, revised facility descriptions, new definitions and minor program changes. Specific proposed revisions include the following:

Section 1 of the TS is revised to state that the TS apply to all activities conducted under the provisions of the Licenses. It clarifies that both reactors are both shutdown and dismantled, and there is no fuel remaining at the facility. The facility was shutdown and ceased operations in March 1973. The last shipment of irradiated fuel was made on May 25, 1973, and all remaining fuel contaminated components were shipped offsite by July 1973. Disposal of the Plum Brock reactor vessel was completed in early 2005 and the core support components for the Mock Up reactor were removed by the summer of 2003.

The 'Definitions' in Section 2 of the TS are renumbered to comply with ANSI/ANS–15.1 format, and the definitions that follow are numbered as subparagraphs with the format 1.1.x. Some definitions are revised, deleted, or redefined.

Section 2.0 of the TS are revised to identify that there are no Safety Limits or Limiting Safety System Settings applicable to the facility, since all reactor components and fuel have been removed.

Sections 3.1 and 4.1 of the TS were revised to identify that the Access Control Program was changed to more accurately reflect the current site conditions.

Sections 3.2 and 4.2 of the TS relating to Alarm Response are revised so that the Containment Vessel (CV) Door Open alarm was removed from this section and incorporated into the specifications related to 'Containment'.

The specifications related to sump level alarms are revised to provide quantitative criteria on when sump level alarms are required rather than the subjective criteria of 'kept dry'. The requirement for the sump alarms to annunciate at the Plum Brook Station Communications Center is also revised to require that the alarms annunciate at a remote manned location which is typically the Plum Brook Station Communications Center.

Sections 3.3 and 3.4 relating to Containment and Ventilation and the associated Section 4 surveillance requirements are revised to reflect that the fact the airborne activity must be controlled during all decommissioning activities rather than only during the time period that a 'major portion of the source term is present'.

Sections 3.5 and 3.6 relating to Radiation and Effluent Monitoring and the associated Section 4 surveillance requirements are revised to reflect the current site conditions and to provide assurance that a program is implemented that assures the worker exposure to radiological hazards is maintained as low as reasonably achievable and in compliance with 10 CFR Part 20 limits. In addition, they assure that effluents from the facility are adequately monitored to protect the public and environment from radiological hazards.

Sections 5.0 relating to Site Features are revised to conform to the format suggested in ANSI/ANS–15.1 and to more accurately reflect the current site conditions that have evolved as the decommissioning program has progressed.

Sections 6.0 relating to Administrative Controls contain multiple revisions. The requirement to perform an annual review is relocated to section 6.9.2 to incorporate into the annual review performed at the direction of the Executive Safety Board. The requirement to have Level 3 approval of temporary procedure changes is removed since such changes are controlled through site established administrative procedures; and, the responsibilities of the Decommissioning Safety Committee are more clearly defined.

The last sentence in Section 6.5 of the TS is deleted.

Section 6.5 of the TS is revised to read, ''The Senior Project Engineer will have direct authority over all activities that take place at the Plum Brook Reactor Facility (PBRF) and will be the primary interface with on-site Contractors supporting the Decommissioning project.''

The last sentence of Section 6.7 of the TS is revised to read, ''The authority to fulfill this responsibility and perform these functions will be granted by Chairman of the NASA Safety, Health, and Environmental Board.''

The second sentence in Section 6.9.2 of the TS is revised to read, ''Personnel performing these reviews shall be appropriately qualified and experienced, and shall be members of, or appointed by the NASA Safety, Health, and Environmental Board.''

Figure 1 on page 24 of the Technical Specifications is revised to reflect the change in the name of the Executive Safety Board and to depict the direct reporting relationship of the Health Physics and Radiation Protection staff to the NASA Project Radiation Safety Officer.

Licenses TR–3 and R–93 are also revised. The revision numbers associated with issuance of this License Amendment are inserted in place of

''Amendment 11'' and ''Amendment 7'' respectively. Paragraph 2.B.3 is deleted and replaced with a new paragraph 2.B.4 to read, ''Pursuant to the Act and Title 10, CFR, Chapter I, Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components.''

Paragraph 2.A of License TR–3 is revised by changing the last sentence to read, ''The PBRF is described in the application for the full-term license dated January 10, 1964 and amendments thereto.''

Paragraph 3 of Licenses TR–3 and R–93 is revised to read, ''NASA is authorized to decommission the facility in accordance with the Decommissioning Plan for the Plum Brook Reactor Facility approved by the Commission by issuance of license amendment dated March 20, 2002, as revised pursuant to paragraph 3.A.1 below, and to perform Final Status Surveys in accordance with the Final Status Survey Plan for the Plum Brook Reactor Facility* * *.''

Paragraph 3.A of Licenses TR–3 and R–93 is revised to read, ''This amendment authorizes inclusion of the Decommissioning Plan for the Plum Brook Reactor Facility and the Final Status Survey Plan for the Plum Brook Reactor Facility and their supplements as supplements to the Final Safety Analysis Report pursuant to 10 CFR 50.82(b)(5).''

Paragraph 3.A.1 of Licenses TR–3 and R–93 is revised to read, ''The licensee may make changes to the above plans and revisions without prior U.S. Nuclear Regulatory Commission approval provided the proposed changes do not:'' The change changes the ''word'' in the original to ''plans'', and would allow the licensee to make changes to the Final Status Survey Plan without prior U.S. Nuclear Regulatory Commission approval.

Paragraph 3.A.1.c of Licenses TR–3 and R–93 is revised to read, ''* * * increase the derived concentration guideline level and related minimum detectable concentrations (for both scan and fixed measurement methods);'' Paragraph 3.A.3 of Licenses TR–3 and R–93 is deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Do the changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes are administrative, would not change plant systems or accident analysis, and as such, would not affect initiators of analyzed events or assumed mitigation of accidents. Therefore, the proposed changes do not increase the probability or consequences of an accident previously evaluated.

(2) Does the change create the possibility of a new or different kind of accident from any accident evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant or require existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident evaluated.

(3) Does the change involve a significant reduction in a margin of safety?

Response: No.

The proposed change has no effect on existing plant equipment, operating practices, or safety analysis assumptions. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis for the proposed revisions and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

NRC Branch Chief: Rebecca Tadesse.

The proposed change has no effect on existing plant equipment, operating practices, or safety analysis assumptions. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis for the proposed revisions and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

NRC Branch Chief: Rebecca Tadesse.

Dated at Rockville, Maryland, this 15th day of August 2007.

For the Nuclear Regulatory Commission.

Chad Glenn,

Project Manager, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7–16313 Filed 8–17–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 20, 2007:

A closed meeting will be held on Thursday, August 23, 2007 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

Chairman Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, August 23, 2007 will be:

Formal orders of investigations;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Resolution of litigation claims; and

Other matters related to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: August 15, 2007.

Florence E. Harmon,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56251; File No. SR–Amex–2004–27]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Amendment No. 4 to a Proposed Rule Change and Order Granting Accelerated Approval to a Proposed Rule Change, as Modified by Amendment Nos. 2, 3, and 4 Thereto, Relating to the Listing and Trading of Fixed Return Options

August 14, 2007.

I. Introduction

On April 29, 2004, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade Fixed Return Options (''FROs''). Amex filed Amendment Nos. 1, 2, 3, and 4 to the proposal on September 26, 2006, April 19, 2007, May 23, 2007, and August 14, 2007, respectively.[3] The proposed rule change, as modified by Amendment Nos. 2 and 3, was published for comment in the **Federal Register** on June 7, 2007.[4] The Commission received no comment letters regarding the proposed rule change, as modified by Amendment Nos. 2 and 3. This order provides notice and solicits comments from interested persons regarding Amendment No. 4 and approves the proposed rule change, as amended, on an accelerated basis.

II. Description of the Proposal

A. FROs Generally

Amex proposes to list and trade cash-settled, European-style FROs on individual stocks and exchange-traded funds (''ETFs'') that satisfy specified listing criteria. FROs are binary options and, as such, differ from the options currently traded on U.S. options exchanges by providing a discontinuous or non-linear payout. An in-the-money FRO will pay a fixed sum at expiration regardless of the magnitude of the difference between the option's exercise price and the settlement price. Amex proposes to list Finish High℠ (''Finish High'') FROs, which will return $100 per contract if the settlement price of the underlying security is above the strike price at expiration, and Finish Low℠ (''Finish Low'') FROs, which will return $100 per contract if the settlement price of the underlying security is below the strike price at expiration.[5] Any in-the-money FRO will be exercised automatically at expiration.[6]

B. Listing Standards

The initial listing criteria for FROs require that an individual stock underlying an FRO meet the criteria for underlying securities in Amex Rule 915, ''Criteria for Underlying Securities,'' and, in addition, have: (1) Minimum market capitalization of at least $40 billion; (2) minimum trading volume, in all markets in which the security trades, of at least one billion shares in the preceding 12 months; (3) minimum average daily trading volume of four million shares; (4) minimum average daily trading value of at least $200 million during the previous six months; and (5) a minimum market price per share of at least $10, as measured by the closing price reported in the primary listed market in which the security is traded, over the previous five consecutive business days preceding the date on which Amex submits a certificate to the Options Clearing Corporation (''OCC'') for listing and trading.[7] An ETF underlying an FRO would have to meet these five additional criteria along with the requirements of Amex Rule 915, except for the minimum market capitalization requirement.[8]

The continued listing criteria for FROs require that an individual stock underlying an FRO satisfy the requirements of Amex Rule 916, ''Withdrawal of Approval of Underlying Securities,'' and, in addition, have: (1) Minimum market capitalization of at least $30 billion; (2) minimum trading volume, in all markets trading the security, of at least one billion shares in the preceding 12 months; (3) minimum average daily trading volume of four million shares; (4) minimum average daily trading value of at least $125 million during the last six months; and (5) an underlying market price per share of at least $5 at the time additional series are listed for trading.[9] An ETF underlying an FRO would have to meet these five additional criteria along with the requirements of Amex Rule 916, except for the minimum market capitalization requirement.[10]

C. Role of OCC

The OCC plans to file a proposal to issue, clear, and settle FROs. According to Amex, the OCC also plans to file a proposal to revise the Options Disclosure Document (''ODD'') required under Rule 9b–1 of the Act [11] to incorporate FROs.

D. Volume Weighted Average Price Settlement

To reduce concerns regarding potential price manipulation at expiration due to the ''all-or-nothing'' return provided by an FRO, Amex proposes to settle FROs using an all-day volume weighted average price (''VWAP'') based on trading in the underlying security on the last trading day prior to expiration.[12] To calculate the VWAP, Amex will use composite prices during regular trading hours as reported by industry price vendors.[13] If the security underlying an FRO does not trade or is unavailable during regular trading hours at expiration, the settlement price may be fixed pursuant to the OCC's rules on a basis that the OCC believes is appropriate under the circumstances, including using the last sale price during regular trading hours on the most recent trading day for which a last sale price is available.[14]

Amex will publish and disseminate the current value of the VWAP calculation for FROs at least every 15 seconds throughout the last trading day prior to expiration. Amex will disseminate the VWAP settlement price as the official settlement price for FROs and will make it publicly available

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 2 replaced the original filing and Amendment No. 1 in their entirety. Amendment No. 3 revised the rule text relating to margin requirements. Amendment No. 4 corrected minor errors in the text of the proposed rules, provided representations concerning surveillance procedures and systems capacity, clarified the use of composite prices in calculating the volume weighted average price (''VWAP''), and clarified the proposed position reporting requirements.

[4] *See* Securities Exchange Act Release No. 55843 (June 1, 2007), 72 FR 31636.

[5] *See* Amex Rule 900FRO(b)(2) and (3).

[6] *See* Amex Rule 980FRO.

[7] *See* Amex Rule 915FRO, Commentary .01.

[8] *See* Amex Rule 915FRO, Commentary .02.

[9] *See* Amex Rule 916FRO, Commentary .01.

[10] *See* Amex Rule 916FRO, Commentary .03.

[11] 17 CFR 240.9b–1.

[12] *See* Amex Rule 910FRO(a). The VWAP for an underlying security is the sum of the dollar value of reported trades (price multiplied by the number of shares traded), divided by the total number of shares traded during the entire last day of trading prior to expiration. *See* Amex Rule 900FRO(b)(4).

[13] *See* Amex Rule 910FRO(a). Composite prices are prices reported to the consolidated tape from any participating exchange or market. Amex notes that the OCC currently uses composite pricing in connection with the settlement of expiring equity options. The composite closing price is the last reported sale price from any eligible trade source (*i.e.*, primary listing market or participating regional market). It is not an average price. *See* Securities Exchange Act Release No. 49045 (January 8, 2004), 69 FR 2377 (January 15, 2004) (notice of filing and immediate effectiveness of File No. SR–OCC–2003–01).

[14] *See* Amex Rule 910FRO(a), Commentary .01.

through various market data vendors and on the Amex Web site at *http://www.amex.com.*

E. Position and Exercise Limits

The position limits for FROs will be 25,000 contracts on the same side of the market, and positions in FROs will not be aggregated with positions in other options on the same underlying stock or ETF for purposes of determining compliance with the position limits.[15] Amex is not proposing exercise limits for FROs because FROs will be exercised automatically at expiration if the settlement price of the underlying security is greater than the strike price of a Finish High FRO or less than the strike price of a Finish Low FRO.[16] FROs will not be subject to any qualified hedge exemptions from position limits.

Positions in FROs must be reported to Amex when an account establishes an aggregate position on the same side of the market of 200 or more contracts,[17] and the provisions of Amex Rule 906, ''Reporting of Options Positions,'' will apply to FROs.[18] Amex Rule 906(b) requires that a member, other than an Amex market maker, that maintains an FRO position in excess of 10,000 contracts on the same side of the market, for its own account or the account of its customer, report certain information to Amex, including whether the position is hedged, a description of the hedge, and, if applicable, a description of the collateral. Amex believes that the reporting requirements under Amex Rule 906 and the surveillance procedures for hedged positions will enable Amex to closely monitor sizable FRO positions and corresponding hedges.[19]

F. Margin

The minimum margin on any FRO carried short in a customer's account is the difference between $100 and the proceeds from the sale of the FRO, which must remain in the customer's account.[20] A customer account with a long position in an FRO must initially deposit and maintain margin equal to at least 100% of the purchase price of the FRO.[21]

No margin is required for an FRO position carried short against an existing long position in the same FRO, or when the writer's obligation is secured by a specific deposit or escrow deposit meeting the entire $100 obligation under the FRO.[22]

G. Bid-Ask Differentials and Minimum Price Variations

A specialist or registered trader is expected to quote with no more than $0.25 between the bid and the offer for each FRO contract, except during the last trading day prior to expiration, when the maximum width may be $0.50.[23] In addition, when the bid/ask differential in the underlying security is greater than $0.25, or $0.50 on the last trading day prior to expiration, the permissible quote width for an in-the-money FRO series may be identical to the quote width in the underlying security.[24]

Amex Rule 952, ''Minimum Price Variations,'' generally provides that the minimum price variation (''MPV'') for an option is: (i) $0.05 for options quoted under $3 a contract; and (ii) $0.10 for options quoted at $3 a contract or greater. For the options classes included in the Penny Quoting Pilot Program, the MPV is: (i) $0.01 for options quoted under $3 a contract; and (ii) $0.05 for options quoted at $3 a contract or greater.[25] The MPV for FROs in classes not included in the Penny Quoting Pilot Program will be $0.05, and $0.01 for classes in the Penny Quoting Pilot Program.

Amex will apply to FROs the existing industry convention of multiplying an option's quoted price by $100 to determine its premium. For example, for an FRO that is quoted at $0.50, an investor would pay $50.00 ($0.50 × 100).

H. Other Considerations

Amex Rule 903, ''Series of Options Open for Trading,'' will apply to FROs.[26] Pursuant to Amex Rule 903, Amex generally opens up to four expiration months for an options class when it initially lists the class for trading. Amex will use the same expiration cycle for FROs as it uses for traditional options.

Similarly, Amex will use the strike price intervals provided in Amex Rule 903, ''Series of Options Open for Trading,'' and the related commentaries for FROs. Securities underlying options classes included in the $1 strike price pilot program[27] and the 2½-point strike price program[28] may underlie FROs, provided that they meet the listing standards for FROs.

Amex represents that symbols will be created for FROs that represent the underlying security, the fact that the option is an FRO rather than a traditional put or call, the expiration date, strike price, and the exchange(s) trading the FRO.

III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[29] Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[30] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that FROs will provide investors with a potentially useful investment choice. The proposal will extend to certain binary options the benefits of a listed exchange market, which include: A centralized forum for price discovery; pre- and post-trade transparency; standardized contract specifications; and the guarantee of the OCC.

The Commission believes that the proposal is reasonably designed to address potential manipulation concerns associated with FROs' non-linear return. The initial and continuing listing standards for FROs should ensure that only highly capitalized, actively traded stocks and ETFs are eligible to underlie FROs, and the settlement price for FROs is based on an all-day VWAP during the last trading day prior to expiration. These elements should reduce the potential for manipulating the stock or ETF underlying an FRO to benefit an FRO position.

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[15] *See* Amex Rule 904FRO(a) and (b).

[16] *See* Amex Rule 980FRO.

[17] *See* Amex Rule 906FRO.

[18] *See* Amex Rule 906FRO.

[19] Amex notes that hedge information for member firm and customer accounts with 200 or more contracts are reported electronically via the Large Options Position Report. In addition, Amex notes that specialist and registered options trader account information is reported to Amex by the member's clearing firm.

[20] *See* Amex Rule 462(d)(10)(D).

[21] *See* Amex Rule 462(d)(10)(B).

[22] *See* Amex Rule 462(d)(10)(F).

[23] *See* Amex Rule 958FRO.

[24] *See* Amex Rule 958FRO.

[25] *See* Securities Exchange Act Release No. 55162 (January 24, 2007), 72 FR 5738 (February 1, 2007). In addition, options on the Power Shares QQQ Trust trade at an MPV of $0.01 for all options premiums.

[26] *See* Amex Rule 903FRO.

[27] *See* Amex Rule 903, Commentary .06.

[28] *See* Amex Rule 903, Commentary .07.

[29] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78f(b)(5).

The Commission believes that the proposed position limits and margin rules for FROs are reasonable and consistent with the Act. The proposed position limit of 25,000 contracts in any FRO class appears to reasonably balance the promotion of a free and open market for these securities with minimization of incentives for market manipulation. The proposed margin rules appear reasonably designed to deter a member or its customer from assuming an imprudent position in FROs.

In support of this proposal, Amex made the following representations:

- Amex has in place an adequate surveillance program to monitor trading in FROs and intends to largely apply its existing surveillance program for options to the trading of FROs; and
- Amex has the necessary systems capacity to support the new options series that would result from the introduction of FROs.

This approval order is based on Amex's representations.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 4, including whether Amendment No. 4 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Amex–2004–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2004–27. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2004–27 and should be submitted on or before September 10, 2007.

V. Accelerated Approval

The Commission finds good cause for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice of filing of Amendment No. 4 in the **Federal Register.** In Amendment No. 4, Amex provided representations regarding surveillance and systems capacity and corrected minor errors in the text of the proposed rules. In addition, Amendment No. 4 clarified the use of composite prices in calculating the all-day VWAP that will be used to establish the settlement price for FROs, and clarified that positions of 10,000 contracts, rather than 25,000 contracts, will be subject to certain reporting requirements. The Commission believes that Amendment No. 4 clarifies and strengthens the proposal and raises no new regulatory issues. Accordingly, the Commission finds good cause for approving the proposal, as amended, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[31] that the proposed rule change (SR–Amex–2004–27), as amended, is approved, on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[32]

Florence E. Harmon,

Deputy Secretary.

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[31] 15 U.S.C. 78s(b)(2).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56245; File No. SR–CBOE–2006–104]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto To Codify the Hybrid Price Check Parameter

August 14, 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 December 7, 2006, 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 Exchange. On August 1, 2007, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.13, *CBOE Hybrid System's Automatic Execution Feature,* in order to codify an automated system feature that prevents executions at potentially erroneous prices.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Orders that are eligible for automatic execution through the CBOE Hybrid Trading System (''Hybrid'') may be automatically executed in accordance with the provisions of CBOE Rule 6.13. Orders that are not eligible for automatic execution route on a class by class basis to PAR (the public automated routing system) or BART (the booth automated routing terminal) or, at the order entry firm's discretion, to the order entry firm's booth printer.

The purpose of the proposed rule change is to amend CBOE Rule 6.13 to codify a description of the Exchange's price check parameter functionality, which is a functionality that could be activated in certain series of a given options class that would prevent an automatic execution of a market order from occurring outside a prescribed market width. The Exchange represents that the price check parameter is designed to help maintain a fair and orderly market. Specifically, the functionality would not automatically execute eligible orders that are market orders if the width between the Exchange's best bid and best offer is not within an acceptable price range. The applicable price ranges will be determined by the appropriate Exchange Procedure Committee on a series by series basis and will be announced to the membership via Regulatory Circular generally at least one day in advance.

For purposes of this provision, an ''acceptable price range'' shall be no less than 1.5 times the corresponding bid/ask differentials in CBOE Rule 8.7(b)(iv)(A).[3] In addition, the Exchange is proposing that the senior official in CBOE's Control Room or two Floor Officials may grant intra-day relief by widening the acceptable price range for one or more option series. If intra-day relief is granted, it will be announced via verbal message to the trading crowd, printer message to member organizations on the trading floor, and electronic message to members that request to receive such messages. The granting of this intra-day relief will be for no more than the duration of the particular trading day. Any decision to extend relief beyond an intra-day basis would be announced to the membership via Regulatory Circular. Market orders that trigger the applicable price check parameter and, thus, that are not eligible for automatic execution, will be routed on a class by class basis to PAR or BART or, at the order entry firm's discretion, to the order entry firm's booth printer.

For example, the Exchange may determine to set a price check parameter that provides that market orders would not automatically execute if the width between the Exchange's best bid and best offer is $0.40 or more in a series where the bid is less than $2 ($0.40 is more than 1.5 × the standard bid/ask differential of $0.25). Assume that the market in the series is $1.65 − $1.85; the bid is for 10 contracts, the next best bid is $1.50 for 10 contracts, and the next best bid is $0.50 for 10 contracts. An incoming sell order for 50 contracts would trade against the $1.65 for 10 contracts and the $1.50 for 10 contracts.[4] When the bid moves to $0.50, the price check parameter would be triggered because the width between the best bid ($0.50) and best offer ($1.85) is wider than the acceptable $0.40 price range. As a result, the remaining 30 contracts would route to PAR, BART, or the booth.[5]

The Exchange believes that the proposed rule change is consistent with the firm quote requirements of CBOE's Rule 8.51, *Firm Disseminated Market Quotes*, and the Commission's Rule 602 under Regulation NMS.[6] In that regard, the Exchange notes that the Quote Rule does not require an automatic execution.[7] The Exchange also notes that it would not be disengaging its auto-ex system by this proposed rule change, but merely amending the rule to provide for certain circumstances in which market orders may not receive an automatic execution.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act[8] and the rules and regulations under the Act applicable to national securities exchanges and, in particular, the requirements of section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with section 6(b)(5) of the Act,[10] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[3] CBOE Rule 8.7(b)(iv)(A) sets forth the bid/ask differentials for open outcry trading, which are as follows: No more than $0.25 between the bid and offer for each option contract for which the bid is less than $2, no more than $0.40 where the bid is at least $2 but does not exceed $5, no more than $0.50 where the bid is more than $5 but does not exceed $10, no more than $0.80 where the bid is more than $10 but does not exceed $20, and no more than $1.00 where the bid is more than $20.

[4] This example assumes that CBOE is at the national best bid or offer (''NBBO'') at each price point. If CBOE is not at the NBBO, the order would not be automatically executed at prices inferior to the NBBO and instead would route to PAR, BART, or the Hybrid Agency Liaison (''HAL''), which is a feature within Hybrid that provides automated handling in designated Hybrid option classes for qualifying electronic orders that are not automatically executed. *See* CBOE Rules 6.13(b)(iv) and 6.14.

[5] Following from the example above, on an intra-day basis the senior official or two Floor Officials may determine based on market conditions to grant relief by widening the acceptable price range from $0.40 (*e.g.*, the range might be temporarily widened so that automatic executions would not occur if the width between the best bid and best offer is $0.80 or more).

[6] 17 CFR 242.602.

[7] *See* Securities Exchange Act Release No. 47959 (May 30, 2003), 68 FR 34441 (June 9, 2003) (SR–CBOE–2002–05) (order approving Hybrid, including Hybrid's automatic execution feature).

[8] 15 U.S.C. 78s(b)(1).

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

[10] 15 U.S.C. 78f(b)(5).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–CBOE–2006–104 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–CBOE–2006–104. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2006–104 and should be submitted on or before September 10, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56240; File No. SR–ISE–2007–49]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Approving Proposed Rule Change Relating to Fee Changes on a Retroactive Basis

August 13, 2007.

I. Introduction

On June 15, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its Schedule of Fees on a retroactive basis. The proposed rule change was published for comment in the **Federal Register** on July 10, 2007.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

ISE proposes to amend its Schedule of Fees to: (1) Increase the per contract surcharge from $0.10 per contract to $0.15 per contract for options on the Russell 1000® Index (''RUI''), the Russell 2000® Index (''RUT''), and the Mini Russell 2000® Index (''RMN''); and (2) refund surcharge fees collected for transactions in options on the iShares Russell 2000® Index Fund (''IWM''), the iShares Russell 2000® Value Index Fund (''IWN''), the iShares Russell 2000® Growth Index Fund (''IWO''), the iShares Russell 1000® Value Index Fund (''IWD'') and the iShares Russell 1000® Index Fund (''IWB''), in both cases for the period commencing January 1, 2007 and ending June 15, 2007 (the ''Retroactive Period''). The Exchange proposes the surcharge increase to become effective retroactively, as of January 1, 2007.[4]

The Exchange revised its license agreement with the Frank Russell Company (''Russell''), effective January 1, 2007. Pursuant to the revised agreement, the Exchange pays Russell $0.15 per contract to trade options on RUI, RUT and RMN. The Exchange thus proposes to increase the surcharge fee for options on RUI, RUT and RMN from $0.10 per contract to $0.15 per contract retroactive to January 1, 2007 and collect from members the applicable fees due to the Exchange for the Retroactive Period. This surcharge fee will only be charged to Exchange members with respect to non-Public Customer Orders (*e.g.*, ISE Market Maker, non-ISE Market Maker, and Firm Proprietary orders) and shall apply to certain Linkage Orders under a pilot program that is set to expire on July 31, 2008.[5]

Additionally, the Exchange had previously adopted a $0.10 per contract surcharge in connection with the listing and trading of options on IWM, IWN, IWO, IWD,[6] and IWB.[7] However, pursuant to the revised license agreement with Russell, the Exchange, as of January 1, 2007, no longer pays a license fee to Russell in connection with the listing and trading of options on IWM, IWN, IWO, IWD and IWB. As a result, the Exchange proposes to refund to members the surcharge fee it has collected during the Retroactive Period.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] Specifically, the Commission finds that the proposal is consistent with section 6(b)(4) of the Act,[9] which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. Specifically, the Commission believes that application of the amendments to ISE's Schedule of Fees on a retroactive basis is appropriate

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 56005 (July 3, 2007), 72 FR 37555.

[4] On June 15, 2007, the Exchange filed a proposed rule change as immediately effective under Section 19(b)(3)(A) of the Exchange Act that: (1) Removes the surcharge fee for IWM, IWN, IWO, IWD and IWB from its Schedule of Fees and (2) raises the surcharge fee from $.10 per contract to $.15 per contract for options on RUI, RUT and RMN. *See* Securities Exchange Act Release No. 55975 (June 28, 2007), 72 FR 37064 (July 6, 2007) (SR–ISE–2007–48).

[5] Linkage Orders are defined in ISE Rule 1900(10). Under a pilot program that was recently extended and is now set to expire on July 31, 2008, these fees will also be charged to Principal Acting as Agent Orders and Principal Orders (as defined in ISE Rule 1900(10)(i)–(ii)). *See* Securities Exchange Act Release No. 56128 (July 24, 2007), 72 FR 42161 (August 1, 2007).

[6] *See* Securities Exchange Act Release No. 47075 (December 20, 2002), 67 FR 79673 (December 30, 2002) (SR–ISE–2002–29).

[7] *See* Securities Exchange Act Release No. 47564 (March 24, 2003), 68 FR 15256 (March 28, 2003) (SR–ISE–2003–13).

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(4).

and aligns revenue collected from members with license costs charged to ISE under its agreement with Russell.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–ISE–2007–49) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–16258 Filed 8–17–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56250; File No. SR–NSCC–2007–11]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Allow As-Of Fixed Income Trades To Be Processed in the Continuous Net Settlement System

August 14, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 12, 2007, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by NSCC. 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

NSCC is seeking to modify its procedures to allow as-of fixed income trades to be processed in NSCC's Continuous Net Settlement (''CNS'') system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

When NSCC revised and updated CNS in 2004 (referred to as the ''CNS Rewrite''), it provided the capability on any settlement day to take in and process transactions due for settlement that day provided the trades are recorded or compared prior to an established cut-off time in the morning.[3] This capability is currently provided for as-of equity transactions but has not yet been expanded to as-of fixed income transactions.[4] Rather, settlement of as-of fixed income corporate debt, municipal, and unit investment trust (''UIT'') trades (corporate debt, municipal, and UIT trades are collectively referred to as ''CMU'' trades) matched on or after their designated settlement date currently occurs on the business day following the day they are compared. Given that settlement risks associated with CMU trades would be reduced if they settled on an accelerated basis in the same manner that as-of equity trades are settled, NSCC is proposing to enhance its fixed income processing to permit same day settlement of as-of fixed income transactions.[5] To accomplish this, NSCC proposes to amend Procedure II (Trade Comparison and Recording Service) so that CNS-eligible as-of CMU trades matched on or after their originally designated settlement date would be processed in CNS on the day they are submitted for comparison so long as they compare prior to the cut-off time established for same day settlement, which currently is 11:30 a.m.[6] As-of trades not eligible for CNS processing will settle on a trade-for-trade basis. Trades that match after the designated cut-off time will continue to be assigned a settlement date on the next business day.

In addition, because these trades are effectively guaranteed upon comparison, risk associated with the trades will be mitigated through the existing component of the Clearing Fund formula, as set forth in Procedure XV (Clearing Fund Formula and Other Matters), that is designed to mitigate the risk to NSCC associated with trades that are processed on a settlement cycle shorter than three days. Under this component, activity specified for a shortened settlement cycle is isolated and a charge is calculated.[7]

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder applicable to NSCC because it should facilitate the prompt and accurate clearance and settlement of securities by increasing automated trade processing and by expanding the types of trades eligible for CNS netting.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC 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. NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

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[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] Securities Exchange Act Release No. 50026 (July 15, 2004), 69 FR 43650 [File No. SR–NSCC–2004–01].

[4] NSCC's systems did not have the capacity for same day settling trades for fixed income transactions in 2004.

[5] The settlement of cash and next day CMU trades which are compared by NSCC will continue to be the responsibility of the parties to the trades.

[6] In addition, references in Procedure VII (CNS Accounting Operation) that currently note that debt securities are not eligible for such accelerated settlement would be removed.

[7] The component calculates a charge based on the average of a member's charges for the specified activity on the three days with the highest charges calculated for the specified activity over the most recent twenty day period. Securities Exchange Act Release No. 54816 (November 27, 2006), 71 FR 69604 [File No. SR–NSCC–2006–09].

[8] 15 U.S.C. 78q–1.

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 Number SR–NSCC–2007–11 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–NSCC–2007–11. 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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *www.nscc.com/legal.* 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–NSCC–2007–11 and should be submitted on or before September 10, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–16329 Filed 8–17–07; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities; Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed, faxed or e-mailed to the individuals at the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, E-mail address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, DCBFM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400, E-mail address: *OPLM.RCO@ssa.gov.*

I

The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

1. Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (Bench Decision Regulation)—20 CFR 404.953 and 416.1453—0960–0694. Sections 20 CFR 404.953 and 416.1453 of our regulations state that if an Administrative Law Judge makes a wholly favorable oral decision for a claimant of Title II or Title XVI payments at an administrative appeals hearing, and if this oral decision includes all findings and the rationale for the decision, the records from the oral hearing preclude the need for a written decision. This is known as the incorporation-by-reference process. These regulations also state that if the involved parties want a record of the oral decision, they may submit a written request for these records.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 2,500.

Frequency of Response: 1.

Average Burden per Response: 5 minutes.

Estimated Annual Burden: 208 hours.

2. Request for Proof(s) from Custodian of Records—20 CFR 404.703, 404.704, 404.720, 404.721, 404.723, 404.725, & 404.728—0960–NEW. SSA prepares the SSA–L707 for individuals who need help in obtaining evidence of death, marriage, or divorce in connection with claims for benefits. The information collected on the SSA–L707 is used to request and receive the needed evidence. The respondents are custodians of records including statistics and religious entities, coroners, funeral directors, attending physicians, state agencies, etc.

Type of Request: Information Collection in Use Without an OMB Number.

Number of Respondents: 600.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 100 hours.

3. Request for Evidence from Doctor or Hospital—20 CFR 404 Subpart I and 20 CFR 416 Subpart P—0960–0722. Claimants are required to provide medical evidence of their impairment(s) in pursuing a disability claim. SSA uses these forms to request medical evidence from sources (doctors and hospitals) where the claimant has been treated, seen or otherwise evaluated. The respondents are doctors and hospitals where the claimant has been evaluated.

Type of Request: Revision of an OMB-approved information collection.

Number of Responses: 400,000.

[9] 17 CFR 200.30–3(a)(12).

Estimated Annual Burden: 100,000 hours.

Form type	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Request for Evidence from a Doctor (J1)	10,000	20	15	50,000
Request for Evidence from a Hospital (J2)	10,000	20	15	50,000
Totals	20,000			100,000

4. Request for School Records—20 CFR 416.906, 416.913, 416.946—0960–0721. School records are pertinent evidence in a childhood claim for disability benefits. Administrative law judges use this form to request that evidence. This letter will be used to request school records from the school(s) which the claimant has attended for evidence relative to the claimant's impairments or ability to do age-appropriate activities. The respondents are the school(s) which the claimant has attended.

Type of Request: Revision of an OMB approved information collection.

Number of Respondents: 10,000.

Frequency of Response: 6.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 30,000 hours.

5. Sheltered Workshop Wage Reporting—0960–NEW.

Collection Background

Section 1612(1)(C) of the Social Security Act (the Act) and regulations at 42 U.S.C. 1382a define remuneration received for services performed in a sheltered workshop as earned income for the Supplemental Security Income (SSI) program. The amount of monthly wages determines an individual's SSI benefit amount.

Collection Description

SSA has maintained a working relationship with sheltered workshops since the inception of the SSI program. Most workshops report monthly wage totals to the local SSA office so that the client's SSI check is adjusted timely and overpayments are prevented. While participation of the workshop is strictly voluntary, they are highly motivated to report the wages because it provides a service to their clients. Sheltered Workshop reporting reduces the number of overpayments to SSI recipients. Processing these wage reports electronically reduces the cost of administering the program. SSA uses the information collected to verify and post monthly wages to the SSI recipient's record. Respondents are sheltered workshops that report monthly wages for services performed in the workshop.

Type of Request: New information collection.

Number of Respondents: 1,000.

Frequency of Response: 12.

Average Burden per Response: 5 minutes.

Estimated Annual Burden: 1,000 hours.

6. Letter to Custodian of Birth Records/Letter to Custodian of School Records—20 CFR 404.704, 404.716, 416.802, and 422.107—0960–0693. SSA prepares the SSA–L106 and SSA–L706 for individuals who need help in obtaining evidence of their age in connection with Social Security number card applications and claims for benefits. SSA also uses the SSA–L706 to determine the existence of primary evidence of age for Social Security Number (SSN) applicants, and SSA uses both letters to verify with the issuing entity, when necessary, the authenticity of the record submitted by the SSN applicant or claimant. The respondents are schools, state and local bureaus of vital statistics, and religious entities.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 7,200.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 1,200 hours.

II

The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. Function Report—Child: Birth to 1st Birthday (SSA–3375), Age 1 to 3rd Birthday (SSA–3376), Age 3 to 6th Birthday (SSA–3377), Age 6 to 12th Birthday (SSA–3378), and Age 12 to 18th Birthday (SSA–3379)—20 CFR 416.912—0960–0542. State Agency adjudicative teams use the information gathered by these forms in combination with other medical functional evidence to form a complete picture of a child's ability to function. This information is used to help determine if a child is disabled, especially in cases in which disability cannot be found on medical grounds alone. The respondents are applicants for Title XVI childhood disability benefits and their caregivers.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 550,000.

Frequency of Response: 1.

Average Burden per Response: 20 minutes.

Estimated Annual Burden: 183,333 hours.

2. Annual Registration Statement Identifying Separated Participants With Deferred Benefits, Schedule SSA—0960–0606. Schedule SSA is a form filed annually as part of a series of pension plan documents required by section 6057 of the Internal Revenue Service Code. Administrators of pension benefit plans are required to report specific information on future plan benefits for those participants who left plan coverage during the year. SSA maintains the information until a claim for Social Security benefits has been approved. At that time, SSA notifies the beneficiary of his/her potential eligibility for payments from the private pension plan. The respondents are administrators of pension benefit plans or their service providers employed to prepare the Schedule SSA on behalf of the pension benefit plan. Below are the estimates of the cost and hour burdens for completing and filing Schedule SSA(s). We have used an average to estimate the hour burden. However, the burden may be greater or smaller depending on whether the respondent is a large or small pension benefit plan and how many Schedule SSA's are filed in a given year.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 88,000.

Frequency of Response: 1.

Average Burden per Response: 2.5 hours.

Estimated Annual Burden: 220,000 hours.

Estimated Annual Cost Burden for All Respondents: $12,194,400.

Dated: August 14, 2007.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. E7–16232 Filed 8–17–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5897]

Culturally Significant Objects Imported for Exhibition Determinations: ''Cecil Beaton: Photographs From the National Portrait Gallery, London''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Cecil Beaton: Photographs from the National Portrait Gallery, London,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Chrysler Museum of Art, Norfolk, Virginia, from on or about October 16, 2007, until on or about January 6, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8052). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 14, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–16327 Filed 8–17–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5896]

Culturally Significant Objects Imported for Exhibition Determinations: ''Georges Seurat: The Drawings''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Georges Seurat: The Drawings'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, New York, from on or about October 28, 2007, until on or about January 7, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 9, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–16328 Filed 8–17–07; 8:45 am]

BILLING CODE 4710–05–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 railroads have 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–2007–28885

Applicants: CSX Transportation, Incorporated, Mr. C.M. King, Chief Engineer, Communications and Signals, 500 Water Street, SC J–350, Jacksonville, Florida 32202.

Virginia Railway Express, Mr. Dale Zehner, Suite 202, 1500 King Street, Alexandria, Virginia 22314.

CSX Transportation, Incorporated (CSXT) and Virginia Railway Express (VRE) jointly seek approval of the proposed discontinuance and removal of the signal system on VRE Yard Lead Track (Milepost CFP–53.2) on CSXT's Baltimore Division, RF&P Subdivision, at Massaponax, Virginia. The proposed changes consist of the discontinuance and removal of the bidirectional automatic block signal system (Rules 261-ABS), a traffic control system on approximately 2,000 feet of VRE Yard Lead Track, and the conversion of this section of trackage into an ''other than main track'' operation (Rule 96). Authorized train speeds will be governed by Rule 46.

The reason given for the proposed changes is that present-day operations do not warrant retention of the signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicants at the address listed above.

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 by written statements, an application may be set for public hearing.

All communications concerning this proceeding should be identified by

Docket Number FRA–2007–28885 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, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; or

Hand Delivery: Room W12–140 of the U.S. Department of Transportation, West Building Ground Floor, 1200 New Jersey Avenue, SE., 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.*

Issued in Washington, DC, on August 13, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–16266 Filed 8–17–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–13: OTS Nos. 15220 and H–4426]

Beacon Federal, East Syracuse, NY, and Beacon Federal Bancorp., Inc., East Syracuse, NY; Approval of Conversion Application

Notice is hereby given that on August 10, 2007, the Office of Thrift Supervision approved the application of Beacon Federal, East Syracuse, New York, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Northeast Regional Office, Harborside Financial Center, Plaza Five, Suite 1600, Jersey City, New Jersey 07311.

Dated: August 14, 2007.

By the Office of Thrift Supervision.

Sandra E. Evans,

Legal Information Assistant.

[FR Doc. 07–4039 Filed 8–17–07; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–15: OTS No. H4429]

First Savings Bank of Renton, First Financial Holdings, MHC, First Financial of Renton, Inc., and First Financial Northwest, Inc., Renton, WA; Approval of Conversion Application

Notice is hereby given that on August 13, 2007, the Office of Thrift Supervision (OTS) approved the application of First Financial Holdings, MHC and First Savings Bank of Renton, Renton, Washington, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and OTS West Regional Office, Pacific Plaza, 2001 Junipero Serra Blvd., Suite 650, Daly City, CA 94014–1976.

Dated: August 14, 2007.

By the Office of Thrift Supervision.

Sandra E. Evans,

Legal Information Assistant.

[FR Doc. 07–4041 Filed 8–17–07; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–14: OTS No. H4431]

North Penn Bank, North Penn Mutual Holding Company, North Penn Bancorp, Inc., and New North Penn Bancorp, Inc., Scranton, PA; Approval of Conversion Application

Notice is hereby given that on August 10, 2007, the Office of Thrift Supervision (OTS) approved the application of North Penn Mutual Holding Company and North Penn Bank, Scranton, Pennsylvania, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and OTS Northeast Regional Office, Harborside Financial Center, Plaza Five, Suite 1600, Jersey City, NJ 07311.

Dated: August 14, 2007.

By the Office of Thrift Supervision.

Sandra E. Evans,

Legal Information Assistant.

[FR Doc. 07–4040 Filed 8–17–07; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on CARES Business Plan Studies; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on CARES Business Plan Studies has scheduled a meeting for September 6, 2007, at the West Los Angeles Campus of the Greater Los Angeles Health Care System, in the Wadsworth Theater, 11301 Wilshire Boulevard, Los Angeles, California. The meeting will convene at 5 p.m. and conclude at 9 p.m. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs on proposed business plans at those VA facility sites identified in May 2004 as requiring further study by the Capital Asset Realignment for Enhanced Services (CARES) Decision document.

The objective of this meeting is to provide the Secretary with advice regarding the final selection of a capital planning option to modernize the West Los Angeles campus of the Greater Los Angeles Health Care System. An analysis of the capital planning options completed by the VA contractor is to be presented at the meeting prior to their final submission to the VA. The agenda will also accommodate public commentary on the options.

Interested persons may attend and present oral or written statements to the Committee. For additional information regarding the meeting, please contact Mr. Jay Halpern, Designated Federal

Officer, (00 CARES), at 810 Vermont Avenue, NW., Washington, DC 20420, by phone at (202) 273–5994, or by e-mail at *jay.halpern@va.gov.*

Dated: August 13, 2007.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 07–4046 Filed 8–17–07; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the National Research Advisory Council will hold a meeting on Monday, September 10, 2007, in room 900 at VA's Office of Research and Development, 1722 Eye Street, NW., Washington, DC, from 8 a.m. until 3 p.m. The meeting is open to the public.

The purpose of the Council is to provide external advice and review for VA's research mission. The meeting will feature a review of VA's research portfolio and a summary of current budget allocations. The Council will also provide feedback on the direction and focus of VA's research initiatives.

Any member of the public wishing to attend the meeting or wishing further information should contact Jay A. Freedman, PhD, Designated Federal Office, at (202) 254–0267. Oral comments from the public will not be accepted at the meeting. Written statements or comments should be transmitted electronically to *jay.freedman@va.gov* or mailed to Dr. Freedman at Department of Veterans Affairs, Office of Research and Development (12), 810 Vermont Ave., NW., Washington, DC 20420.

Dated: August 14, 2007.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 07–4048 Filed 8–17–07; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Disability Benefits Commission; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Veterans' Disability Benefits Commission has scheduled a meeting for September 5–7, 2007, at the Hamilton Crowne Plaza Hotel, 14th and K Streets, NW., Washington, DC. On Wednesday, September 5, the session will begin at 10 a.m. and end at 5:30 p.m. On Thursday, September 6, the session will begin at 8:30 a.m. and end at 5:30 p.m. On Friday, September 7, the session will begin at 8:30 a.m. and end at 3 p.m. The meeting is open to the public.

The purpose of the Commission is to carry out a study of the benefits under the laws of the United States that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service.

The agenda for this meeting will feature ongoing review, discussions and decisions regarding the Commission's final report. There will be time set aside for public comments. Interested persons may attend and present oral statements to the Commission on September 5. Oral presentations will be limited to five minutes or less. Interested parties may also provide written comments for review by the Commission prior to the meeting or, at any time, by e-mail to *veterans@vetscommission.com* or by mail to Mr. Ray Wilburn, Executive Director, Veterans' Disability Benefits Commission, 1101 Pennsylvania Avenue, NW., 5th Floor, Washington, DC 20004.

Dated: August 13, 2007.

By Direction of the Secretary

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 07–4047 Filed 8–17–07; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 72, No. 160

Monday, August 20, 2007

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–806]

Notice of Initiation of the Administrative Review of the Antidumping Duty Order on Silicon Metal From the People's Republic of China

Correction

In notice document E7–15203 beginning on page 43597 in the issue of Monday, August 6, 2007, make the following correction:

On page 43597, in the table, under the heading ''Period to be reviewed'', ''June 1, 2007 through May 31, 2007'' should read ''06/01/06–05/31/07''.

[FR Doc. Z7–15203 Filed 8–17–07; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 202

Defense Federal Acquisition Regulation Supplement; Technical Amendments

Correction

In rule document E7–14897 appearing on page 42313 in the issue of Thursday, August 2, 2007, make the following correction:

§202.101 [Corrected]

In the second column, in section 202.101, under the heading ''Army'', correct ''Headquarters, U.S. Army Contracting Agency'', and ''Joint Contracting Command–Iraq/Afghanistan'' to be listed as two separate agencies.

[FR Doc. Z7–14897 Filed 8–17–07; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of Investor Education and Assistance, Washington, DC 20549-0213.

Extension: Rule 302, SEC File No. 270-453, OMB Control No. 3235-0510.

Correction

In notice document E7–14842 appearing on page 42138 in the issue of Wednesday, August 1, 2007, make the following correction:

In the second column, the document heading is corrected to read as set forth above.

[FR Doc. Z7–14842 Filed 8–17–07; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
August 20, 2007

Part II

The President

Executive Order 13443—Facilitation of Hunting Heritage and Wildlife Conservation

Federal Register
Vol. 72, No. 160
Monday, August 20, 2007

Presidential Documents

Title 3—

The President

Executive Order 13443 of August 16, 2007

Facilitation of Hunting Heritage and Wildlife Conservation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Purpose.* The purpose of this order is to direct Federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

Sec. 2. *Federal Activities.* Federal agencies shall, consistent with agency missions:

(a) Evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public;

(b) Consider the economic and recreational values of hunting in agency actions, as appropriate;

(c) Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning;

(d) Work collaboratively with State governments to manage and conserve game species and their habitats in a manner that respects private property rights and State management authority over wildlife resources;

(e) Establish short and long term goals, in cooperation with State and tribal governments, and consistent with agency missions, to foster healthy and productive populations of game species and appropriate opportunities for the public to hunt those species;

(f) Ensure that agency plans and actions consider programs and recommendations of comprehensive planning efforts such as State Wildlife Action Plans, the North American Waterfowl Management Plan, and other range-wide management plans for big game and upland game birds;

(g) Seek the advice of State and tribal fish and wildlife agencies, and, as appropriate, consult with the Sporting Conservation Council and other organizations, with respect to the foregoing Federal activities.

Sec. 3. *North American Wildlife Policy Conference.* The Chairman of the Council on Environmental Quality (Chairman) shall, in coordination with the appropriate Federal agencies and in consultation with the Sporting Conservation Council and in cooperation with State and tribal fish and wildlife agencies and the public, convene not later than 1 year after the date of this order, and periodically thereafter at such times as the Chairman deems appropriate, a White House Conference on North American Wildlife Policy (Conference) to facilitate the exchange of information and advice relating to the means for achieving the goals of this order.

Sec. 4. *Recreational Hunting and Wildlife Resource Conservation Plan.* The Chairman shall prepare, consistent with applicable law and subject to the availability of appropriations, in coordination with the appropriate Federal agencies and in consultation with the Sporting Conservation Council, and in cooperation with State and tribal fish and wildlife agencies, not later than 1 year following the conclusion of the Conference, a comprehensive Recreational Hunting and Wildlife Conservation Plan that incorporates existing and ongoing activities and sets forth a 10-year agenda for fulfilling the actions identified in section 2 of this order.

Sec. 5. *Judicial Review.* This order is not intended to, and does not, create any right, benefit, trust responsibility, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

THE WHITE HOUSE,
August 16, 2007.

[FR Doc. 07–4115
Filed 8–17–07; 10:46 am]
Billing code 3195–01–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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- Indiana; comments due by 8-29-07; published 7-30-07 [FR E7-14476]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
- Indiana; comments due by 8-30-07; published 7-31-07 [FR E7-14741]

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- Iowa; comments due by 8-31-07; published 8-1-07 [FR E7-14868]
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- Texas; comments due by 8-29-07; published 7-30-07 [FR E7-14485]
- Wisconsin; comments due by 8-30-07; published 7-31-07 [FR E7-14465]

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- Tobacco mild green mosaic tobamovirus; comments due by 8-27-07; published 6-27-07 [FR E7-12338]

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- Filing proof of financial responsibility; comments due by 8-27-07; published 7-25-07 [FR E7-14396]

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Preferential tariff treatment, other provisions, and comment request; comments due by 8-27-07; published 6-27-07 [FR 07-03133]

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Preferential tariff treatment, other provisions, and comment request; comments due by 8-27-07; published 6-27-07 [FR 07-03133]

U.S.-Morocco Free Trade Agreement; comments due by 8-28-07; published 6-29-07 [FR 07-03153]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html.*

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html.* Some laws may not yet be available.

H.R. 2863/P.L. 110–75

To authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe. (Aug. 13, 2007; 121 Stat. 724)

H.R. 2952/P.L. 110–76

To authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in lands owned by the Tribe. (Aug. 13, 2007; 121 Stat. 725)

H.R. 3006/P.L. 110–77

To improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes. (Aug. 13, 2007; 121 Stat. 726)

S. 375/P.L. 110–78

To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes. (Aug. 13, 2007; 121 Stat. 727)

S. 975/P.L. 110–79

Granting the consent and approval of the Congress to an interstate forest fire protection compact. (Aug. 13, 2007; 121 Stat. 730)

S. 1716/P.L. 110–80

To amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers. (Aug. 13, 2007; 121 Stat. 734)

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CORRECTION

In the last **List of Public Laws** printed in the *Federal Register* on August 13, 2007, H.R. 2025, Public Law 110-65, and H.R. 2078, Public Law 110-67, were printed incorrectly. They should read as follows:

H.R. 2025/P.L. 110–65

To designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the ''Willye B. White Post Office Building''. (Aug. 9, 2007; 121 Stat. 568)

H.R. 2078/P.L. 110–67

To designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the ''Staff Sergeant Omer T. 'O.T.' Hawkins Post Office''. (Aug. 9, 2007; 121 Stat. 570)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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44	(869–060–00179–4)	50.00	Oct. 1, 2006
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 2006, through January 1, 2007. The CFR volume issued as of January 6, 2006 should be retained.

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