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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2006–0127]

Asian Longhorned Beetle; Additions to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by expanding the boundaries of the quarantined areas in New Jersey and restricting the interstate movement of regulated articles from those areas. The interim rule was necessary to prevent the spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: Effective on November 5, 2007, we are adopting as a final rule the interim rule published at 71 FR 59649–59651 on October 11, 2006.

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) 734–7338.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 301.51–1 through 301.51–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of the Asian longhorned beetle (ALB) to noninfested areas of the United States. Quarantined areas are listed in § 301.51–3(c) of the regulations.

In an interim rule [1] effective October 4, 2006, and published in the **Federal Register** on October 11, 2006 (71 FR 59649–59651, Docket No. APHIS–2006–0127), we amended the list of quarantined areas in § 301.51–3(c) to include the City of Linden in Union County, NJ, as well as portions of the Borough of Roselle, the City of Elizabeth, and Clark Township, also in Union County. In addition, we also expanded the quarantined area in the City of Carteret in Middlesex County, NJ.

Comments on the interim rule were required to be received on or before December 11, 2006. We received one comment by that date, from a scientific organization.

Although the commenter acknowledged that the regulations allow us to designate less than an entire State as a quarantined area, the commenter suggested that the spread of ALB within New Jersey was too unpredictable, and the possible damage too substantive, to allow us to quarantine less than the entire State of New Jersey.

We are making no change in response to this comment. Dispersal and flight ability studies for ALB indicate that 99 percent of the beetle's movement occurs within one-half mile of an infested tree. The quarantined area within New Jersey extends approximately 1.5 miles in every direction from each infested tree. In addition, State and Federal plant health authorities have removed high-risk host trees, applied chemical treatments, and conducted extensive ground surveys of the quarantined area, in accordance with guidelines developed by scientists and program managers with experience in pest management and control, and ALB. APHIS believes that these measures effectively preclude the natural spread of ALB from the quarantined area.

In addition, a number of measures have been taken to prevent the artificial spread of ALB from the quarantined area. In the interim rule, we restricted the interstate movement of regulated articles from the area. This measure augmented existing State regulations restricting the intrastate movement of regulated articles from a quarantined area. We have also conducted an extensive outreach campaign in the region around the quarantined area to educate the public to the dangers posed by the artificial spread of ALB.

We believe these interlocking safeguards are adequate to mitigate the risk of the natural or artificial spread of ALB from the quarantined area.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

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

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 71 FR 59649–59651 on October 11, 2006.

Done in Washington, DC, this 30th day of October 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–21684 Filed 11–2–07; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule and the comment we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0127.*

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. AMS–FV–07–0103; FV07–993–1 FR]

Dried Prunes Produced in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Prune Marketing Committee (Committee) for the 2007–08 and subsequent crop years from $0.40 to $0.60 per ton of salable dried prunes.

The Committee locally administers the marketing order that regulates the handling of dried prunes in California. Assessments upon dried prune handlers are used by the Committee to fund reasonable and necessary expenses of the program. The higher assessment rate is needed to offset an anticipated decrease in dried prune production this year. The crop year began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

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

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Kurt Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906; or E-mail: *Terry.Vawter@usda.gov* or *Kurt.Kimmel@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 110 and Marketing Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California dried prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dried prunes beginning on August 1, 2007, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2007–08 and subsequent crop years from $0.40 to $0.60 per ton of salable dried prunes handled.

The California dried prune marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of California dried prunes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2006–07 and subsequent crop years, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on June 28, 2007, and unanimously recommended an assessment rate of $0.60 per ton of salable dried prunes and expenditures totaling $102,523 for the 2007–08 crop year. In comparison, last year's approved expenses as amended in April 2007 were $77,722. The assessment rate of $0.60 per ton of salable dried prunes is $0.20 higher than the rate currently in effect.

The Committee recommended a higher assessment rate based on a production estimate of 95,000 tons of salable dried prunes for this year, which is substantially less than the 187,737 tons produced last year. At this assessment rate the assessment income for the 2007–08 crop year is $57,000. The Committee's budget of expenses of $102,523 includes a slight increase in personnel expenses, and a slight decrease in operating expenses. Combined salaries and expenses are almost two percent higher than last year, or about $65,580. The Committee also included $36,943 for contingencies. Most of the Committee's expenses reflect its portion of the joint administrative costs of the Committee and the California Dried Plum Board. Based on the Committee's reduced activities in recent years, it is funding only ten percent of the shared expenses of the two programs. This funding level is similar to that of last year. The Committee believes carryover funds, plus assessment and interest income, is adequate to cover its estimated expenses of $102,523.

The major expenditures recommended by the Committee for the 2007–08 crop year include $50,505 for salaries and benefits, $15,075 for operating expenses, and $36,943 for contingencies. For the 2006–07 crop year, the Committee's budgeted expenses were $48,662 for salaries and benefits, $15,895 for operating expenses, and $13,165 for contingencies.

The assessment rate recommended by the Committee was derived by dividing the handler assessment revenue needed to meet anticipated expenses by the estimated salable tons of California dried prunes. Dried prune production for the year is estimated to be 95,000 salable tons, which should provide $57,000 in assessment income at $0.60 per ton of salable dried prunes. Income derived from handler assessments, plus excess funds from the 2006–07 crop year should be adequate to cover budgeted expenses.

The Committee is authorized under § 993.81(c) of the order to use excess assessment funds from the 2006–07 crop year (currently estimated at $45,423) for up to 5 months beyond the end of the crop year to meet 2007–08 crop year expenses. At the end of the 5 months, the Committee either refunds or credits excess funds to handlers.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior

to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate the Committee's recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committees' 2007–08 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,100 producers of dried prunes in the production area and approximately 22 handlers subject to regulation under the marketing order. The Small Business Administration (13 CFR 121.201) defines small agricultural producers as those whose annual receipts are less than $750,000, and small agricultural service firms as those whose annual receipts are less than $6,500,000.

An estimated 1,068 of the 1,100 producers (97.1 percent) have incomes of less than $750,000 and are considered small producers. Fourteen of the 22 handlers (63.6 percent) have incomes from handling prunes of less than $6,500,000 and could be considered small handlers. Therefore, the majority of handlers and producers of California dried prunes may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2007–08 and subsequent crop years from $0.40 to $0.60 per ton of salable dried prunes.

The Committee met on June 28, 2007, and unanimously recommended estimated expenses for 2007–08 of $102,523 and an increased assessment rate of $0.60 per ton of salable dried prunes. The Committee's recommended budget was based on a slight increase in personnel expenses and a slight decrease in operating expenses. Combined salaries and expenses are almost two percent higher than last year, or about $65,580. The Committee also included $36,943 for contingencies. Most of the Committee's expenses reflect its portion of the joint administrative costs of the Committee and the California Dried Plum Board. Based on the Committee's reduced activities in recent years, it is funding only ten percent of the shared expenses of the two programs. This funding level is similar to that of last year. The Committee believes carryover funds, plus assessment and interest income, are adequate to cover its estimated expenses of $102,523.

The assessment rate of $0.60 per ton of salable dried prunes is $0.20 higher than the rate currently in effect. The quantity of salable dried prunes for the 2007–08 crop year is currently estimated at 95,000 tons of salable dried prunes, compared to 187,737 tons of salable dried prunes for the 2006–07 crop year.

The major expenditures recommended by the Committee for the 2007–08 crop year include $50,505 for salaries and benefits, $15,075 for operating expenses, and $36,943 for contingencies. Budgeted expenses for these items in 2006–07 were $48,662 for salaries and benefits, $15,895 for operating expenses, and $13,165 for contingencies.

The 2007–08 crop year assessment rate was derived after considering the handler assessment rate revenue needed to meet anticipated crop year expenses; estimated production of salable dried prunes; and the estimated income from other sources, such as interest. Therefore, the Committee recommended an assessment rate of $0.60 per ton of salable dried prunes.

Prior to arriving at its budget of $102,523, the Committee considered information from various sources, including the Committee's Executive Subcommittee. Alternative assessment rates, including the rate currently in effect, and different expenditure levels were discussed by the subcommittee and the Committee. An alternative to this action is to continue with the $0.40 per ton assessment rate. However, an assessment rate of $0.60 per ton of salable dried prunes, along with excess funds from the 2006–07 crop year, is needed to provide enough income to fund the Committee's operations.

Therefore, the Committee agreed that $0.60 per ton of salable dried prunes is an acceptable assessment rate. Section 993.81(c) of the order provides the Committee the authority to use excess assessment funds from the 2006–07 crop year (currently estimated at $45,423) for up to 5 months beyond the end of the crop year to meet 2007–08 crop year expenses. At the end of the 5 months, the Committee either refunds or credits excess funds to handlers.

A review of historical information and preliminary data pertaining to the upcoming crop year indicates that the producer price for the 2007–08 crop year is expected to average between $1,500 and $1,600 per ton of salable dried prunes. Based on an estimated 95,000 salable tons of dried prunes, assessment revenue as a percentage of producer prices during the 2006–07 crop year is expected to be between .038 and .040 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 28, 2007, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on September 7, 2007 (72 FR 51381). Copies of the proposed rule were also mailed or sent via facsimile to

all prune handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 20-day comment period ending September 27, 2007, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab/html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the 2007–08 crop year began on August 1, 2007, and the marketing order requires that the rate of assessment for each year apply to all assessable prunes handled during the year; and handlers are already receiving 2007–08 crop prunes from growers. The Committee needs to have sufficient funds to meet its expenses which are incurred on a continuous basis. Further, handlers are aware of this rule which was which was unanimously recommended at a public meeting. Also, a 20-day comment period was provided for in the proposed rule and no comments were received.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 993.347 is revised to read as follows:

§ 993.347 Assessment rate.

On and after August 1, 2007, an assessment rate of $0.60 per ton of salable dried prunes is established for California dried prunes.

Dated: October 31, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–5503 Filed 11–1–07; 8:57 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–28771; Airspace Docket No. 07–ACE–8]

Modification of Class E Airspace; Fort Scott, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Fort Scott, KS and corrects the coordinates of the Fort Scott Nondirectional Beacon (NDB).

DATES: *Effective Date:* 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Grant Nichols, System Support, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2522.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on Friday, August 10, 2007 (72 FR 44954). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent of submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Correction to Final Rule

In the description of the airspace contained in the direct final rule, the coordinates of the Fort Scott NDB were incorrectly published. This action makes this editorial correction, which does not change the airspace configuration. The FAA is republishing the entire airspace description.

■ Accordingly, pursuant to the authority delegated to me, the airspace published in the **Federal Register**, Friday, August 10, 2007 (72 FR 44954), Airspace Docket No. 07–ACE–8, page 44955 is corrected as follows:

§ 71.1 [Amended]

* * * * *

ACE KS E5 Fort Scott, KS [Corrected]

Fort Scott Municipal Airport, KS
(Lat. 37°47′54″ N., long. 94°46′10″ W.)
Fort Scott NDB
(Lat. 37°47′49″ N., long. 94°45′56″ W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Fort Scott Municipal Airport and within 2.6 miles each side of the 350° bearing from Fort Scott NDB extending from the 7.0-mile radius of the airport to 7 miles north of the NDB.

* * * * *

Issued in Fort Worth, Texas on October 24, 2007.

Richard H. Farrell, III,

Acting Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07–5454 Filed 11–2–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS STERETT

(DDG 104) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective November 5, 2007, and is applicable to August 1, 2007.

FOR FURTHER INFORMATION CONTACT: Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS STERETT (DDG 104) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read:

Authority: 33 U.S.C. 1605.

■ 2. Table Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS STERETT:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * * * *	*	*
USS STERETT	DDG 104	1.88 meters.
* * * * *	*	*

■ 3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS STERETT:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Obstruction angle relative ship's headings
* * * * *	*	*
USS STERETT	DDG 104	106.82 THRU 112.50 DEGREES.
* * * * *	*	*

■ 4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS STERETT:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	Hull No.	Forward masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* *	*	*	*	*	*
USS STERETT	DDG 104	X	X	X	14.5
* *	*	*	*	*	*

Approved: August 1, 2007.

Gregg A. Cervi,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

[FR Doc. E7–21586 Filed 11–2–07; 8:45 am]

BILLING CODE 3810–FF–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2002–0071; FRL–8490–9]

RIN 2060–A009

Update of Continuous Instrumental Test Methods: Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA published a direct final rule on September 7, 2007, to correct errors in a May 15, 2006, final rule amending five instrumental test methods. We received adverse comment during the comment period on the September 2007 direct final rule and are now withdrawing that direct final rule.

DATES: Effective November 5, 2007, EPA withdraws the direct final rule published at 72 FR 51365, September 7, 2007.

FOR FURTHER INFORMATION CONTACT: Foston Curtis, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–1063; fax number (919) 541–0516; e-mail address: *curtis.foston@epa.gov.*

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing the direct final rule entitled ''Update of Continuous Instrumental Test Methods: Technical Amendments'' published on September 7, 2007 (72 FR 51365). This direct final rule made corrections to a May 15, 2006 final rule (71 FR 28082) which amended five instrumental test methods. The direct final was to correct errors and clarify portions of the amendments that may have been ambiguous. We stated in the September 2007 direct final rule that if we received any adverse comments by October 9, 2007, the direct final would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comments on that direct final rule.

We will address those comments in any subsequent final action based on the parallel proposed rule also published on September 7, 2007 (72 FR 51392). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: October 30, 2007.

Stephen L. Johnson,

Administrator.

■ Accordingly, the amendments to the rule published on September 7, 2007 (72 FR 51365), are withdrawn as of November 5, 2007.

[FR Doc. E7–21721 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2003–0061; FRL–8490–8]

Air Quality Designations for the Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards; Notice of Actions Denying Petitions for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of actions denying petitions for reconsideration.

SUMMARY: The EPA is providing notice that it has responded to sixteen petitions for reconsideration of the air quality designations for the fine particle ($PM_{2.5}$) national ambient air quality standards (NAAQS). The $PM_{2.5}$ designations were published in the **Federal Register** on January 5, 2005, and a supplemental notice to this action was published in the **Federal Register** on April 14, 2005. Subsequent to the publication of this action, a total of sixteen petitions for reconsideration were received by EPA. The EPA considered the petitions and supporting information along with information contained in the rulemaking docket in reaching a decision on the petitions. EPA Administrator Stephen L. Johnson denied the petitions for reconsideration in separate letters to the petitioners issued between December 2005 and October 2007. The letters explain EPA's reasons for the denials.

FOR FURTHER INFORMATION CONTACT: Geoffrey L. Wilcox, U.S. EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564–5601, e-mail at *wilcox.geoffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. How Can I Get Copies of This Document and Other Related Information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions for reconsideration are available in the docket that EPA established for the air quality designations for the fine particle NAAQS (docket number EPA–HQ–OAR–2003–0061). The table below identifies the petitions received by EPA, the date EPA received the petition, the document identification number for the petition, the date of EPA's response, and the document identification number for EPA's response. (Note that all the document numbers listed in the table are in the form of ''EPA–HQ–OAR–2003–0061–xxxx.'')

Petitioner	Date of petition to EPA	Petition: Document No. in docket	Date of EPA response	EPA response: Document No. in docket
State of Connecticut	2/15/2005	−0756	12/5/2005	−0765.
Commonwealth of Virginia	2/18/2005	−0665	12/5/2005	−0757.
State of Maryland	2/22/2005	−0666 and −0667	12/5/2005	−0758.
Guilford County, NC	2/22/2005	−0677	12/5/2005	−0759 and −0759.1.
State of North Carolina	2/22/2005	−0676	12/5/2005	−0760.
State of Alabama	1/20/2005	−0672	12/5/2005	−0761.
State of Georgia	2/22/2005	−0673	12/5/2005	−0762.
Southwestern PA Growth Alliance	3/4/2005	−0766, 0766.15, 0766.16, 0766.17.	12/5/2005	−0763.
Oakland County, MI (first petition)	3/7/2005	−0636	1/20/2006	−0740.
State of Michigan	2/22/2005	−0635	1/20/2006	−0737.
State of West Virginia	2/21/2005	−0661	1/20/2006	−0735.
State of Ohio	2/14/2005	−0681	1/20/2006	−0736.
State of Georgia	6/10/2005	−0728 thru 0728.11	1/20/2006	−0738.
Dynegy Midwest Generation	6/13/2005	−0721 and −0726	1/20/2006	−0739.
Midwest Ozone Group/West Virginia Chamber of Commerce	3/28/2006	−0744	8/16/2007	−0746 and −0746.1.
Oakland County, MI (second petition)	3/21/2006	−0747 thru 0751	9/25/2007	−0764.

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

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions can also be found on EPA's Web site *http://www.epa.gov/pmdesignations/regs.htm.* The air quality designations for the fine particle NAAQS were published in the **Federal Register** on January 5, 2005 at 70 FR 944. A supplemental notice was published in the **Federal Register** on April 14, 2005 at 70 FR 19844.

II. Judicial Review

Section 307(b)(1) of the Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such actions are locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The EPA has determined that its actions denying the petitions for reconsideration are of nationwide scope and effect for purposes of section 307(b)(1) because EPA previously found that the air quality designations for the $PM_{2.5}$ NAAQS, which establish designations for all areas of the United States, to be of nationwide scope and effect. Thus, any petitions for review of the letters denying the petitions for reconsideration described in this Notice must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this Notice is published in the **Federal Register**.

Dated: October 30, 2007.

Stephen L. Johnson,

Administrator.

[FR Doc. E7–21681 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02]

RIN 0648–XC59

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the Gulf king mackerel resource.

DATES: The closure is effective from 12 noon, local time, November 3, 2007, through June 30, 2008.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, 727–824–5305, fax: 727–824–5308, e-mail: *Susan.Gerhart@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is

implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the **Federal Register**. NMFS has determined the commercial quota of 1.01 million lb (0.46 million kg) for Gulf group king mackerel in the western zone will be reached by November 3, 2007. Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12 noon, local time, November 3, 2007, through June 30, 2008, the end of the fishing year. The boundary between the eastern and western zones is 87°31′06″ W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30 day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: October 30, 2007.

Alan D. Risenhoover,

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

[FR Doc. 07–5461 Filed 10–30–07; 3:01 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 061109296–7009–02]

RIN 0648–XD65

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

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

ACTION: Temporary rule; inseason quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Virginia is transferring commercial bluefish quota to the State of New York from its 2007 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

DATES: Effective November 2, 2007 through December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Emily Bryant, Fishery Management Specialist, (978) 281–9244, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

Virginia has agreed to transfer 200,000 lb (90,718 kg) of its 2007 commercial quota to New York. The Regional Administrator has determined that the criteria set forth in § 648.160(f)(1) have been met. The revised bluefish quotas for calendar year 2007 are: New York, 1,234,278 lb (559,859 kg); and Virginia, 668,660 lb (303,299 kg).

Classification

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

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

Dated: October 30, 2007.

Emily H. Menashes,

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

[FR Doc. E7–21717 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 213
Monday, November 5, 2007

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. AMS–FV–2007–0008; FV–06–310]

United States Standards for Grades of Florida Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice on proposed rulemaking; withdrawal.

SUMMARY: The Agricultural Marketing Service (AMS) is withdrawing an advance notice of proposed rulemaking soliciting comments on possible revisions to the voluntary United States Standards for Grades of Florida Avocados. After reviewing and considering the comments received, the agency has decided not to proceed further with this action.

DATES: The advance notice of proposed rulemaking is withdrawn as of November 5, 2007.

FOR FURTHER INFORMATION CONTACT: Vincent J. Fusaro, Standardization Section, Fresh Products Branch, (202) 720–2185. The United States Standards for Grades of Florida Avocados are available either through the address cited above or by accessing the Fresh Products Branch Web site at: *http://www.ams.usda.gov/standards/stanfrfv.htm*.

Background

AMS had identified the United States Standards for Grades of Florida Avocados for possible revisions. AMS solicited comments on possible revisions to the standards including deleting ''Florida'' to allow the standards to apply to all avocados. The standards were published on September 3, 1957.

On March, 29, 2007, AMS published an advance notice of proposed rulemaking in the **Federal Register** (72 FR 14709), soliciting comments on a possible revision to the United States Standards for Grades of Florida Avocados. A request was received on behalf of a foreign government expressing the need for additional time to comment. Following a review of the request, AMS published a notice in the **Federal Register** (72 FR 38057), on July 12, 2007, extending the period for comment.

During the initial sixty-day comment period, three opposing comments and one supporting comment were received. The three opposing comments were submitted by a foreign avocado committee, a company representing growers/packers, and a national trade association representing wholesale receivers. The opposing commenters stated that this revision would not be beneficial to their industry as Florida avocados have unique characteristics which differ significantly from other varieties specifically, the Hass variety. They held the view that the revision would directly affect the Florida Marketing Order (7 CFR Part 915) and imports of the Hass variety. The Hass variety of avocados is not regulated currently under the marketing order.

During the extension of the comment period, four opposing comments were received by a foreign government, a foreign avocado committee, a grower/shipper of avocados, and another from an association of packers, producers, and exporters. All expressed concerns regarding the effect this proposed revision might have on the marketing order and import requirements and a comment raised concerns regarding the treatment of California avocados under the proposed standard. The comments are available by accessing the *http://www.regulations.gov* Web site.

While deleting the word ''Florida'' from the title of the standard would not impact the marketing order and/or import requirements, AMS understands the views and concerns expressed by the avocado industry. After considering all of the comments received regarding the proposed revisions, AMS has decided not to proceed further with this action. Therefore, the advance notice of proposed rulemaking, published March 29, 2007 (72 FR 14709), is withdrawn.

Authority: 7 U.S.C. 1621–1627.

Dated: October 29, 2007.

Lloyd C. Day,
Administrator, Agricultural Marketing Service.

[FR Doc. 07–5468 Filed 11–2–07; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1401

RIN 3076–AA06

Freedom of Information Act Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) proposes to amend its rules under the Freedom of Information Act (FOIA) primarily to effectuate various provisions under the 1996 Electronic FOIA Amendments. Previously, FMCS had issued a proposed rule on November 3, 1999 (64 FR 59697). FMCS received no comments when the proposed rule was published in 1999. FMCS is withdrawing that proposed rule and issuing a new revised proposed rule. The proposed revisions include a new response time for FOIA requests, procedures for requesting expedited processing, the availability of certain public information on FMCS's Web site, and express inclusion of electronic records and automated searches along with paper records and manual searches. In addition, FMCS's proposed amendments would update its fee schedule. FMCS is also updating the names and addresses of the various offices within the agency responsible for FOIA related activities.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before December 5, 2007.

ADDRESSES: Submit written comments by mail to the Office of Information and Regulatory Affairs, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Michael J. Bartlett, Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street,

NW., Washington, DC 20427. Telephone: (202) 606–3737.

SUPPLEMENTARY INFORMATION: In this rulemaking, FMCS proposes to amend its regulations at 29 CFR part 1401, subpart B under FOIA, 5 U.S.C. 552. The primary focus of these proposed amendments is to effectuate for this Agency various provisions under the 1996 Electronic FOIA Amendments, Public Law No. 104–231. Significant new provisions implementing the amendments are found at § 1401.21(a) (electronic reading room), (d) (pamphlets distribution), (e) (records disposition), § 1401.22 (deletion marking), § 1401.34(a), (b), (c), (d) (timing of responses), § 1401.34(d) (volume estimation), § 1401.36(a) (definitions), (b) (fee schedules, lack of fees, fee waivers).

Proposed revisions to the FMCS fee schedule can be found at § 1401.36(b)(1)(i), (ii), (iv), (3)(v). The duplication charge will remain the same at twenty cents per page, while document search and review charges will increase to $4.00 per each quarter hour or portion thereof for clerical time and $10.00 per each quarter hour or portion thereof for professional time. The amount at or below which the Service will not charge a fee will decrease from $50.00 to $14.00.

Sections such as § 1401.32, § 1401.34(d), § 1401.35, § 1401.36(b)(2)(ii) are being revised to reflect minor language or organizational name changes within FMCS. Sections 1401.24 and 1401.37 are being removed because they are neither required by law nor necessary to interpret the law.

List of Subjects in 29 CFR Part 1401

Administrative practice and procedure, Freedom of information.

For the reasons stated in the preamble, FMCS proposes to amend 29 CFR part 1401 as follows:

PART 1401—PUBLIC INFORMATION

1. The authority citation for part 1401 continues to read as follows:

Authority: Sec. 202, 61 Stat. 136, as amended; 5 U.S.C. 552.

2. Revise § 1401.20 to read as follows:

§ 1401.20 Purpose and scope.

This subpart contains the regulations of the Federal Mediation and Conciliation Service providing for public access to information under the Freedom of Information Act, 5 U.S.C. 552. It is the policy of the FMCS to disseminate information on matters of interest to the public and to disclose upon request information contained in Agency records insofar as such disclosure is compatible with the discharge of its responsibilities and the principle of confidentiality and neutrality of dispute resolution by third party neutrals.

3. Amend § 1401.21 by revising paragraphs (c), (d), and (e) to read as follows:

§ 1401.21 Information policy.

* * * * *

(c) FMCS maintains a public reading room that contains the records required by the FOIA to be made readily available for public inspection and copying. FMCS shall maintain and make available for public inspection and copying a current subject-matter index of its reading room records. Each index shall be updated regularly, at least quarterly, with respect to newly included records. FMCS shall also make reading room records created on or after November 1, 1996, available electronically through FMCS's World Wide Web Site (which can be found at *http://www.fmcs.gov*).

(d) Records or documents prepared by FMCS for routine public distribution, e.g., pamphlets and brochures, will be furnished upon request to Office of the Director of Public Affairs, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, as long as the supply lasts. The provisions of Sec. 1401.36 (fees) are not applicable to such requests except when the supply of such material is exhausted and it is necessary to reproduce individual copies upon specific request.

(e) All existing FMCS records are subject to disposition according to agency record retention schedules and General Records Schedules promulgated by the National Archives and Records Administration.

4. Revise § 1401.22 to read as follows:

§ 1401.22 Partial disclosure of records.

(a) If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the remaining record will be disclosed unless the two are so inextricably intertwined that it is not possible to separate them.

(b) Records disclosed in part shall be marked or annotated to show both the amount and the location of the information deleted and the applicable exemption.

§ 1401.24 [Removed]

5. Remove § 1401.24

6. Revise § 1401.31 to read as follows:

§ 1401.31 Filing a request for records.

(a) Any person who desires to inspect or copy an Agency record should submit a written request to the Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427. The envelope [or cover sheet] should be marked ''Freedom of Information Act request.'' Electronic mail requests should be sent to *foia@fmcs.gov*.

(b) Each request should reasonably describe the records being sought, so that the records requested may be located and identified. If the description is insufficient to locate the requested records, the officer processing the request will notify the requester and ask for additional information.

§ 1401.32 [Amended]

7. Amend § 1401.32 by removing the words ''Legal Services Office'' in paragraph (b) and by adding in their place ''Office of the General Counsel.''

8. Amend § 1401.34 as follows:

A. Revise paragraph (a) and (b) introductory text.

B. Remove paragraph (b)(3) and (4).

C. Revise paragraph (c).

D. Remove the paragraph designation (b) in the last paragraph of the section and redesignate that paragraph (d).

E. Amend newly redesignated paragraph (d) by removing the term ''Deputy Director'' and adding the term ''Chief of Staff'' in its place.

F. Add paragraphs (e) and (f) to read as follows:

§ 1401.34 Time for processing requests.

(a) All time limitations established pursuant to this section shall begin as of the time a request for records is received by the Office of the General Counsel.

(b) The officer or employee responsible for responding to the request shall, within twenty (20) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the Agency shall comply with the request.

* * * * *

(c) Where the time limits for processing a request cannot be met because of unusual circumstances and FMCS determines to extend the time limit on that basis, FMCS will, as soon as practicable, notify the requester in writing of the unusual circumstances and the date by which the processing can be expected to be completed. Where the extension is for more than 10 working days, FMCS will provide the requester with an opportunity either to modify the request so that it may be processed within the time limits or to arrange an alternative time period for processing the request or a modified request. If FMCS reasonably believes that multiple requests submitted by a

requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated.

* * * * *

(e) FMCS offices may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and or time needed to process the request. A person making a request that does not qualify for the fastest multitrack processing should be given an opportunity to limit the scope of the request in order to qualify for faster processing.

(f) Requests and appeals will be taken out of order and given expedited processing in cases where the requester demonstrates a compelling need.

(1) Compelling need means:

(i) Circumstances in which failure to obtain copies of the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if the request is made by a person primarily engaged in disseminating information.

(2) A requester seeking expedited processing should so indicate in the initial request, and should state all the facts supporting the need to obtain the requested records quickly. The requester must also certify in writing that these facts are true and correct to the best of the requester's knowledge and belief.

(3) Within 10 calendar days of its receipt of a request for expedited processing, FMCS will notify the requester of its decision. If a request for expedited treatment is granted, the request shall be given priority and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

§ 1401.35 [Amended]

9. Amend § 1401.35 by removing the term ''Deputy Director'' wherever it appears in paragraphs (a), (b) and (c) and by adding the term of ''Chief of Staff'' in its place.

10. Amend § 1401.36 as follows:

A. Remove the word ''the'' between ''foregoing'' and ''schedules'' and add the words ''other than those related to arbitration'' between ''services'' and ''which'' in paragraph (b)(2)(i).

B. Revise paragraphs (a)(2), (3) and (4), (b)(1)(i), (ii), (iv), (b)(2)(ii), (b)(3)(v) and (b) (4) as follows:

§ 1401.36 Freedom of Information Act fee schedules.

(a) * * *

(2) Search means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

(3) Duplication refers to the process of making a copy of a document necessary to respond to a FOIA request. Copies may be in various forms including machine-readable documentation (e.g., magnetic tape or disk) among others. A requester's specified preference of form or format of disclosure will be honored if the record is readily reproducible with reasonable efforts in the requested form or format.

(4) Review refers to the process of examining documents located in response to a request that is for commercial use, to determine whether a document or any portion of any document located is permitted to be withheld. It includes processing any documents for disclosure to the requester, e.g., doing all that is necessary to excise them or otherwise prepare them for release. It does not include time spent resolving general legal or policy issues regarding the applicability of particular exemptions or reviewing on appeal exemptions that are applied. However, records or portions withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review is assessable.

* * * * *

(b) * * *

(1) * * *

(i) *Clerical time.* For each one-quarter hour or portion thereof of clerical time, $4.00.

(ii) *Professional time.* For each one-quarter hour or portion thereof of profession time, $10.00.

* * * * *

(iv) *Computer time.* For computer searches of records, requestors will be charged the direct costs of conducting the search (as provided in paragraph (b)(3)(i) of this section), although certain requestors will be charged no search fee (as provided in paragraph (b)(3)(ii) and (iii)), and certain other requestors will be entitled to the cost equivalent of two hours of manual search time without charge (as provided in paragraph (b)(3)(iv)). These direct costs will include the cost of operating a central processing unit for that portion of operating time that is directly attributable to the searching for responsive records, as well as the costs of operator/programmer salary attributable to the search. Computer time expressed in fractions of minutes will be rounded to the next whole minute.

* * * * *

(2) * * *

(ii) For those matters coming within the scope of this regulation, the FMCS will look to the provisions of the guidance published by the Office of Management and Budget's Uniform Fee Schedule and Guidelines (available at *http://www.whitehouse.gov/omb/inforeg/infopoltech.html*) and the Department of Justice Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act (available at *http://www.usdoj.gov/04foia/04_7.html*) for making such interpretations as necessary.

(3) * * *

(v) In no event shall fees be charged when the total charges are less than $14.00, which is the Agency cost of collecting and processing the fee itself. If the request is expected to involve an assessed fee in excess of $14.00, the response shall specify or estimate the fee involved before the records are made available.

(4) *Waiver or reduction of charge.* A fee waiver must be requested at the same time that a request for records is made. The requester should provide an explanation of why the waiver is appropriate. If the request for a waiver or reduction is denied, the denial may be appealed to FMCS' Chief of Staff. In the appeal letter the requester should discuss whatever reasons are given in the denial letter. Documents may be furnished without charge or at reduced levels if FMCS determines that disclosure of the information is in the public interest; that is, because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

* * * * *

§ 1401.37 [Removed]

11. Remove § 1401.37.

Dated: October 30, 2007.

Michael J. Bartlett,

Deputy General Counsel.

[FR Doc. E7–21629 Filed 11–2–07; 8:45 am]

BILLING CODE 6732–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2007–0452; A–1–FRL–8491–6]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Connecticut Department of Environmental Protection (CTDEP). This SIP revision addresses the provisions of the Clean Air Act that require each state to submit a SIP to address emissions that may adversely affect another state's air quality through interstate transport. CTDEP has adequately addressed the four distinct elements related to the impact of interstate transport of air pollutants. These include prohibiting significant contribution to downwind nonattainment of the National Ambient Air Quality Standards (NAAQS), interference with maintenance of the NAAQS, interference with plans in another state to prevent significant deterioration of air quality, and interference with efforts of other states to protect visibility. The intended effect of this action is to propose approval of this revision to the Connecticut SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before December 5, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2007–0452 by one of the following methods:

1. *http://http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: arnold.anne@epa.gov.*
3. *Fax:* (617) 918–0047. *Mail:* ''Docket Identification Number EPA–R01–OAR–2007–0452'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114–2023. Hand Delivery or Courier. Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114–2023. 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 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2007–0452. 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, any form of encryption, and be free of any defects or viruses.

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 Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

In addition to the publicly available docket materials available for inspection electronically in the Federal Docket Management System at *http://www.regulations.gov,* and the hard copy available at the Regional Office, which are identified in the **ADDRESSES** section of this **Federal Register**, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the, Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Richard P. Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114–2023, telephone number (617) 918–1664, fax number (617) 918–0664, e-mail *Burkhart.Richard@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Rulemaking Information
II. Proposed Action
III. Statutory and Executive Order Reviews

I. Rulemaking Information

EPA is proposing to approve a SIP revision submitted by the Connecticut Department of Environmental Protection (CTDEP). This SIP revision addresses the requirements of the Clean Air Act (CAA) section 110(a)(2)(D)(i). This CAA section requires each state to submit a SIP that prohibits emissions that could adversely affect another state. The SIP must prevent sources in the state from emitting pollutants in amounts which will: (1) Contribute significantly to downwind nonattainment of the NAAQS; (2) interfere with maintenance of the NAAQS; (3) interfere with provisions to prevent significant deterioration of air quality; and (4) interfere with efforts to protect visibility. EPA issued guidance on August 15, 2006, relating to SIP submissions to meet the requirements of section 110(a)(2)(D)(i). [1]Connecticut

[1] ''Guidance for State Implementation Plan (SIP) Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8–Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards,'' Memorandum from William T. Harnett, EPA OAQPS, to EPA Regional Air Division Directors, August 15, 2006.

submitted their SIP revision on March 13, 2007.

On May 12, 2005, EPA promulgated the Clean Air Interstate Rule (CAIR). (See 70 FR 25162.) CAIR requires States to reduce emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) that significantly contribute to, and interfere with maintenance of, the national ambient air quality standards for fine particulates and/or ozone in any downwind state. CAIR establishes State budgets for SO_2 and NO_X and requires States to submit SIP revisions that implement these budgets in States that EPA concluded did contribute to nonattainment in downwind states.

Connecticut is a CAIR state for ozone only (70 FR 25162; May 12, 2005). Since Connecticut is in CAIR, EPA has already concluded that Connecticut can meet its 110(a)(2)(D)(i) obligations to address the significant contribution and interference with maintenance requirements by complying with the CAIR requirements. Connecticut has proposed its CAIR SIP and submitted it to EPA for parallel processing on April 26, 2007. EPA proposed approval of Connecticut's CAIR SIP on August 31, 2007 (72 FR 50305). Connecticut submitted its final adopted CAIR SIP on September 12, 2007. Assuming EPA ultimately approves Connecticut's CAIR SIP, EPA will have determined that Connecticut has addressed section 110(a)(2)(D)(i) for ozone.

For fine particles ($PM_{2.5}$), the EPA CAIR modeling determined that the Connecticut emissions do not meet or exceed the 0.2 $\mu g/m^3$ average annual threshold that EPA established to determine significant $PM_{2.5}$ impact on another state in the projection year 2010. This shows that emissions from Connecticut do not contribute significantly to downwind nonattainment of the annual $PM_{2.5}$ standard. In addition, air quality modeling conducted by Connecticut also concluded that emissions of $PM_{2.5}$ do not significantly contribute to downwind $PM_{2.5}$ nonattainment.[2] Connecticut, however, does contain a nonattainment area for the annual $PM_{2.5}$ standard and is required to prepare a $PM_{2.5}$ attainment demonstration. Connecticut is on track to meet the April 2008 submittal deadline for the attainment demonstration SIP for the annual $PM_{2.5}$ standard.[3] EPA has no evidence that emissions of other pollutants in Connecticut contribute to downwind nonattainment. Therefore, EPA has determined that through the above actions, Connecticut has adequately addressed the first two elements of the CAA section 110(a)(2)(D)(i) requirements (i.e., to prevent emissions that contribute significantly to downwind nonattainment of, or interfere with maintenance of, the NAAQS).

The third element CTDEP addressed was prevention of significant deterioration (PSD). For ozone and particulate matter, the state has met the obligation by confirming that major sources in the state are currently subject to PSD and/or New Source Review (NSR) programs that implement the 8-hour ozone standard and the $PM_{2.5}$ standard.

CTDEP is addressing the fourth element of visibility through its participation in MANE–VU, which is the regional planning organization for addressing visibility in the Northeastern and Mid-Atlantic States. MANE–VU has undertaken extensive modeling in support of Regional Haze SIP development. Although it is not possible at this time to make a final assessment whether there is any interference with measures in the applicable SIP for another State designed to ''protect visibility'' for the 8-hour ozone and $PM_{2.5}$ NAAQS until the Connecticut regional haze SIP is developed and approved, preliminary results indicate that Connecticut has a minimal contribution to the ''visibility impact'' on any Class 1 area.[4] Connecticut will be in a more advantageous position to address the visibility projection requirements once the final regional haze SIP has been developed. Regional haze SIPs are due December 17, 2007.

A public hearing on Connecticut's section 110(a)(2)(D)(i) SIP was held by the state on January 30, 2007. No adverse comments were received.

II. Proposed Action

EPA is proposing to approve the CAA section 110(a)(2)(D)(i) SIP revision submitted by Connecticut on March 13, 2007. EPA has reviewed Connecticut's 110(a)(2)(D)(i) SIP and has found that it is consistent with EPA's guidance and the relevant CAA requirements as discussed above. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

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

[2] Connecticut performed industrial source complex air quality modeling for $PM_{2.5}$. The details of this modeling can be found in the Connecticut technical support document, ''CT DEP, Bureau of Air Management—Recommendation for $PM_{2.5}$ Designation Technical Support Document,'' available in the docket for this action.

[3] On December 17, 2006, EPA revised the 24-hour $PM_{2.5}$ standard. Nonattainment areas for the new standard have not yet been determined.

[4] ''Contributions to Regional Haze in the Northeast and Mid-Atlantic States: MANE–VU Contribution Assessment,'' Northeast States for Coordinated Air Use Management (NESCAUM), August 2006.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 23, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7–21690 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2006–1018; A–1–FRL–8491–1]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to Massachusetts' State Implementation Plan for Transit System Improvements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision changes completion dates of delayed transit projects, provides interim deadlines for projects, maintains interim emission reduction offsets for delays in projects, modifies the project substitution process, revises the list of required transit projects, and expands public participation and oversight of the transit transportation control measure projects. The intended effect of this action is to propose approval of specific named substitution projects to the State Implementation Plan's transportation control measure projects, and approve modifications to the delay and substitution procedures for transit projects. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before December 5, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2006—1018 by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail: arnold.anne@epa.gov*.
3. *Fax:* (617) 918–0047.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2006–1018'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114–2023.
5. *Hand Delivery or Courier:* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114–2023. 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 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2006–1018. 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, any form of encryption, and be free of any defects or viruses.

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 Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114–2023, telephone number (617) 918–1668, fax number (617) 918–0668, e-mail *cooke.donald@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us'' and ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Summary of Changes to 310 CMR 7.00 and 7.36
III. Results of EOT's Demonstration of Air Quality Emission Reductions

IV. Criteria for Approving Amendments to the Transit System Improvements Regulation into the SIP
V. Transportation Control Measure (TCM) Substitution and SAFETEA–LU
VI. Proposed Action
VII. Statutory and Executive Order Reviews

I. Background and Purpose

EPA approved the Massachusetts Transit System Improvements Regulation (the Regulation), 310 CMR 7.36 (effective December 6, 1991), into the Massachusetts State Implementation Plan (SIP) on October 4, 1994 (59 FR 50495—50498). The transit system improvement projects contained in the Regulation include transportation control measures deemed necessary to mitigate the air quality impacts of the Central Artery and Third Harbor Tunnel Project in Metropolitan Boston.

On December 13, 2006, the Massachusetts Department of Environmental Protection (MA DEP) submitted a revision to its SIP amending its Transit System Improvements Regulation. The revision consists of MA DEP's final amendments to 310 CMR 7.36, ''Transit System Improvements,'' effective December 1, 2006. MA DEP held a hearing on the amendments to the Regulation on December 21, 2005. On June 1, 2007, MA DEP supplemented its SIP revision with a letter determining that Massachusetts Executive Office of Transportation (EOT) had met the requirements of 310 CMR 7.36 (8), Demonstration of Air Quality Emissions Reductions, along with EOT's air quality modeling analysis (''Description of Modeling Assumptions and Analysis Methodology for the State Implementation Plan Transit Commitment Projects Current and Proposed Substitutions,'' dated March 15, 2007). EOT held a public comment period on this supplemental material for a 45-day period commencing on January 2, 2007. The document was amended based on comments received and an additional two-week public comment period began on March 21, 2007, following posting in the ''Environmental Monitor.'' DEP submitted EOT's responses to public comments received as part of the supplemental materials.

On August 22, 2007, we issued our determination that the Massachusetts SIP package is administratively and technically complete. In our completeness determination, we also highlighted EPA's interest in seeing that the transit projects are implemented in a timely manner and requested that MA DEP keep us apprised of the status of the replacement projects as they move forward. In addition, we specifically mentioned hearing recent reports of potential delays in the Green Line extension project and encouraged Massachusetts Executive Office of Transportation (EOT) to address this issue on the record at the upcoming September 6, 2007 public meeting.

On September 6, 2007, the MA DEP held a public meeting to address EOT's annual status report on transit commitments. EOT presented the status of the uncompleted transit projects and took public comment. David Mohler, Acting Deputy Secretary for Planning, EOT, explained the Commonwealth's efforts in seeking Federal funds for the Green Line, which could delay the completion of the Green Line for up to two years. Mohler emphasized EOT's position to make up any time delay, and if a delay occurred, to propose mitigation projects and adequate emission offsets as required by the regulation. EOT also made available at the public meeting a September 4, 2007, letter from David Mohler to MA DEP's Acting Commissioner, Arlene O'Donnell, committing to accelerate the planning, design and environmental review and permitting of the project in order to meet the 2014 completion date.

II. Summary of Changes to 310 CMR 7.00 and 7.36

Listed below are the changes in Massachusetts Department of Environmental Protection's Air Pollution Control Regulations 310 CMR 7.00, ''Statutory Authority; Legend; Preamble; Definitions,'' and 310 CMR 7.36, ''U Transit System Improvements'' which went into effect on December 1, 2006 at the state level. EPA is proposing approval of these changes as a SIP revision.

Definitions

The following definition of ''Boston Metropolitan Planning Organization'' (MPO) is added and included in 310 CMR 7.00: ''BOSTON METROPOLITAN PLANNING ORGANIZATION means the organization designated for maintaining a continuing, cooperative, and comprehensive (3C) transportation planning process under Section 134 of the Federal Aid Highway Act and Section 5303 of the Federal Transit Act, as amended, in the Boston metropolitan region.''

Revisions to the List of Required Projects

The Green Line Arborway Restoration, the Blue Line Connection from Bowdoin Station to the Red Line at Charles Station, and the Green Line extension to Ball Square/Tufts University, will be replaced by the Fairmont Line Project (construction to be completed and opened to full public use by December 31, 2011), 1000 new park and ride parking spaces (construction to be completed and opened to full public use by December 31, 2011) and an enhanced Green Line Extension Project (construction to be completed and opened to full public use by December 31, 2014). The Green Line Arborway Restoration was originally assigned a completion date of December 31, 1997, with an extension to December 31, 2000 previously granted pursuant to the Regulation, and project emission offsets required to mitigate the delay after December 31, 2000 until project completion. The Blue Line connection and the Green Line extension to Ball Square/Tufts University were originally assigned a completion date of December 31, 2011.

The New Replacement/Substitution Projects

''The Fairmount Line Project.'' The Fairmount commuter rail line is approximately 9.2 miles long, running from South Station to Readville, passing through the communities of Dorchester, Roxbury and Mattapan. Fairmount Line improvements will consist of: Enhancements of existing stations including, without limitation, platform extensions, improved lighting and improved access; a new Four Corners Station plus a new station in each of the neighborhoods of Dorchester, Mattapan and Roxbury; and bridge upgrades and other measures to improve service and increase ridership.

''1000 new park and ride parking spaces.'' These 1000 new park and ride parking spaces are in addition to those required by 310 CMR 7.36(2)(c)3 and 310 CMR 7.36(2)(d), and will serve commuter transit facilities, within the 101 cities and towns constituting the Boston Metropolitan Planning Organization.

''The Green Line Extension Project.'' The Green Line extension consists of extending the Green Line from Lechmere Station to Medford Hillside and construction of a spur to Union Square.

''The Red Line/Blue Line Connector.'' The revision requires final design of the connection from the Blue Line at Government Center to the Red Line at Charles Station before December 31, 2011, but no longer commits to its construction.

Revised Deadlines

Old Colony Commuter Rail Extension Greenbush Line, originally assigned a completion date of December 31, 1996, must now be completed and open to full public use before December 31, 2007. Project emission offsets were required to

mitigate the delay of the Greenbush spur after December 31, 1999 until project completion.

Blue Line Platform Lengthening and Modernization, originally assigned a completion date of December 31, 1998, with an extension to December 31, 2008 previously granted pursuant to the Regulation, must now be completed and open to full public use before December 31, 2008. Project emission offsets were required to mitigate the delay after December 31, 2001 until project completion.

Project Interim Deadlines

MA DEP has added interim project deadlines for the Fairmount Line improvements, the Green Line extension to Medford Hillside, the Green Line Union Square spur, and the 1000 Park and Ride parking spaces. EPA believes these interim milestones, in combination with the EOT's annual reporting on the status of the transit commitments, will help keep the transit system improvements projects construction on schedule.

New Requirements Added To Address Potential Project Delays of the New Projects

If the Fairmount Line improvements, the Green Line extension to Medford Hillside, the Green Line Union Square spur, or 1000 Park and Ride spaces are delayed, interim air quality offset projects are required to be implemented. The revised regulation does not place a limit on the amount of time EOT may delay a project, as long as it obtains offsets for the delay.

EOT is required to petition MA DEP to delay a project, and the petition will undergo ''public review'' before MA DEP acts on the petition.

Substitution Criteria

Projects may be substituted after completion of specified interim project deadlines. The revised Regulation no longer requires a finding that the project to be replaced is ''infeasible.''

Substitution determinations require an EOT public meeting and a public comment period.

The proposed substitute project must achieve 110% of the emission reductions that would have been achieved by the original project to be replaced.

EOT must implement interim emission reduction offsets to address any delay in achieving the emission reductions that would have been achieved had all components of the original project been completed on time.

Project substitutions may proceed after MA DEP determines in writing that EOT has met the substitution provisions of the Regulation.

Potential Future Project Substitutions

The Green Line Extension may be substituted with transit projects in Boston, Cambridge, Somerville, or Medford.

The Fairmount Line project may be substituted with transit projects in Dorchester, Hyde Park, Mattapan, or Roxbury.

Public Process Requirements

EOT is required to conduct an annual public meeting to provide a thorough update and status report on each project and to disclose any need for potential or actual project delays and/or substitutions.

EOT is required to submit an annual certification to MA DEP with a commitment to complete and fund projects and disclose project delays/substitutions/interim offset measures to be implemented.

Development of Emission Reduction Baseline

MA DEP added a new Subsection 8 to provide substantive public comment on the air quality modeling for the Regulation and EOT's remodeling of the revised transit projects.

EOT must calculate baseline emission reductions by modeling the original three projects, the Green Line Arborway Restoration, the Blue Line-Red Line Connection, and the Green Line extension to Ball Square, and adding 10% to the total.

EOT is required to demonstrate that new projects will deliver the required baseline emission reductions. If the new projects do not deliver the baseline emission reductions, EOT is required to implement additional projects in the same geographic areas.

EOT is required to take public comment on the results of the emission analysis and respond to those comments.

Demonstration of Emission Reductions

When all projects required by 310 CMR 7.36 are substantially complete, EOT shall complete an analysis of the total air quality benefits of such projects. EOT shall perform such analysis in accordance with EPA requirements in effect at the time of the analysis.

III. Results of EOT's Demonstration of Air Quality Emission Reductions

MA DEP's supplemental SIP revision submitted to EPA on June 1, 2007, contained MA DEP's determination that EOT had met the requirements of 310 CMR 7.36(8)(d) and (e) and that the ''administrative record reasonably supports the results and conclusions of the report required pursuant to 310 CMR 7.36(8)(c).'' Thus, MA DEP agreed that EOT has demonstrated that the new projects achieve at least 110% of the emissions reductions that would have been achieved by the projects being replaced.

In addition, the supplement included EOT's air quality modeling demonstration mandated by 310 CMR 7.36(8)(a) through (8)(e) entitled, *''Description of Modeling Assumptions and Analysis Methodology for the State Implementation Plan Transit Commitment Projects Current and Proposed Substitutions March 15, 2007,''* prepared by the Boston MPO's Central Transportation Planning Staff for the Executive Office of Transportation Office of Transportation. These documents are part of the publicly available docket materials accessible for inspection electronically in the Federal Docket Management System at *http://www.regulations.gov*, Docket Number EPA–R01–OAR–2006–1018.

EOT's air quality analysis modeled the emissions reductions of: (1) The original SIP-approved package of projects; (2) the replacement/substitution package of projects; and (3) the no-build or baseline scenario. This analysis concluded that the substitution projects (Green Line to Union Square and Medford Hillside, Fairmont Line Improvements, and Additional Parking) results in reductions of 435 kilograms per day of Carbon Monoxide (CO), 11 kilograms per day of Nitrogen Oxides (NO_X), and 17 kilograms of Volatile Organic Compounds (VOC) over the no-build baseline. The package of transit projects are estimated to result in emission reductions in 2025 of 149% CO, 137.5% NO_X and 154% VOC of the original SIP-approved projects, which are in excess of the 110% emission reduction required by subsection (5)(f) of the amended transit system improvements regulation. For all three pollutants, CO, NO_X and VOC [MA DEP's regulations refers to hydrocarbon emissions (VOC) as non-methane hydrocarbons—NMHC], MA DEP's requirement of 110% threshold is met. Please see Table 1 ''EOT Air Quality Analysis Comparison of Project Packages Benefits in the Year 2025,'' below.

TABLE 1.—EOT AIR QUALITY ANALYSIS COMPARISON OF PROJECT PACKAGES BENEFITS IN THE YEAR 2025

	Daily emission benefits in kilograms (kg.)		
	Carbon monoxide (CO)	Nitrogen oxides (NO_X)	Volatile organic compounds (VOC)
SIP Approved Projects (Package):			
Arborway Restoration, Green Line Extension to Ball Square/Tufts University, and Blue Line/Red Line Connection (Bowdoin Station to Charles Station)	292	8	11
SIP Approved Projects (Package) Plus Ten Percent	321.2	8.8	12.1
Replacement/Substitution Projects (Package):			
Green Line to Union Square and Medford Hillside, Fairmont Line Improvements, and Additional Parking	435	11	17

IV. Criteria for Approving Amendments to the Transit System Improvements Regulation Into the SIP

EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. An adequate SIP revision is one that meets the Clean Air Act's requirement under section 110(l) that a SIP revision must not interfere with attainment and maintenance of national ambient air quality standards (NAAQSs). The Commonwealth has flexibility to revise SIP-approved transportation control measures (TCMs), provided the revisions are consistent with attaining and maintaining compliance with the NAAQSs. In addition, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA–LU) section 6011(d) amended the Clean Air Act by adding a new section 176(c)(8) that establishes specific criteria and procedures for replacing TCMs in an existing approved SIP with new TCMs and adding TCMs to an approved SIP. As discussed below, MA DEP's Regulation does not need to comply with all elements of section 176(c)(8) to be approvable as a SIP revision, but it must not conflict with any of those elements.

The Federal executive policy on environmental justice is established by Executive Order (EO) 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' (59 FR 7629 (Feb. 16, 1994)). Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Here the Clean Air Act directs EPA to approve a SIP revision unless it does not meet the Act's requirements. Although the Act does not provide EPA the authority to modify the Commonwealths' regulatory decision solely on the basis of environmental justice considerations, EPA continues to encourage EOT to consider environmental justice concerns when deciding the location of the additional Park and Ride spaces and the new stations along the Fairmount commuter rail line and the Green Line extension project. EPA also urges EOT and DEP to consider environmental justice concerns when deciding whether to meet project deadlines, to approve proposals for project delays, and to approve offset or substitute projects.

V. Transportation Control Measure (TCM) Substitution and SAFETEA–LU

Clean Air Act section 176(c)(8), added by SAFETEA–LU, establishes the procedures for ensuring that substitute TCMs provide equal or greater emissions reductions than the TCMs that are being replaced. It also establishes the process for EPA and state air agency concurrence on the substitution or addition of TCM projects. Finally, it ensures that the state and EPA maintain up-to-date information on the TCMs in approved SIPs so that the public is aware of the TCMs that are to be implemented. EPA and U.S. Department of Transportation (DOT) issued joint guidance on February 14, 2006, on the implementation of all of the Clean Air Act amendments made by SAFETEA–LU. This guidance clarified EPA and DOT expectations for how TCM substitutions and additions are to be carried out by state and local agencies. The guidance is available at *http://www.epa.gov/otaq/stateresources/transconf/420b06901.pdf*.[1]

As explained in the guidance, section 176(c)(8) applies directly to any TCM substitution made in a SIP, whether or not the SIP already includes a substitution mechanism designed by a state and approved by EPA. The section does not eliminate the requirement to comply with any such substitution procedures in a SIP, even if the state includes requirements that go beyond the minimum elements required under section 176(c)(8). Correspondingly, complying with the substitution process in the SIP does not eliminate the requirement to meet all the elements of the process laid out in section 176(c)(8). In the unlikely event there is a conflict between section 176(c)(8) and the SIP substitution process, the substitution must comply with section 176(c)(8). See EPA/DOT Guidance at pages 20–21, section 5.2.

Therefore, for the purposes of this SIP approval, EPA must determine whether any element of the MA DEP Transit System Improvements Regulation conflicts with section 176(c)(8). EPA sees no conflict between the requirements of the MA DEP Regulation and section 176(c)(8). There are provisions in the MA DEP Regulation that go beyond the requirements of section 176(c)(8), such as the requirement to demonstrate that the substitution achieves an extra 10% emissions reduction beyond that achieved by the projects being replaced or the specific geographic limits on substitute projects. But EPA has found no instance in which complying with the MA DEP regulation would result in a conflict with or violate any corresponding requirement of section 176(c)(8).

In addition, EPA must work with MA DEP to ensure that any requirements in section 176(c)(8) that are not addressed in its Regulation will be met. There appear to be two requirements in

[1] EPA has proposed regulations to implement SAFETEA–LU, but specifically declined to propose regulations addressing section 176(c)(8), finding that the statute is already sufficiently detailed and that the EPA/DOT guidance would address questions that might arise about TCM substitutions. (72 FR 24472, 24485–24486; May 2, 2007).

section 176(c)(8) that are not provided for in the MA DEP Regulation.

First, in addition to the state air pollution control agency, section 176(c)(8)(A)(v) specifically requires both the MPO and EPA to concur with the equivalency of the substitute TCM before the substitution can take effect. On May 3, 2007, Massachusetts Secretary of Transportation, Bernard Cohen, submitted EOT's air quality modeling analysis for the substitution projects to MA DEP. This analysis demonstrates that the required emission reductions set forth in section 7.36(8) of the Regulation will be achieved by the new projects. All that remains is for the MPO to submit evidence to EPA that the MPO concurs in that analysis. For EPA's concurrence on the substitutions included in this SIP revision, the Agency will send a letter, contemporaneous with our final action on this SIP revision, to document EPA's concurrence on the substitutions being approved with the revisions to MA DEP's regulation.[2] For any future substitutions, EPA will work with MA DEP to coordinate EPA's review with DEP's review of the proposed substitution so that the substitution can take effect as a matter of federal law if both DEP and EPA approve it.

Second, section 176(c)(8) now requires all substitutions of TCM's to be submitted to EPA for incorporation into the codification of the SIP. For the purposes of the substitutions provided for in the revisions of the Regulation, EPA is proposing that any codification that results from our final action on this SIP revision will address this requirement. For future substitutions, although the Regulation does not specifically require MA DEP to forward to EPA the results of MA DEP's substitution determinations, it should be a routine matter for MA DEP to submit any substitution it approves under section 7.36(5)(h) so that the federally approved SIP can accurately reflect the current requirements under the Regulation.

EPA's review of Massachusetts' SIP Revision indicates the amendments to the SIP-approved Massachusetts Transit System Improvements, with substitution projects and changes to projects timelines, adequately demonstrate continued emission reductions and do not relax current provisions in the SIP. EPA is proposing to approve the Massachusetts SIP revision for Transit System Improvements, which was submitted on December 13, 2006, and supplemented on June 1, 2007.[3] EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

VI. Proposed Action

EPA is proposing to approve Massachusetts' amendments to Transit System Improvements Regulation, 310 CMR 7.36, and Definition Regulation, 310 CMR 7.00 (which were filed with the Massachusetts Secretary of State on November 16, 2006 and were effective on December 1, 2006,) as a revision to the Massachusetts SIP. EPA finds that the transit measures in the revised transit system improvements regulation remain directionally sound and that all proposed substitution projects identified in the Regulation will collectively contribute to achieving the national ambient air quality standard for ozone and maintaining the carbon monoxide standard, thereby satisfying requirements set forth in Section 110(l) of the Clean Air Act.

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), because it 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 Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), or Executive Order 12898 ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' because it approves a state rule implementing a Federal standard.

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

[2] Both the authority to approve this SIP revision and the authority to concur on TCM substitutions under section 176(c)(8) have been delegated to the Regional Administrator. See EPA Delegations of Authority Nos. 7–10 (Approval/Disapproval of State Implementation Plans) and 7–158 (Transportation Control Measure Substitutions and Additions). Note that while EPA is using an informal rulemaking to act on this proposed SIP revision, we are not interpreting section 176(c)(8)(A)(v) to require a rulemaking to accomplish EPA's concurrence. See EPA/DOT Guidance at page 27, section 5.17. Indeed, section 176(c)(8) was added to the Act precisely to avoid the need for a full SIP revision to implement TCM substitutions in the routine case. In this instance, where the TCM substitution is occurring as part of a proposed SIP revision, EPA is simply acting on the SIP in a rulemaking under section 110 of the Act contemporaneous with any concurrence on the substitution in a letter to MA DEP under section 176(c)(8) of the Act.

[3] In addition, EPA is planning to concur pursuant to section 176(c)(8) that the substitute TCM's achieve equivalent or greater emission reductions than the measures being replaced.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 25, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7–21691 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 72, No. 213

Monday, November 5, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before January 4, 2008.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC, 20523, (202) 712–1365 or via e-*mail bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412–0554.

Form No.: N/A.

Title: Training Results and Information Network (TraiNet).

Type of Review: Information Collection Revision.

Purpose: The purpose of this information collection is program evaluation, general purpose statistics, program planning and management, and regulatory or compliance.

Annual Reporting Burden:

Respondents: 350.

Total annual responses: 11,261.

Total annual hours requested: 1,914 hours.

Dated: October 25, 2007.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 07–5466 Filed 11–02–07; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest, Bearlodge Ranger District, WY and Northern Hills Ranger District, SD, North Zone Range 08 Analysis

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service proposes to revise Rangeland Allotment Management Plans (RAMP) for ten allotments comprising approximately 92,800 acres within two Ranger Districts of the Black Hills National Forest and analyze continuation of grazing within the constraints of the Revised Black Hills National Forest Land and Resource Management Plan, as amended (BHNF LRMP).

DATES: Comments concerning the scope of the analysis must be received by December 3, 2007. The draft environmental impact statement is expected April 2008 and the final environmental impact statement is expected August 2008.

ADDRESSES: Send written comments to Rhonda O'Byrne, Northern Hills Ranger District, 2014 N. Main, Spearfish, SD 57783. Comment may also be submitted by e-mail to: *comments-rocky-mountain-black-hills-northern-hills@fs.fed.us* with ''North Zone Range 08'' as subject.

FOR FURTHER INFORMATION CONTACT: Tom Smith at Northern Hills Ranger District, 2014 N. Main, Spearfish, SD 57783, phone (605) 642–4622; or Julie Wheeler at Bearlodge Ranger District, P.O. Box 680, Sundance, WY 82729, phone (307) 283–1361.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the project is to authorize livestock grazing in an environmentally acceptable manner. The EIS will determine current conditions, analyze environmental consequences of grazing management actions on those conditions, and assist the decision maker in selecting management/monitoring strategies consistent with meeting desired conditions in the BHNF LRMP, including Goals 1, 2 and 3. The need for the action is to revise allotment management plans, reverse any existing undesirable conditions, and ensure that authorized uses and associated management activities move them towards desired BHNF LRMP conditions. There is also a need to respond to requests for grazing permits on lands not currently being grazed.

Proposed Action

The Northern Hills and Bearlodge Ranger Districts propose to implement best management practices and activities with adaptive management and monitoring strategies to allow livestock grazing consistent with Forest Plan desired conditions, standards and guidelines.

Possible Alternatives

The Current Management Alternative would not change current permitted livestock grazing. The No Grazing Alternative would eliminate any livestock grazing on the project area.

Responsible Official

The Responsible Official for the allotments on the Bearlodge Ranger District is Steve Kozel, District Ranger, Black Hills National Forest, Bearlodge Ranger District, 121 S. 21st Street, Sundance, Wyoming 82729. The Responsible Official for the allotments on the Northern Hills Ranger District is Rhonda O'Byrne, District Ranger, Black Hills National Forest, Northern Hills Ranger District, 2014 N. Main St., Spearfish, South Dakota 57783.

Nature of Decision To Be Made

The decision to be made is whether to continue to permit livestock grazing on all, part, or none of these allotments and, if so, under what terms and

conditions to ensure that desired condition objectives are met, or that movement occurs toward those objectives. Whether or not to allow livestock grazing on three recently acquired parcels and one vacant grazing unit will also be decided, and if so, under what conditions.

Scoping Process

Comments and input regarding the proposal are currently being requested from the public, other groups and agencies via direct mailing. Comments are due by December 3, 2007. Response to the draft EIS will be sought from the interested public in May and June 2008.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. It is the District's desire to involve interested parties in identifying the issues related to grazing management. Comments will help the planning team identify key issues used to develop adaptive management tools, monitoring strategies, and alternatives. Persons who submitted comments previously need not resubmit those same comments in response to this request. Comments submitted previously will continue to be considered.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986)* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, section 21)

Dated: October 30, 2007.

Craig Bobzien,

Forest Supervisor, Black Hills National Forest.

[FR Doc. 07–5467 Filed 11–2–07; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Correction to notice of briefing.

DATE AND TIME: Friday, November 9, 2007; 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW., Rm. 540, Washington, DC 20425.

Corrected Briefing Agenda

Discrimination Against Native Americans in Border Towns (On November 1, 2007, a notice was placed in the **Federal Register** at 72 FR 61858 indicating that the briefing would concern Minorities in Foster Care Adoption. The November 9, 2007 briefing is on Discrimination Against Native Americans in Border Towns.)

I. Introductory Remarks by Chairman.
II. Speakers' Presentations.
III. Questions by Commissioners and Staff Director.
IV. Adjourn.

CONTACT PERSON FOR FURTHER INFORMATION: Sock Foon MacDougall, Press and Communications, (202) 376–8582.

Dated: November 1, 2007.

David Blackwood,

General Counsel.

[FR Doc. 07–5545 Filed 11–1–07; 3:30 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket T–5–2007]

Foreign–Trade Zone 38 – Spartanburg County, SC, Application for Temporary/Interim Manufacturing Authority, Kittel Supplier USA, Inc., (Automotive Roof/Luggage Racks), Duncan, SC

An application has been submitted to the Executive Secretary of the Foreign–Trade Zones Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting temporary/interim manufacturing (T/IM) authority within FTZ 38 at the Kittel Supplier USA, Inc. (KSU) facility in Duncan, South Carolina. The application was filed on October 26, 2007.

The KSU facility (25 employees) is located at 201 Commerce Court within the Highway 290 Commerce Park in Duncan (Site 3). Under T/IM procedures, KSU would assemble automotive roof/luggage racks (HTSUS 8708.29) for the U.S. market and export. Foreign components that would be used in the assembly activity (up to 100% of total purchases) include: aluminum rails and support legs (8708.29), plastic support legs (8708.99), brackets (8708.29), fasteners (7318.15, 7318.19, 7318.29) and rubber seals (4016.93) (duty rates: free - 5.7%).

FTZ procedures could exempt KSU from Customs duty payments on the foreign components used in production for export. On domestic shipments transferred in–bond to U.S. automobile assembly plants with subzone status, no duties would be paid on the foreign components within the roof/luggage racks until the finished vehicles are subsequently entered for consumption, at which time the finished automobile duty rate (2.5%) could be applied to the foreign components. For the finished roof/luggage racks withdrawn directly by KSU for customs entry, the finished automotive part rate (2.5%) could be applied to the foreign inputs noted above.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230–0002. For further information, contact Pierre Duy at pierre__duy@ita.doc.gov, or (202) 482–1378. The closing period for receipt of comments is December 5, 2007.

A copy of the application will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at the address listed above.

Dated: October 29, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–21718 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 46–2007]

Request for Comments on Uniform Treatment (and Related Issues) in Local Access to Foreign–Trade Zone Procedures—Extension of Comment Period

On September 21, 2007, the Foreign–Trade Zones (FTZ) Board published in the **Federal Register** a notice to ''gather information and various parties' views related to potential conflicts of interest in local access to FTZ procedures, including regarding practices that parties believe may be inconsistent with the FTZ Act or the FTZ Board's regulations'' (72 FR 53989–53990, 9/21/2007). Based on a request from the National Association of Foreign–Trade Zones, the specific period for submission of comments is being extended. Therefore, while interested parties are always encouraged to provide comments on the operation of the FTZ program, we are requesting comments on this matter by January 31, 2008 (extended from the original date of November 30, 2007), so that the Board may proceed with its examination. Questions relating to the submission of comments should be directed to Pierre Duy or Andrew McGilvray at (202) 482–2862.

Dated: October 29, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–21720 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–846]

Brake Rotors from the People's Republic of China: Extension of Final Results of Expedited Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 5, 2007.

FOR FURTHER INFORMATION CONTACT: Frances Veith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4295.

SUPPLEMENTAL INFORMATION: On July 2, 2007, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on brake rotors from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See* Initiation of Five-year (''Sunset'') Reviews, 72 FR 35968 (July 2, 2007) (''*Initiation Notice*''). Based on adequate responses from the domestic interested party and an inadequate response from respondent interested parties, the Department is conducting an expedited sunset review to determine whether revocation of the antidumping order would lead to the continuation or recurrence of dumping, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations. *See* Memorandum to the International Trade Commission regarding, ''Expedited Sunset Review of the AD/CVD Order Initiated in July 2007,'' dated August 21, 2007.

Extension of Time Limits for Final Results

In accordance with section 751(c)(5)(B) of the Act, the Department may extend the period of time for making its determination by not more than 90 days, if it determines that a review is extraordinarily complicated. As set forth in section 751(c)(5)(C)(i) of the Act, the Department may treat a sunset review as extraordinarily complicated if there are a large number of issues, as is the case in this proceeding. In particular, this sunset review involves complicated issues pertaining to adequacy of responses, related party status, and interested party status. Therefore, the Department has determined, pursuant to section 751(c)(5)(C)(i) of the Act, that the second sunset review of brake rotors from the PRC is extraordinarily complicated, as the Department must consider numerous arguments presented in the domestic interested party's and a domestic importer's August 1, 2007, substantive response and each parties' August 6, 2007, rebuttals to the substantive responses. Based on the timing of the case, the final results of this expedited sunset review cannot be completed within the statutory time limit of 120 days. Accordingly, the Department is extending the time limit for the completion of the final results by 30 days from the original October 30, 2007, deadline, to November 29, 2007, in accordance with section 751(c)(5)(B) of the Act. This notice is published pursuant to sections 751(a)(2)(B)(iv) and 777(i)(1) of the Act.

Dated: October 30, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–21702 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840, A–580–860, A–570–920]

Notice of Initiation of Antidumping Duty Investigations: Lightweight Thermal Paper from Germany, the Republic of Korea, and the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 5, 2007.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov at (202) 482–0665 (Republic of Korea), Blanche Ziv at (202) 482–4207 or Hallie Zink at (202) 482–6907 (People's Republic of China), Victoria Cho at (202) 482–5075 or Christopher Hargett at (202) 482–4161 (Germany), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

INITIATION OF INVESTIGATION

The Petition

On September 19, 2007, the Department of Commerce (Department) received an antidumping petition concerning lightweight thermal paper from Germany, the Republic of Korea (Korea), and the People's Republic of China (PRC), filed by Appleton Papers, Inc. (the petitioner) on behalf of the domestic industry producing

lightweight thermal paper. *See* Antidumping Duty Petition on Lightweight Thermal Paper from Germany, the Republic of Korea, and the People's Republic of China and Countervailing Duty Petition on Lightweight Thermal Paper from the People's Republic of China (September 19, 2007) (Petition).

The petitioner is a domestic producer of lightweight thermal paper (LWTP). On September 24, 2007, the Department issued a request for additional information and clarification of certain areas of the Petition. On September 28, 2007, in response to the Department's request, the petitioner filed a supplement to the Petition. *See* Lightweight Thermal Paper from Germany, the Republic of Korea, and the People's Republic of China; Petitioner's Response to the Department's September 24, 2007 Request for Clarification of Certain Items Contained in the Petition (September 28, 2007) (Supplement to the Petition).

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of LWTP from Germany, Korea, and the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. The petitioner also alleges that sales of LWTP from Germany and Korea have been made at prices below the cost of production (COP).

The Department finds that the petitioner filed this Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and has demonstrated sufficient industry support with respect to the initiation of the antidumping duty investigations that the petitioner is requesting. *See* the ''Determination of Industry Support for the Petition'' section below.

Period of Investigation

Because the Petition was filed on September 19, 2007, the anticipated period of investigation (POI) for Germany and Korea is July 1, 2006, through June 30, 2007. The anticipated POI for the PRC is January 1, 2007, through June 30, 2007. *See* 19 CFR 351.204(b).

Scope of the Investigations

The merchandise covered by each of these investigations includes certain lightweight thermal paper, which is thermal paper with a basis weight of 70 grams per square meter (g/m^2) (with a tolerance of ± 4.0 g/m^2) or less; irrespective of dimensions;[1] with or without a base coat[2] on one or both sides; with thermal active coating(s)[3] on one or both sides that is a mixture of the dye and the developer that react and form an image when heat is applied; with or without a top coat;[4] and without an adhesive backing. Certain lightweight thermal paper is typically (but not exclusively) used in point–of-sale applications such as ATM receipts, credit card receipts, gas pump receipts, and retail store receipts. The merchandise subject to these investigations may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 4811.90.8040 and 4811.90.9090.[5] Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations are dispositive.

Comments on Scope of Investigations

We are setting aside a period for interested parties to raise issues regarding product coverage. *See*, *e.g.*, *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997). The Department encourages all interested parties to submit such comments within 20 calendar days of signature of this notice. Comments should be addressed to Import Administration's Central Records Unit (CRU), Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed by or on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law. *See* USEC, Inc. v. United States, 132 F. Supp. 2d 1, 8 (CIT 2001), citing Algoma Steel Corp. Ltd. v. United States, 688 F. Supp. 639, 644 (CIT 1988), aff'd 865 F.2d 240 (Fed. Cir. 1989), cert. denied 492 U.S. 919 (1989).

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like,

[1] LWTP is typically produced in jumbo rolls that are slit to the specifications of the converting equipment and then converted into finished slit rolls. Both jumbo rolls and converted rolls (as well as LWTP in any other forms, presentations, or dimensions) are covered by the scope of these investigations.

[2] A base coat, when applied, is typically made of clay and/or latex and like materials and is intended to cover the rough surface of the paper substrate and to provide insulating value.

[3] A thermal active coating is typically made of sensitizer, dye, and co-reactant.

[4] A top coat, when applied, is typically made of polyvinyl acetone, polyvinyl alcohol, and/or like materials and is intended to provide environmental protection, an improved surface for press printing, and/or wear protection for the thermal print head.

[5] HTSUS subheading 4811.90.8000 was a classification used for LWTP until January 1, 2007. Effective that date, subheading 4811.90.8000 was replaced with 4811.90.8020 (for gift wrap, a non-subject product) and 4811.90.8040 (for ''other,'' including LWTP). HTSUS subheading 4811.90.9000 was a classification for LWTP until July 1, 2005. Effective that date, subheading 4811.90.9000 was replaced with 4811.90.9010 (for tissue paper, a non-subject product) and 4811.90.9090 (for ''other,'' including LWTP). Petitioner indicated that, from time to time, LWTP also may have been entered under HTSUS subheading 3703.90, HTSUS heading 4805, and perhaps other subheadings of the HTSUS.

most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that lightweight thermal paper, both jumbo rolls and converted slit rolls, constitute a single domestic like product, which is defined further in the ''Scope of the Investigations'' section above, and we have analyzed industry support in terms of that domestic like product. For a discussion of the domestic like product analysis in this case, see the Antidumping Duty Investigation Initiation Checklist: Lightweight Thermal Paper from Germany (Germany Initiation Checklist) at Attachment II, Antidumping Duty Investigation Initiation Checklist: Lightweight Thermal Paper from Korea (Korea Initiation Checklist) at Attachment II, and the Antidumping Duty Investigation Initiation Checklist: Lightweight Thermal Paper from the People's Republic of China (PRC Initiation Checklist) at Attachment II, on file in the CRU, Room B–099 of the main Department of Commerce building.

On October 9, 2007, the Department extended the initiation deadline by 20 days to poll the domestic industry in accordance with section 702(c)(4)D) of the Act, because it was ''not clear from the petitions whether the industry support criteria have been met...'' *See Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping Duty Petitions: Lightweight Thermal Paper from Germany, the Republic of Korea, and the People's Republic of China; and the Countervailing Duty Petition: Lightweight Thermal Paper from the People's Republic of China*, 72 FR 58639 (October 16, 2007).

On October 12 and 15, 2007, we issued polling questionnaires to all known producers of jumbo rolls and converted slit rolls of lightweight thermal paper identified in the petitions, submissions from other interested parties, and by the ITC. The questionnaires are on file in the CRU in room B–099 of the main Department of Commerce building. We requested that each company complete the polling questionnaire and certify their responses by faxing their responses to the Department by the due date. For a detailed discussion of the responses received see the Germany Initiation Checklist, Korea Initiation Checklist, and PRC Initiation Checklist (collectively, ''Initiation Checklists'') at Attachment II.

Our analysis of the data indicates that the domestic producers of lightweight thermal paper who support the petitions account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production (by quantity and U.S. dollar sales value) of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petitions. *See* Initiation Checklists at Attachment II. Accordingly, the Department determines that the industry support requirements of section 732(c)(4)(A) of the Act have been met. Therefore, the Department determines that the petitioner filed these petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the antidumping investigations that it is requesting the Department initiate. *See* Initiation Checklists at Attachment II.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than normal value (NV). The petitioner contends that the industry's injured condition is illustrated by reduced market share, increased inventories, lost sales, reduced production, reduced capacity and capacity utilization rate, reduced shipments, underselling and price depression or suppression, lost revenue, and a decline in financial performance. We have assessed the allegations and supporting evidence regarding material injury and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. *See* Initiation Checklists at Attachment III (Injury).

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate these investigations on imports of LWTP from Germany, Korea, and the PRC. The sources of data for the deductions and adjustments relating to the U.S. price as well as NV for Germany and Korea are discussed in greater detail in the Initiation Checklists. We corrected certain information in the petitioner's margin calculations for the PRC. The corrections are provided in detail in the PRC Initiation Checklist. Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we will re–examine the information and revise the margin calculations, if appropriate.

Alleged U.S. Price and Normal Value: Germany

The petitioner calculated export price (EP) using information from Koehler and Mitsubishi Hi–Tec, two manufacturers of LWTP in Germany. The price data are based on the same products used as the basis for the cost model, as well as the basis for NV. The petitioner's calculation of EP starts with the gross price. The petitioner then calculated net price by deducting the amount for U.S. inland freight, ocean freight and insurance to arrive at an ex–factory price. *See* Petition Volume III at 9 and Exhibits 12, 13, 14, and 15. The petitioner did not deduct foreign inland freight because the manufacturer's plants are located near waterways in Germany. However, the petitioner estimated U.S. inland freight charges by using freight charges from the most likely port of entry to the respective delivery points. *See* Petition, Volume III at Exhibit 15.

Normal Value: Germany

The petitioner was able to determine domestic German prices for LWTP by obtaining pricing data for Mitsubishi Hitec, through a market researcher. *See* memorandum entitled, ''Telephone Call to Market Research Firm Regarding the Antidumping Petition on Lightweight Thermal Paper (LWTP) from Germany,'' dated October 5, 2007. The petitioner deducted freight and other appropriate items from the gross price to obtain the NV. *See* Germany Petition, Volume III at page 2 and Exhibits 2–4. The petitioner then converted the Euro per metric ton (MT) amount to U.S. dollar per MT amount by applying the POI exchange rate.

Cost of Production: Germany

The petitioner has provided information demonstrating reasonable grounds to believe or suspect that sales of thermal paper in the home market were made at prices below the fully absorbed COP, within the meaning of

section 773(b) of the Act, and requested that the Department conduct a sales–below-cost investigation. Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM); selling, general and administrative (SG&A) expenses; financial expenses; and packing expenses. The petitioner calculated COM and packing expenses using input quantities based on the production experience of a U.S. LWTP manufacturer during the POI, multiplied by the costs incurred to manufacture LWTP in Germany using publicly available data. To calculate average factory overhead, SG&A and financial expense rates, petitioner relied on the 2006 financial statements of Koehler Holding GmbH & Co., KG.

Based upon a comparison of the prices of the foreign–like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country–wide cost investigation. If we determine during the course of the investigation that the home market (*i.e.*, Germany) is not viable, our initiation of a country–wide cost investigation with respect to sales in Germany will be rendered moot. *See* Germany Initiation Checklist.

Normal Value Based on Constructed Value: Germany

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner calculated NV based on constructed value (CV). The petitioner calculated CV using the same average COM, SG&A, financial and packing figures used to compute the COP. The petitioner then added profit based on the profit rate calculated based on the 2006 financial statements of Koehler Holding GmbH & Co., KG. *See* Germany Initiation Checklist.

Alleged U.S. Price and Normal Value: Korea

The petitioner calculated export price using pricing data in the United States provided by a Korean manufacturer of the subject merchandise. The petitioner adjusted U.S. prices for international freight and insurance and U.S. inland freight. *See* Petition, Volume IV at pages 8–9.

Normal Value: Korea

The petitioner was able to determine domestic Korean prices for lightweight thermal paper by obtaining pricing data, through an economic consultant, from a Korean manufacturer of lightweight thermal paper. *See* Memorandum entitled, ''Telephone Call to Market Research Firm Regarding the Antidumping Petition on Lightweight Thermal Paper from Korea,'' dated October 1, 2007. The pricing data did not identify specific sales and payment terms associated with it. The petitioner claims that a Korean manufacturer made it known to an economic consultant that, with one exception, all pricing data are on a delivered basis. The petitioner did not make an adjustment to home–market price for foreign inland freight because it did not make a similar adjustment to U.S. price. *See* Petition, Volume IV at pages 2–3.

Cost of Production: Korea

The petitioner has provided information demonstrating reasonable grounds to believe or suspect that sales of thermal paper in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a sales–below-cost investigation. Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A expenses, financial expenses, and packing expenses. The petitioner calculated COM and packing expenses using input quantities based on the production experience of a U.S. LWTP producer during the POI, multiplied by the costs incurred to manufacture LWTP in Korea using publicly available data. To calculate average factory overhead, SG&A, and financial expense rates, the petitioner relied on the most current financial statements of Hansol, a thermal paper producer in Korea.

Based upon a comparison of the prices of the foreign–like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(I) of the Act. Accordingly, the Department is initiating a country–wide cost investigation. *See Korea Initiation Checklist*.

Normal Value Based on Constructed Value: Korea

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner calculated NV based on CV. The petitioner calculated CV using the same average COM, SG&A, financial and packing figures used to compute the COP. The petitioner did not include profit because Hansol incurred a loss during 2006. *See Korea Initiation Checklist*.

Alleged U.S. Price and Normal Value: The People's Republic of China

The petitioner calculated EP based upon an affidavit describing an actual offer for sale to the U.S. market of converted jumbo rolls from Shanghai Hanhong Paper Co., Ltd. (Hanhong), a non–integrated converter of jumbo rolls in the PRC. The petitioner then demonstrated, using Port Import Export Reporting Service (PIERS) data, that the overwhelming percentage of the imports of subject LWTP into the United States from the PRC were made by Hanhong. The petitioner notes that while approximately half of all shipments reported in the PIERS data set do not identify the producer or exporter of the merchandise, of the data set observations that do identify the exporters, almost 97 percent of such shipments were made by Hanhong. *See* Petition, Volume II at pages 4 and 8 and Exhibits 3, 10 and 11. *See also* Supplement to the Petition at page 3 and Exhibit 3. The petitioner adjusted the U.S. price to account for foreign brokerage and handling charges on a free on board (FOB) basis. The Department valued brokerage and handling charges using two sources: (1) data from the January 9, 2006, public version of the Section C questionnaire response from Kejriwal Paper Ltd. (Kejriwal);[6] and (2) data from Agro Dutch Industries Ltd. for the period of review February 1, 2004, through January 31, 2005 (*see Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review*, 70 FR 37757 (June 30, 2005). The Department used a simple average of the data adjusted for inflation. *See* PRC Initiation Checklist. The petitioner did not adjust export price for foreign inland freight charges because it could not determine the distance between Hanhong's mill and the port of exit delivery location. See PRC AD Petition at page 8 and Exhibits II–11 and 12.

Because the Department considers the PRC to be a non–market economy (NME) country, the petitioner constructed NV based on the factors–of-production methodology pursuant to section 773(c) of the Act. Recently, the Department examined the PRC's market status and determined that NME status should continue for the PRC. *See*

[6] Kejriwal was a respondent in the certain lined paper products from India investigation for which the period of investigation was July 1, 2004, to June 30, 2005. *See Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Certain Lined Paper Products From India*, 71 FR 19706 (April 17, 2006) (unchanged in final determination.

Memorandum from the Office of Policy to David M. Spooner, Assistant Secretary for Import Administration, Regarding the People's Republic of China Status as a Non–Market Economy, dated August 30, 2006. This document is available on–line at: <http://ia.ita.doc.gov/download/prc–nme-status/prc–lined-paper–memo–08302006.pdf>. In addition, in two recent investigations, the Department also determined that the PRC is an NME country. *See Final Determination of Sales at Less Than Fair Value: Certain Activated Carbon from the People's Republic of China*, 72 FR 9508 (March 2, 2007), and *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China*, 72 FR 19690 (April 19, 2007). In accordance with section 771(18)(C)(i) of the Act, the NME status remains in effect until revoked by the Department. The presumption of the NME status of the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product is based appropriately on factors of production valued in a surrogate market economy country in accordance with section 773(c) of the Act. During the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

The petitioner asserts that India is the most appropriate surrogate country for the PRC because India is a significant producer of comparable merchandise and at a level of economic development comparable to the PRC. *See* Petition, Volume II at page 2. Based on the information provided by the petitioner, we believe that the petitioner's use of India as a surrogate country is appropriate for purposes of initiating this investigation. After the initiation of the investigation, we will solicit comments regarding surrogate–country selection. Also, pursuant to 19 CFR 351.301(c)(3)(i), interested parties will be provided an opportunity to submit publicly available information to value the factors of production within 40 calendar days after the date of publication of the preliminary determination.

The petitioner provided dumping margin calculations using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. The petitioner bases its estimates of antidumping margins from the PRC on the CV and offers for sale to the U.S. market by Hanghong, a non–integrated converter of jumbo rolls. Therefore, the petitioner calculated NV based on a cost model specific to a non–integrated converter of subject LWTP. Specifically, the petitioner relied upon the consumption rates, for the period covering July 1, through December 31, 2006, of one of the largest non–integrated U.S. converters of subject LWTP, which the petitioner stated should be similar to the consumption rates of Hanhong. *See* Petition, Volume II at pages 4–5 and Exhibits II–3 and II–7. *See also*, Petitioner's Response to the Department's September 24, 2007 Request for Clarification of Certain Items Contained in the Petition: PRC (September 28, 2007) (Supplement to the Petition: PRC) at page 4. The petitioner stated that it did not make any adjustments to NV because no known material differences exist between the non–integrated U.S. converter's production experience and Hanhong's production experience. *See* Supplement to the Petition: PRC at pages 5–6. Thus, the petitioner has assumed, for purposes of the Petition, that Hanhong, a non–integrated converter of subject LWTP in the PRC, uses the same inputs in the same quantities as those used by one of the largest non–integrated converters of subject LWTP in the United States.

With respect to the calculation of NV, pursuant to section 773(c)(4) of the Act, the petitioner valued all direct materials using Indian import data obtained from the Monthly Statistics of the Foreign Trade of India (MSFTI), as published by the Directorate General of Commercial Intelligence and Statistics of the Ministry of Commerce and Industry, Government of India and used in the World Trade Atlas (WTA), available at: <http://www.gtis.com/wta.htm>, for August 1, 2006, through January 31, 2007. Because the Department was able to obtain more contemporaneous information from the WTA for the same inputs provided by the petitioner, *i.e.*, September 1, 2006, through February 28, 2007, we used this data where applicable in the NV calculations. The petitioner converted the inputs valued in Indian rupees to U.S. dollars based on the average rupee/U.S. dollar exchange rate for the POI, as reported on the Department's website at <http://ia.ita.doc.gov/exchange/index.html>. *See* PRC AD Petition at page 6 and Exhibit II–6. The petitioner relied upon the non–integrated U.S. converter's labor usage rates for production and packing and used the Department's latest NME Wage Rate for the PRC, as reported on the Department's website at <http://ia.ita.doc.gov/wages/index.html>. *Id.* The petitioner did not include energy and other utility cost inputs in its calculated NV because the non–integrated U.S. converter did not allocate any energy costs to the specific product level. *Id.* at pages 5–6 and Exhibits II–6 and 7.

In regard to the NV calculations, the petitioner derived the figures for factory overhead (FOH), SG&A, and profit for the fiscal year ending March 31, 2006, from the financial statements of Parag Copigraph Pvt. Ltd. (Parag), a non–integrated Indian converter of subject LWTP. *See* PRC AD Petition at page 7 and Exhibits II–6 and PRC AD Supplemental Response at pages 6–7 and Exhibit 2. We did not make any other adjustment to the NV, as calculated by the petitioner. *See* PRC Initiation Checklist for further details on these calculations and the adjustments the Department made to these calculations.

Fair–Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of LWTP from Germany, Korea, and the PRC are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of export price to NV that we revised with respect to the PRC, as discussed above, and calculated in accordance with section 773(c) of the Act, these are the estimated dumping margins for LWTP: 1) the estimated dumping margin for Germany based on a price–to-price comparison is 29.79 percent; the estimated dumping margins for Germany based on a price–to-CV comparison range from 59.80 percent to 75.36 percent; 2) the estimated dumping margin for Korea based on a price–to-price comparison is 40.30 percent; the estimated dumping margin for Korea based on a price–to-CV comparison is 65.63 percent; and 3) the estimated dumping margin for the PRC is 108.25 percent.

Initiation of Antidumping Investigations

Based upon the examination of the Petition on LWTP from Germany, Korea, and the PRC, we find that the Petition meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of LWTP from Germany, Korea, and the PRC are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205((b)(1),

unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Separate Rates

The Department modified the process by which exporters and producers may obtain separate–rate status in NME investigations. *See* Policy Bulletin 05.1: Separate–Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non–Market Economy Countries (April 5, 2005) (Separate Rates and Combination Rates Bulletin), available on the Department's website at <http://ia.ita.doc.gov/policy/bull05–1.pdf>. The process requires the submission of a separate–rate status application. Based on our experience in processing the separate–rate applications in the following antidumping duty investigations, we have modified the application for this investigation to make it more administrable and easier for applicants to complete. *See*, *e.g.*, *Initiation of Antidumping Duty Investigation: Certain New Pneumatic Off–the-Road Tires from the People's Republic of China*, 72 FR 43591, 43594–95 (August 6, 2007) (*Tires from the PRC*). The specific requirements for submitting the separate–rate application in this investigation are outlined in detail in the application itself, which will be available on the Department's website at <http://ia.ita.doc.gov/ia highlights and news.html> on the date of publication of this initiation notice in the **Federal Register**. The separate–rate application is due no later than December 10, 2007.

Respondent Selection

For this investigation, the Department intends to select respondents based on CBP data for U.S. imports during the POI. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within seven calendar days of publication of this **Federal Register** notice.

Use of Combination Rates in an NME Investigation

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in this investigation. The ''Separate Rates and Combination Rates Bulletin'' at page 6 explains that, while continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the POI. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the POI. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non–investigated firms receiving the weighted–average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash–deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the POI.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the Petition has been provided to representatives of the governments of Germany, Korea, and the PRC. We will attempt to provide a copy of the public version of the Petition to all exporters named in the Petition, as provided for in 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine no later than November 23, 2007, whether there is a reasonable indication that imports of LWTP from Germany, Korea, and the PRC are materially injuring or threatening material injury to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: October 29, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E7–21710 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–857]

Continuation of Antidumping Duty Order on Certain Welded Large Diameter Line Pipe from Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (''the Department'') and the International Trade Commission (''ITC'') that revocation of the antidumping duty order on certain welded large diameter line pipe (''welded large diameter pipe'') from Japan would be likely to lead to continuation or recurrence of dumping and of material injury to an industry in the United States, the Department is publishing this notice of continuation of this antidumping duty order.

EFFECTIVE DATE: November 5, 2007.

FOR INFORMATION CONTACT: Dena Crossland or Dana Mermelstein, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482–3362 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2006, the Department initiated and the ITC instituted sunset reviews of the antidumping duty orders on welded large diameter pipe from Japan and Mexico, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of Five-year (''Sunset'') Reviews*, 71 FR 64242 (November 1, 2006). As a result of its sunset reviews, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the orders to be revoked. *See Certain Welded Large Diameter Line Pipe from Japan and Mexico; Notice of Final Results of Five-year (''Sunset'') Reviews of Antidumping Duty Orders*, 72 FR 10498 (March 8, 2007).

On October 16, 2007, the ITC determined that revocation of the antidumping duty order on welded large diameter pipe from Japan would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably

foreseeable time. The ITC notified the Department on October 16, 2007, and published its decision on October 22, 2007. *See Certain Welded Large Diameter Line Pipe from Japan and Mexico*, 72 FR 59551 (October 22, 2007), and ITC Publication 3953 (October 2007), entitled Certain Welded Large Diameter Line Pipe from Japan and Mexico: Investigation Nos. 731–TA–919 and 920 (Review).

Scope of the Order

The product covered by this antidumping duty order is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stencilled. This product is normally produced according to American Petroleum Institute (''API'') specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. Specifically not included within the scope of this investigation is American Water Works Association (''AWWA'') specification water and sewage pipe and the following size/grade combinations; of line pipe:

– Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade.
– Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater.
– Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater.
– Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.
– Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.
– Having an outside diameter equal to 48 inches, with a wall thickness measuring 1.0 inch or greater, in grades X80 or greater.
– In API grades X80 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.90 inch or more.
– In API grades X100 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.54 inch or more.
– An API grade X80 having an outside diameter of 21 inches and wall thickness of 0.625 inch or more.

The product currently is classified under U.S. Harmonized Tariff Schedule (''HTSUS'') item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30. 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Continuation of Antidumping Duty Order

As a result of the determinations by the Department and the ITC that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on welded large diameter pipe from Japan. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of this order not later than October 2012.

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This five-year (sunset) review and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: October 29, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E7–21696 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–828]

Revocation Pursuant to Five-year (''Sunset'') Review of Antidumping Duty Order: Certain Welded Large Diameter Line Pipe from Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determination by the International Trade Commission (''ITC'') that revocation of the antidumping duty order on certain welded large diameter line pipe (''welded large diameter pipe'') from Mexico would not be likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, the Department of Commerce (''the Department'') is publishing this notice of revocation of this antidumping duty order pursuant to section 751(d)(2) of the Tariff Act of 1930, as amended (''the Act'').

EFFECTIVE DATE: February 27, 2007

FOR INFORMATION CONTACT: Dena Crossland or Dana Mermelstein, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482–3362 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2006, the Department initiated and the ITC instituted sunset reviews of the antidumping duty orders on welded large diameter pipe from Japan and Mexico, pursuant to section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews*, 71 FR 64242 (November 1, 2006). As a result of its sunset reviews, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping

and notified the ITC of the magnitude of the margins likely to prevail were the orders to be revoked. *See Certain Welded Large Diameter Line Pipe from Japan and Mexico; Notice of Final Results of Five-year (''Sunset'') Reviews of Antidumping Duty Orders*, 72 FR 10498 (March 8, 2007).

On October 16, 2007, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on welded large diameter pipe from Mexico would not be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The ITC notified the Department on October 16, 2007, and published its decision on October 22, 2007. *See Certain Welded Large Diameter Line Pipe from Japan and Mexico*, 72 FR 59551 (October 22, 2007), and ITC Publication 3953 (October 2007), entitled Certain Welded Large Diameter Line Pipe from Japan and Mexico: Investigation Nos. 731–TA–919 and 920 (Review).

Scope of the Order

The product covered by this investigation is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stenciled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications.

Specifically not included within the scope of this investigation is American Water Works Association (''AWWA'') specification water and sewage pipe, and the following size/grade combinations of line pipe:

- Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade.
- Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.
- Having an outside diameter equal to 48 inches, with a wall thickness measuring 1.0 inch or greater, in grades X–80 or greater.

The product currently is classified under U.S. Harmonized Tariff Schedule (''HTSUS'') item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30, 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Revocation of Antidumping Duty Order

As a result of the determination by the ITC that revocation of this antidumping duty order is not likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, the Department is revoking the antidumping duty order on welded large diameter pipe from Mexico, pursuant to sections 751(c) and 751(d) of the Act. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is February 27, 2007 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of the antidumping duty order). The Department will notify U.S. Customs and Border Protection to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after February 27, 2007, the effective date of revocation of the antidumping duty order. The Department will complete any pending administrative reviews of this order and will conduct reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This revocation pursuant to five-year (sunset) review and notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: October 29, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E7–21712 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta from Italy: Notice of Partial Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: In response to a request made on July 31, 2007, by Valdigrano Di Flavio Pagani SrL (''Valdigrano''), the Department of Commerce initiated an administrative review of the countervailing duty order on certain pasta from Italy covering the period January 1, 2006, through December 31, 2006. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 72 FR 48613 (August 24, 2007). As a result of a timely withdrawal of the request for review by Valdigrano, we are rescinding this review, in part.

EFFECTIVE DATE: November 5, 2007.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–3534 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, the Department of Commerce (''the Department'')

published a countervailing duty order on certain pasta from Italy. *See Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta (''Pasta'') From Italy*, 61 FR 38543 (July 24, 1996). On July 31, 2007, Valdigrano requested an administrative review of the countervailing duty order on certain pasta from Italy covering the period January 1, 2006, through December 31, 2006. In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of the review on August 24, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 72 FR 48613 (August 24, 2007). On October 16, 2007, Valdigrano withdrew its request for review. No other party requested a review for Valdigrano.

Scope of the Countervailing Duty Order

Imports covered by the order are shipments of certain non–egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of the order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non–egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione, Bioagricoop S.r.l., QC&I International Services, Ecocert Italia, Consorzio per il Controllo dei Prodotti Biologici, Associazione Italiana per l'Agricoltura Biologica, or Codex S.r.l. In addition, based on publicly available information, the Department has determined that, as of August 4, 2004, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Bioagricert S.r.l. are also excluded from this order. *See* Memorandum from Eric B. Greynolds to Melissa G. Skinner, dated August 4, 2004, which is on file in the Department's Central Records Unit (''CRU'') in Room B–099 of the main Department building. In addition, based on publicly available information, the Department has determined that, as of March 13, 2003, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Instituto per la Certificazione Etica e Ambientale (ICEA) are also excluded from this order. *See* Memorandum from Audrey Twyman to Susan Kuhbach, dated February 28, 2006, entitled ''Recognition of Instituto per la Certificazione Etica e Ambientale (ICEA) as a Public Authority for Certifying Organic Pasta from Italy'' which is on file in the Department's Central Records Unit (''CRU'') in Room B–099 of the main Department building.

The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the *Harmonized Tariff Schedule of the United States (''HTSUS'')*. Although the *HTSUS* subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Scope Rulings

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping and countervailing duty orders. *See* Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997, which is on file in the CRU.

(2) On July 30, 1998, the Department issued a scope ruling finding that multipacks consisting of six one–pound packages of pasta that are shrink–wrapped into a single package are within the scope of the antidumping and countervailing duty orders. *See* Letter from Susan H. Kuhbach to Barbara P. Sidari, dated July 30, 1998, which is available in the CRU.

(3) On October 26, 1998, the Department self–initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. *See* Memorandum from John Brinkmann to Richard Moreland, dated May 24, 1999, which is available in the CRU.

(4) On April 27, 2000, the Department self–initiated an anti–circumvention inquiry to determine whether Pastificio Fratelli Pagani S.p.A.'s importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention with respect to the antidumping and countervailing duty orders on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225(b). *See Certain Pasta from Italy: Notice of Initiation of Anti–Circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 65 FR 26179 (May 5, 2000). On September 19, 2003, we published an affirmative finding of the anti–circumvention inquiry. *See Anti–Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders*, 68 FR 54888 (September 19, 2003).

Rescission of Review

The Department's regulations at 19 CFR 351.213(d)(1) provide that the Department will rescind an administrative review, in part, if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Valdigrano withdrew its request for an administrative review on October 16, 2007, which is within the 90-day deadline, and no other party requested a review with respect to this company. Therefore, the Department is rescinding this administrative review with regard to Valdigrano.

This notice is issued and published in accordance with section 771(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: October 26, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–21716 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 5, 2007.

SUMMARY: The Department of Commerce (''Department'') hereby publishes a list of scope rulings completed between July 1, 2007, and September 30, 2007. In conjunction with this list, the Department is also publishing a list of requests for scope rulings and anticircumvention determinations pending as of September 30, 2007. We

intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Juanita H. Chen, AD/CVD Operations, SEC Office, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: 202-482-1904.

SUPPLEMENTARY INFORMATION:

Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis. *See* 19 C.F.R. 351.225(o). Our most recent notification of scope rulings was published on August 3, 2007. *See Notice of Scope Rulings*, 72 FR 43245 (August 3, 2007). This current notice covers all scope rulings and anticircumvention determinations completed by Import Administration between July 1, 2007, and September 30, 2007, inclusive, and it also lists any scope or anticircumvention inquiries pending as of September 30, 2007. As described below, subsequent lists will follow after the close of each calendar quarter.

Scope Rulings Completed Between July 1, 2007, and September 30, 2007:

Japan

A-588-702: Stainless Steel Butt-Weld Pipe Fittings from Japan

Requestor: Kuze Bellows Kogyosho Co., Ltd.; certain ''Kuze Clean Fittings'' with actual wall thicknesses above 3.4925 mm are included within the scope of the antidumping order; certain ''Kuze Clean Fittings'' with actual wall thicknesses at or below 3.4925 mm are not within the scope of the antidumping order; July 26, 2007.

A-588-804: Ball Bearings and Parts Thereof from Japan

Requestor: Toyota Tsusho America Inc.; its steel balls used in automobile vents are not within the scope of the antidumping order; August 29, 2007.

People's Republic of China

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: Wedding Brand Investors LLC; white or ivory pillars and tapers are within the scope of the antidumping duty order; September 24, 2007.

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: Enchante Accessories, Inc.; its palm oil wax candle is within the scope of the antidumping duty order; September 27, 2007.

A-570-901: Lined Paper Products from the People's Republic of China

Requestor: Bond Street Ltd.; padfolios containing one writing tablet (or pad of paper) with a cover are not within the scope of the antidumping duty order; July 16, 2007.

A-570-904: Activated Carbon from the People's Republic of China

Requestor: Cherishment, Inc.; carbon activated by the hydro-thermal catalytic chemical activation process protected by U.S. Patent No. 6,858,192 (''192 patent HTCC product'') is within the scope of the antidumping duty order; July 26, 2007.

Anticircumvention Determinations Completed Between July 1, 2007, and September 30, 2007:

None.

Scope Inquiries Terminated Between July 1, 2007, and September 30, 2007:

None.

Anticircumvention Inquiries Terminated Between July 1, 2007, and September 30, 2007:

None.

Scope Inquiries Pending as of September 30, 2007:

Italy

A-475-703: Granular Polytetrafluoroethylene Resin from Italy

Requestor: Petitioner, E.I. DuPont de Nemours & Company; whether imports of Polymist[reg] feedstock produced by the respondent Solvay Solexis, Inc. and Solvay Solexis S.p.A are within the scope of the antidumping duty order; requested August 18, 2006; initiated October 2, 2006; preliminary ruling July 2, 2007.

People's Republic of China

A-570-502: Iron Construction Castings from the People's Republic of China

Requestor: A.Y. McDonald Mfg. Co.; whether cast iron lids and bases independently sourced from the PRC for its ''Arch Pattern'' and ''Minneapolis Pattern'' curb boxes are included within the scope of the antidumping duty order; requested April 2, 2007.

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: Lamplight Farms, Inc.; whether its Tiki Mosquito Candle is included within the scope of the antidumping duty order; requested August 6, 2007.

A-570-803: Heavy Forged Hand Tools, With or Without Handles from the People's Republic of China

Requestor: Fiskars Brands, Inc.; whether a stamped machete, gator machete, and brush axe are included within the scope of the antidumping duty order; requested June 26, 2007.

A-570-827: Cased Pencils from the People's Republic of China

Requestor: Walgreen Co.; whether the ''Artskills™ Draw & Sketch Kit'' is included within the scope of the antidumping duty order; requested May 25, 2007.

A-570-827: Cased Pencils from the People's Republic of China

Requestor: Walgreen Co.; whether the ''Artskills™ Stencil Kit'' is included within the scope of the antidumping duty order; requested May 25, 2007.

A-570-827: Cased Pencils from the People's Republic of China

Requestor: The Smencil Company; whether its not yet scent applied newspaper pencils are included within the scope of the antidumping duty order; requested July 5, 2007.

A-570-848: Freshwater Crawfish Tailmeat from the People's Republic of China

Requestor: Maritime Products International; whether breaded crawfish tailmeat is included within the scope of the antidumping duty order; requested November 8, 2006; initiated December 18, 2006.

A-570-864: Pure Magnesium in Granular Form from the People's Republic of China

Requestor: ESM Group Inc.; whether atomized ingots are included within the scope of the antidumping duty order; original scope ruling rescinded and vacated April 18, 2007 [1]; initiated April 18, 2007.

A-570-866: Folding Gift Boxes from the People's Republic of China

Requestor: Footstar; whether certain boxes for business cards and forms are included within the scope of the antidumping duty order; requested April 26, 2007.

A-570-866: Folding Gift Boxes from the People's Republic of China

Requestor: Hallmark Cards, Inc.; whether its ''FunZip'' gift presentation is included within the scope of the antidumping duty order; requested June 1, 2007.

[1] *See* ''Scope Inquiries Terminated Between April 1, 2007 and June 30, 2007'' section, above.

A-570-868: Folding Metal Tables and Chairs from the People's Republic of China

Requestor: International E-Z Up, Inc.; whether its Instant Work Bench is included within the scope of the antidumping duty order; requested April 6, 2007.

A-570-875: Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China

Requestor: Taco Inc.; whether black cast iron flange, green ductile iron flange and cast iron ''Twin Tee'' are included within the scope of the antidumping duty order; requested September 6, 2007.

A-570-882: Refined Brown Aluminum Oxide from the People's Republic of China

Requestor: 3M Company; whether certain semi-friable and heat-treated, specialty aluminum oxides are within the scope of the antidumping duty order; requested September 19, 2006; initiated January 17, 2007.

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China

Requestor: Asia Dynamics, Inc.; whether certain hospital patient belongings bags (model nos. 304211, 304311, 304411, 304611, 304711, 304811, 40219, 40229) are included within the scope of the antidumping duty order; requested May 23, 2007.

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China

Requestor: DMS Holdings, Inc.; whether certain MABIS Healthcare hospital bags (biohazard disposal bag nos. 75-860-010, 75-860-080, 75-864-080; isolation bag no. 75-850-000; patient set-up bag nos. 75-833-000, 75-842-000, 75-970-550, 75-973-550, 75-979-550; personal belongings bag nos. 75-010-850, 75-011-850, 75-013-850, 75-014-850, 75-019-850, 75-032-850, 75-033-850, 75-036-850, 75-037-850, 75-038-850, 75-046-850, 75-047-850, 75-075-850, 75-105-850, 75-109-850, 75-110-850, 75-111-850, 75-117-850, 75-118-850, 75-120-850, 75-834-000, 75-838-000, 75-839-000, 75-844-000, 75-845-000, 75-847-000; kit packing bag nos.75-801-000, 75-802-000, 75-803-000, 75-804-000, 75-862-000, 75-863-000, 75-865-000) are included within the scope of the antidumping duty order; requested June 8, 2007.

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China

Requestor: Medline Industries, Inc.; whether certain hospital patient belongings bags and surgical kit bags (drawstring bags model nos. DS500C, DS400C, DONDS600, 38667, 7510, 42818, 25117, 28614, 42817; rigid handle bag model no. 26900) are included within the scope of the antidumping duty order; requested June 18, 2007.

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China

Requestor: Majestic International; whether certain polyethylene gift bags (UPC codes starting with 8-51603- and ending with: 00002-3, 00004-7, 00140-2, 00141-9, 00142-6, 00041-2, 00040-5, 00052-8, 00059-7, 00066-5, 00068-9, 00071-9, 00072-6, 00075-7, 00076-4, 00092-4, 00093-1, 00094-8, 00098-6, 00131-0, 00132-7, 00133-4, 00144-0, 00145-7, 00152-5, 00153-2, 00155-6, 00156-3, 00160-0, 00163-1, 00165-5, 00166-2, 00175-4, 00176-1, 00181-5, 00183-9, 00226-3, 00230-0, 00231-7, 00246-1, 00251-5, 00252-2, 00253-9, 00254-6, 00255-3, 00256-0, 00257-7, 00259-1, 00260-7, 00262-1, 00263-8, 00300-0, 00301-7, 00302-4, 00303-1, 00305-5, 00306-2, 00307-9, 00308-6, 00309-3, 00350-5, 00351-2, 00352-9, 00353-6, 00354-3, 00355-0, 00356-7, 00357-4, 00358-1) are included within the scope of the antidumping duty order; requested June 2, 2007.

A-570-890: Wooden Bedroom Furniture from the People's Republic of China

Requestor: AP Industries; whether convertible cribs (model nos. 1000-0100; 1000-0125; 1000-0160; 1000-1195/2195; 1000-2145; and 1000-2165) are included within the scope of the antidumping duty order; requested June 26, 2007.

A-570-890: Wooden Bedroom Furniture from the People's Republic of China

Requestor: Dutailier Group, Inc.; whether its convertible cribs (infant crib to toddler bed; model numbers 1230C8, 3500C8, 5400C8, 5500C8, and 6200C8) are included within the scope of the antidumping duty order; requested September 21, 2007.

A-570-890: Wooden Bedroom Furniture from the People's Republic of China

Requestor: Armel Enterprises, Inc.; whether certain children's playroom and accent furniture are included within the scope of the antidumping duty order; requested September 24, 2007.

A-570-891: Hand Trucks from the People's Republic of China

Requestor: Northern Tool & Equipment Co.; whether a high-axle torch cart (item #164771) is included within the scope of the antidumping duty order; requested March 27, 2007.

A-570-891: Hand Trucks from the People's Republic of China

Requestor: WelCom Products, Inc.; whether its ''miniature'' Magna Cart is included within the scope of the antidumping duty order; requested August 20, 2007.

A-570-898: Chlorinated Isocyanurates from the People's Republic of China

Requestor: BioLab, Inc.; whether chlorinated isocyanurates originating in the People's Republic of China, that are packaged, tableted, blended with additives, or otherwise further processed in Canada before entering the U.S., are included within the scope of the antidumping duty order; requested November 22, 2006; initiated March 9, 2007.

A-570-898: Chlorinated Isocyanurates from the People's Republic of China

Requestor: BioLab, Inc.; whether chlorinated isocyanurates originating in the People's Republic of China, that are packaged, tableted, blended with additives, or otherwise further processed in Vietnam before entering the U.S., are included within the scope of the antidumping duty order; requested August 15, 2007.

A-570-899: Artist Canvas from the People's Republic of China

Requestor: Tara Materials, Inc.; whether artist canvas purchased in the U.S. that has been woven, primed with gesso, and cut to size in the U.S. and shipped to the PRC for assembling (*i.e.*, wrapping and stapling to the wooden frame) and returned to the U.S. are included within the scope of the antidumping duty order; requested July 23, 2007.

A-570-901: Lined Paper Products from the People's Republic of China

Requestor: Lakeshore Learning Materials; whether certain printed educational materials, product numbers RR973 and RR974 (Reader's Book Log); GG185 and GG186 (Reader's Response Notebook); GG181 and GG182 (The Writer's Notebook); RR673 and RR674 (My Word Journal); AA185 and AA186 (Mi Diario de Palabras); RR630 and RR631 (Draw & Write Journal); AA786 and AA787 (My First Draw & Write Journal); AA181 and AA182 (My Picture Word Journal); GG324 and GG325 (Writing Prompts Journal); EE441 and

EE442 (Daily Math Practice Journal Grades 1 - 3); EE443 and EE444 (Daily Math Practice Journal Grades 4 - 6); EE651 and EE652 (Daily Language Practice, Grades 1-3); EE653 and EE654 (Daily Language Practice Journal, Grades 4 - 6), are included within the scope of the antidumping duty order; requested December 7, 2006; initiated May 7, 2007.

Multiple Countries

A-423-808 and C-423-809: Stainless Steel Plate in Coils from Belgium; A-475-822: Stainless Steel Plate in Coils from Italy; A-580-831: Stainless Steel Plate in Coils from South Korea; A-583-830: Stainless Steel Plate in Coils from Taiwan; A-791-805 and C-791-806: Stainless Steel Plate in Coils from South Africa

Requestor: Ugine & ALZ Belgium N.V.; whether stainless steel products with an actual thickness of less than 4.75 mm, regardless of nominal thickness, are within the scope of the antidumping and countervailing duty orders; requested June 8, 2007; initiated July 23, 2007.

A-533-809: Certain Forged Stainless Steel Flanges from India; A-583-821: Certain Forged Stainless Steel Flanges from Taiwan

Requestor: Lokring Technology Corporation; whether certain assemblies comprising stainless steel flanges from India or Taiwan welded to stainless steel ''half-bodies'' with swage rings, and completed in Canada, are within the scope of the order; requested September 18, 2007.

Anticircumvention Rulings Pending as of September 30, 2007:

People's Republic of China

A-570-001: Potassium Permanganate from the People's Republic of China

Requestor: Specialty Products International, Inc.; whether sodium permanganate is later-developed merchandise that is circumventing the antidumping duty order; requested October 10, 2006.

A-570-868: Folding Metal Tables and Chairs from the People's Republic of China

Requestor: Meco Corporation; whether the common leg table (a folding metal table affixed with cross bars that enable the legs to fold in pairs) produced in the PRC is a minor alteration that circumvents the antidumping duty order; requested October 31, 2005; initiated June 1, 2006.

A-570-894: Certain Tissue Paper Products from the People's Republic of China

Requestor: Seaman Paper Company; whether imports of tissue paper from Vietnam made out of jumbo rolls of tissue paper from the PRC are circumventing the antidumping duty order; requested July 19, 2006; initiated September 5, 2006.

Interested parties are invited to comment on the completeness of this list of pending scope and anticircumvention inquiries. Any comments should be submitted to the Deputy Assistant Secretary for D/CVD Operations, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, N.W., Room 1870, Washington, DC 20230.

This notice is published in accordance with 19 C.F.R. 351.225(o).

Dated: October 25, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–21707 Filed 11–2–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD57

Atlantic Highly Migratory Species (HMS); Pelagic Longline Research

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

ACTION: Notice; request for comments.

SUMMARY: NMFS announces the availability of an Environmental Assessment (EA) analyzing the impacts of conducting research with pelagic longline (PLL) vessels in portions of the East Florida Coast (EFC) and Charleston Bump closed areas. Given the nearly rebuilt status of north Atlantic swordfish and recent bycatch reduction measures implemented throughout the U.S. PLL fishery, NMFS is proposing to collect baseline PLL fishery data in the closed areas to evaluate the effectiveness of existing bycatch reduction measures. The EA analyzes monthly and annual PLL logbook and pelagic observer program (POP) data on catch and bycatch rates of all species in the proposed research area from 1995–2000 to determine potential impacts of the research fishery on target and non-target species. NMFS invites comments from interested parties on the EA.

DATES: Written comments on the EA must be received by 5 p.m. on November 20, 2007.

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

- Email: *PLL.ResearchEA@noaa.gov*. Include in the subject line the following identifier: I.D. PLL Research EA.
- Mail: Margo Schulze-Haugen, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope ''Comments on PLL Research EA.''
- Fax: (301)713–1917

FOR FURTHER INFORMATION CONTACT: Russell Dunn, 727–824–5399; fax: 727–824–5398, or Chris Rilling 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: NMFS proposes to conduct research with a limited number of vessels (two are proposed, but backup vessels may be used if breakdowns occur) in portions of the EFC and Charleston Bump closed areas (Figure 1). The latitude and longitude coordinates of the proposed research area are provided in Table 1. In the EFC closed area, the proposed research area would be north of Fort Pierce, FL, beginning at 28 degrees north latitude and proceeding north, seaward of the axis of the Gulf Stream, to the northern boundary of the EFC closed area at 31 degrees north latitude. In the Charleston Bump, the proposed research area would be north of 31 degrees north latitude and following the 200 meter isobath (~100 fathom contour) to the northern and eastern boundaries of the Charleston Bump closed area. The two areas are hereafter referred to collectively as the proposed research area. NMFS closed the EFC and Charleston Bump closed areas to PLL gear in early 2001 to reduce bycatch of juvenile swordfish, billfish, and other HMS (65 FR 47214, August 1, 2000). The Charleston Bump closed area is a seasonal closure from February through April every year, whereas the EFC closed area is closed year-round to PLL gear. Since that time, the swordfish stock has been nearly rebuilt ($B=0.99B_{MSY}$) and new bycatch reduction measures have been implemented throughout the PLL fishery (e.g., circle hook requirements, bait requirements, bycatch release gear, and careful handling and release workshops). No PLL fishing has been authorized in the closed areas since 2001, and NMFS has not collected information on the effectiveness of current bycatch reduction measures in closed areas where bycatch rates may be

higher than in other areas. NMFS thus proposes to collect information under scientifically rigorous protocols to determine the effectiveness of bycatch reduction measures in these closed areas. This information will assist NMFS in making appropriate management decisions regarding the effectiveness of existing closed areas and bycatch reduction technologies, as well as any potential modifications to the closed areas.

NMFS proposes to make a total of 289 sets distributed inside and outside the proposed research area over a 12 month period beginning in late 2007 or early 2008. Each set would consist of 500 18/0 circle hooks with an offset not to exceed 10 degrees with whole dead finfish bait and/or squid bait. Vessels would be subject to 100 percent observer coverage, and observers or research staff would collect data that includes, but is not limited to, catch per unit effort (CPUE) for target and bycatch species; discard rates; interaction rates with protected species; size of target species; hooking location; mortality at haul back; bycatch mortality; and if possible, an evaluation of the condition of fish at haul back to allow post-release mortality estimates.

All targeted catch (tunas, swordfish, and sharks) that can be legally landed could be harvested and sold by the vessel owners. No other compensation would be provided to the vessels. All bycatch would be released using NMFS-approved dehooking equipment and appropriate safe handling and release protocols. Incidental catch of bluefin tuna would be landed consistent with existing regulations. Any mortalities of Atlantic Tunas Convention Act (ATCA) regulated species (i.e., tunas and swordfish) and sharks would be counted against the appropriate quotas. Non-target species and protected resources would be tagged and released alive, consistent with requirements of the Terms and Conditions of the 2004 Biological Opinion issued for the fishery, and research objectives.

The EA analyzed the status quo and two alternatives on different proposed research areas within the EFC and Charleston Bump areas. A fourth alternative to conduct research throughout the entire EFC and Charleston Bump closed areas was considered but not further analyzed. Based on analysis in the EA of PLL and POP data from 1995–2000 and prior to the closures and circle hook requirements going into effect, a limited number of interactions with leatherback sea turtles (four based on PLL data and six based on POP data over six years) and loggerhead sea turtles (five based on PLL data and 12 based on POP data over six years) occurred in the proposed research area. Under a worst case scenario using estimates from the POP data, and applying anticipated fishing effort in the research fishery to pre-closure J-hook catch rates, two leatherback and six loggerhead sea turtle interactions may occur as a result of the research fishery. Given the significantly lower interaction and mortality rates of Atlantic sea turtles with circle hooks, this action is not expected to significantly increase fishery interactions with, or mortalities of, sea turtles. The predicted interactions would not cause the Incidental Take Statement in the 2004 Biological Opinion for the PLL fishery to be exceeded, and would not be expected to jeopardize the continued existence of sea turtles. Incidental takes of, or interactions with, protected species that are listed as threatened or endangered under the Endangered Species Act taking place under the research fishery would be counted against the authorized incidental take levels specified in the 2004 Biological Opinion for the PLL fishery.

The EA includes similar analyses of PLL and POP data from 1995–2000 on catch rates, live and dead discard rates, and retained numbers of swordfish, bluefin, yellowfin, and bigeye tunas, large coastal sharks, and pelagic sharks. Based on the worst case scenario from the POP data, and applying anticipated fishing effort in the research fishery to pre-closure J-hook catch rates, an estimated 1,083 swordfish are predicted to be retained, 973 discarded alive, and 360 discarded dead; zero (0) bluefin tuna are predicted to be caught or discarded; nine white marlin are predicted to be discarded alive and 13 dead; 10 blue marlin are predicted to be discarded alive and 14 dead; 113 large coastal sharks are predicted to be kept; 124 discarded alive, and 50 discarded dead (depending upon available quota); and 21 pelagic sharks are predicted to be kept, 81 discarded alive, and 11 discarded dead (depending upon available quota). Given the known and anticipated mortality reduction benefits of circle hooks for Atlantic HMS relative to J-hooks, the estimates above are likely over-estimates. As a result, this action is not expected to significantly increase the retention or bycatch of HMS.

All fishing activities would be monitored by Federal fisheries observers or trained research staff to provide data on longline gear configuration; target and incidental catch; bycatch of billfish, juvenile swordfish, and bluefin tuna; and sea turtle interactions. NMFS currently collects this information on selected PLL vessels through the POP.

Even though fishing effort will increase in the proposed research area, fishing effort across the entire fishery is not anticipated to increase because vessels participating in the research fishery would have otherwise been fishing commercially for HMS in open areas.

The regulations that prohibit the proposed activities absent issuance of an EFP, include requirements for vessel reporting (50 CFR 635.4) and fishing in a closed area (50 CFR 635.21(c)(2)). All other relevant regulations concerning HMS at 50 CFR Part 635 would apply.

NMFS is requesting public comment on the EA because the fishing activities are proposed to occur in closed areas, specifically the EFC and Charleston Bump. If NMFS proceeds with the proposed research as described in the EA, then NMFS would issue the necessary exempted fishing permits to authorize the research activity.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: October 30, 2007.

Emily H. Menashes

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

BILLING CODE 3510–22–S

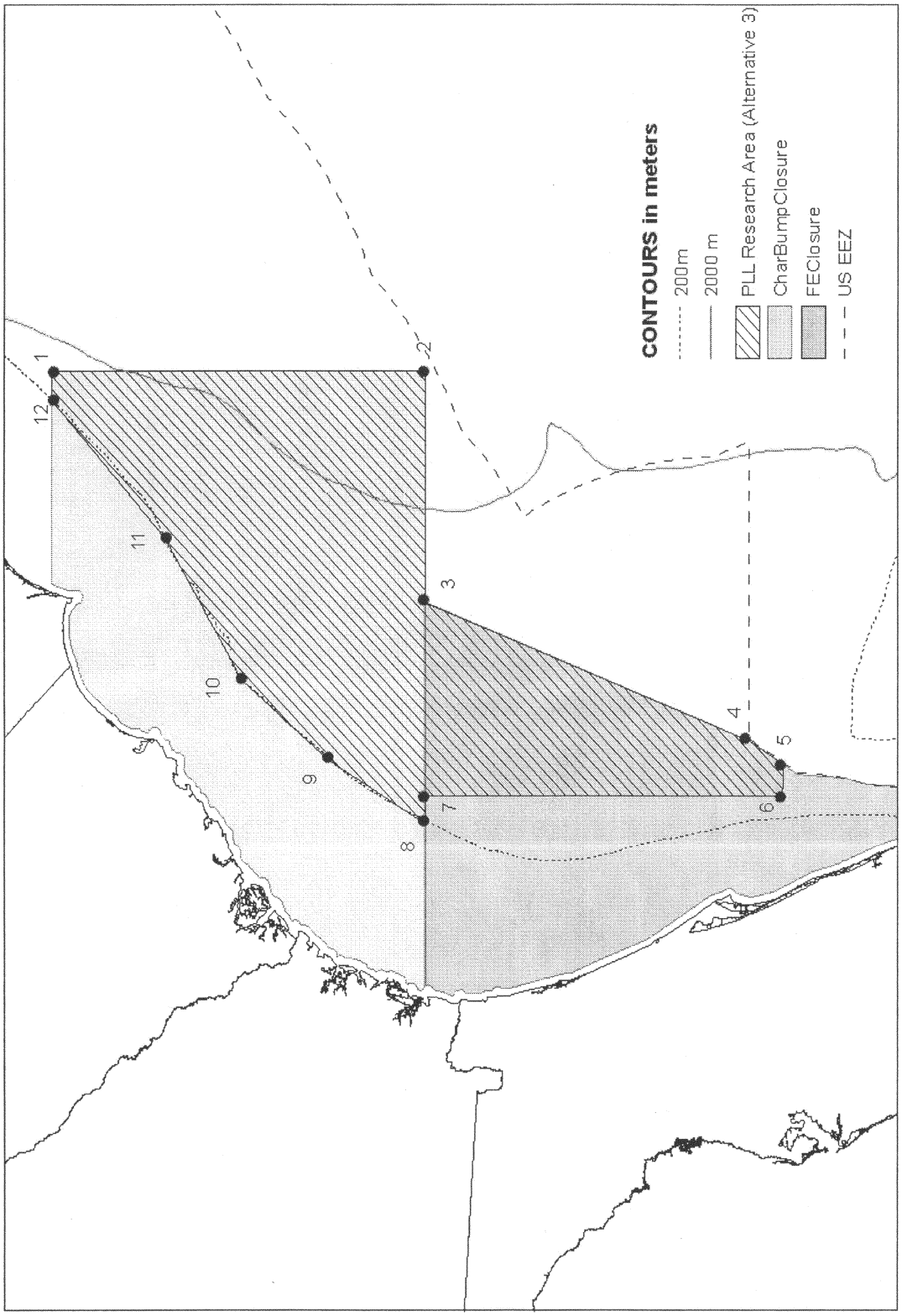
CONTOURS in meters
200m
2000 m
PLL Research Area (Alternative 3)
CharBumpClosure
FEClosure
US EEZ
1
2
3
4
5
6
7
8
9
10
11
12

Figure 1

TABLE 1. COORDINATES OF THE PROPOSED RESEARCH AREA (PREFERRED ALTERNATIVE 3) SHOWN IN FIGURE 1 BEGINNING WITH LOCATION NUMBER 1 AND PROCEEDING CLOCKWISE THROUGH LOCATION NUMBER 12.

Point	Latitude			Longitude		
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
1	34	0	0	76	0	0
2	31	0	0	76	0	0
3	31	0	0	78	0	0
4	28	17	6.8	79	11	54.5
5	28	0	0	79	23	47.9
6	28	0	0	79	40	0
7	31	0	0	79	40	0
8	31	0	0	79	54	38.9
9	31	47	7.2	78	21	50.5
10	32	29	12.1	78	40	21.0
11	33	5	35.8	77	27	15.7
12	34	0	0	76	15	26.5

[FR Doc. 07–5474 Filed 11–2–07; 8:45 am]
BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of Availability of Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact on Approval of the Coastal Nonpoint Pollution Control Program for Indiana.

SUMMARY: Notice is hereby given of the availability of the Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact for Indiana's Coastal Nonpoint Pollution Control Program. Coastal states and territories are required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval. The Findings Document was prepared by NOAA and EPA to provide the rationale for the agencies' decision to approve the state coastal nonpoint pollution control program. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. 1455b, requires states and territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs. The Environmental Assessment was prepared by NOAA, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321 *et seq.,* to assess the environmental impacts associated with the approval of the coastal nonpoint pollution control program submitted to NOAA and EPA by Indiana.

NOAA and EPA have proposed to approve, with conditions, the coastal nonpoint program submitted by Indiana. The requirements of 40 CFR Parts 1500–1508 (Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act) apply to the preparation of these Environmental Assessments. Specifically, 40 CFR section 1506.6 requires agencies to provide public notice of the availability of environmental documents. This notice is part of NOAA's action to comply with this requirement.

Copies of the proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact may be found on the NOAA Web site at *http://coastalmanagement.noaa.gov/assessments/welcome.html* or may be obtained upon request from: Allison Castellan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, phone (301) 713–3155, extension 125, e-mail *allison.castellan@noaa.gov.*

DATES: Individuals or organizations wishing to submit comments on the proposed Findings or Environmental Assessment should do so by December 5, 2007.

ADDRESSES: Comments should be made to: John King, Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, phone (301) 713–3155 extension 188, e-mail *john.king@noaa.gov.*

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration).

John H. Dunnigan,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

Benjamin H. Grumbles,

Assistant Administrator, Office of Water, Environmental Protection Agency.

[FR Doc. 07–5473 Filed 11–2–07; 8:45 am]
BILLING CODE 3510–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0037]

Federal Acquisition Regulation;Information Collection; Presolicitation Notice and Response

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding 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 will be submitting to the Office of Management and Budget (OMB) a request to review and approve

an extension of a currently approved information collection requirement concerning presolicitation notice and response. The clearance currently expires on January 31, 2008.

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 January 4, 2008.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia Davis, Contract Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Presolicitation notices are used by the Government for several reasons, one of which is to aid prospective contractors in submitting proposals without undue expenditure of effort, time, and money. The Government also uses the presolicitation notices to control printing and mailing costs. The presolicitation notice response is used to determine the number of solicitation documents needed and to assure that interested offerors receive the solicitation documents. The responses are placed in the contract file and referred to when solicitation documents are ready for mailing. After mailing, the responses remain in the contract file and become a matter of record.

B. Annual Reporting Burden

Respondents: 5,310.
Responses Per Respondent: 8.
Annual Responses: 42,480.
Hours Per Response: .08.
Total Burden Hours: 3,398.
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. 9000–0037, Presolicitation Notice and Response, in all correspondence.

Dated: October 24, 2007

Al Matera,

Director,Office of Acquisition Policy.

[FR Doc. 07–5500 Filed 11–2–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0027]

Federal Acquisition Regulation;Information Collection; Value Engineering Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding 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 will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning value engineering requirements. The clearance currently expires on February 29, 2008.

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 January 4, 2008.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia Davis, Contract Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Value engineering is the technique by which contractors (1) voluntarily suggest methods for performing more economically and share in any resulting savings or (2) are required to establish a program to identify and submit to the Government methods for performing more economically. These recommendations are submitted to the Government as value engineering change proposals (VECP's) and they must include specific information. This information is needed to enable the Government to evaluate the VECP and, if accepted, to arrange for an equitable sharing plan.

B. Annual Reporting Burden

Respondents: 400.
Responses Per Respondent: 4.
Annual Responses: 1,600.
Hours Per Response: 30.
Total Burden Hours: 48,000.
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. 9000–0027, Value Engineering Requirements, in all correspondence.

Dated: October 24, 2007

Al Matera,

Director,Office of Acquisition Policy.

[FR Doc. 07–5501 Filed 11–2–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Surplus Property at Navy Base Realignment and Closure 1993 Installation: Naval Air Station Alameda, Alameda, CA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Air Station Alameda, Alameda, California.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base

Realignment and Closure Program Management Office, 1455 Frazee Road, Suite 900, San Diego, CA 92108–4310, telephone 619–532–0993; or Ms. Laura Duchnak, Director, Base Realignment and Closure Program Management Office West, 1455 Frazee Road, Suite 900, San Diego, CA 92108–4310, telephone 619–532–0994.

SUPPLEMENTARY INFORMATION: In 1993, the Naval Air Station Alameda, Alameda, CA, was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, the majority of the land and facilities at this installation were declared surplus to the needs of the federal government on May 20, 1994. Naval Air Station Alameda was operationally closed in 1997. The property described herein was originally planned as a Federal Agency transfer to the United States Coast Guard (USCG) and was therefore not included in the May 20, 1994 surplus determination. The USCG subsequently withdrew its request to acquire title to the property.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Naval Air Station Alameda, Alameda, CA, is published in the **Federal Register**.

Redevelopment Authority. The redevelopment authority for the Naval Air Station Alameda, Alameda, CA, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the Alameda Reuse and Redevelopment Authority (ARRA), which was formed through a joint powers agreement, as amended, between the City of Alameda and the Community Improvement Commission of the City of Alameda. For further information contact Ms. Irma Glidden, Alameda Reuse and Redevelopment Authority, Alameda Point/NAS Alameda, 950 W. Mall Square—Bldg. 1, Alameda, CA 94501–5012, telephone 510–749–5829.

Surplus Property Description. The following is a list of the land and facilities at Naval Air Station, Alameda, Alameda, CA that are surplus to the needs of the Federal Government. a. Land. Approximately 42+/-acres of improved and unimproved fee simple land at the U.S. Naval Air Station Alameda, City of Alameda, Alameda County, California.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will be available. Property numbers are available on request.

(1) Family Housing (multi-family structures with 282 individual housing units). Comments: Approximately 440,010 square feet. Built around 1969.

(2) Paved areas (roads and surface areas) and other surface areas (sidewalks, parking lots, etc.).

(3) Recreational facilities, outdoor. Comments: Playing fields and a basketball court.

(4) Utility facilities. Comments: Measuring systems vary: includes telephone, electric, storm drainage, water, sewer, etc.

Redevelopment Planning. Pursuant to Section 2905(b)(7)(F) of the Act, the ARRA will conduct a community outreach effort with respect to the surplus property, and will publish in a newspaper of general circulation in the communities within the vicinity of Naval Air Station Alameda, Alameda, CA, the time period during which the ARRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the ARRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: October 29, 2007.

T.M. Cruz,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E7–21668 Filed 11–2–07; 8:45 am]

BILLING CODE 3810–FF–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 December 5, 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: October 30, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: Online and Distance Education Courses at Postsecondary Institutions.

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,800.

Burden Hours: 900.

Abstract: This survey will collect information from a sample of 1,800 public elementary schools. It will collect data on the prevalence of after school programs, their enrollment, cost, sponsorship, purpose/services provided.

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 3520. 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. E7–21641 Filed 11–2–07; 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 December 5, 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: October 30, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of the Chief Financial Officer

Type of Review: Extension.

Title: GEPA Section 427 Guidance for All Grant Applications.

Frequency: One time.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 21,922.

Burden Hours: 32,883.

Abstract: On October 20, 1994, the Improving America's Schools Act, Public Law 103–382, become law. The Act added a provision to the General Education Provisions Act (GEPA). Section 427 of GEPA requires an applicant for assistance under Department programs to develop and describe in the grant application the steps it proposes to take to ensure equitable access to, and equitable participation in, its proposed project for students, teachers, and other program beneficiaries with special needs. The current GEPA Section 427 guidance for discretionary grant applications and formula grant applications has approval through November 30, 2007. We are requesting an extension of this approval.

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 3421. 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. E7–21642 Filed 11–2–07; 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 December 5, 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: October 30, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Reinstatement.

Title: Baccalaureate and Beyond Longitudinal Study, First Followup (B&B:2008/09).

Frequency: One time.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 1,439.

Burden Hours: 864.

Abstract: This is the field test for the Baccalaureate and Beyond Longitudinal Study, First Followup (B&B:08/09) to be conducted in 2008. The full scale study will be conducted in 2009 with a sample of 2008 bachelor's degree recipients from public and private postsecondary institutions. The data will provide long term information on graduates' additional postsecondary education and training, employment, workforce activities, and other life experiences. The study directs special focus on sample members who began teaching.

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 3514. 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. E7–21643 Filed 11–2–07; 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 January 4, 2008.

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: October 30, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: Common Core of Data Survey System.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 92.

Burden Hours: 6,040.

Abstract: The Common Core of Data (CCD) is the National Center for Education Statistics' universe data collection for finance and non-finance information about public school districts and schools. Information is collected annually from school districts about the districts and their member schools including enrollment by grade, race/ethnicity, and gender. Information is also collected about students receiving various types of services such as English Language Learner services. The CCD also collects information about the occurrence of high school dropouts. Information about teachers and staffing is also collected.

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 3519. 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. E7–21644 Filed 11–2–07; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Gaining Early Awareness and Readiness for Undergraduate Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.334S (State grants) and 84.334A (Partnership grants).

Dates:

Applications Available: November 5, 2007.

Deadline for Transmittal of Applications: December 20, 2007.

Deadline for Intergovernmental Review: February 18, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is to support early college preparation and awareness activities for low-income students.

Priorities: Under these competitions we are particularly interested in applications that address one or more of the following priorities.

Invitational Priorities: For FY 2008 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1: State applicants are encouraged to include plans to develop and administer an assessment in the tenth grade, eleventh grade, or both to determine whether GEAR UP students are adequately prepared for postsecondary education. Assessments would include math skills, language skills, and other content areas or skills the applicants believe are sound indicators of preparedness for college-level work.

The Secretary will review the results of this invitational priority (including the number of applicants who include information responsive to this priority and whether any grantees develop and administer an assessment), and may propose to modify the regulations in 34 CFR 694 for GEAR UP to require that grantees conduct an assessment of this kind of the students receiving services through GEAR UP partnership or State grants.

Invitational Priority 2: State and Partnership applicants are encouraged to include plans to engage faith-based and community organizations in the delivery of services under this program.

Invitational Priority 3: State and Partnership applicants are encouraged to include plans to align their activities with the States' rigorous secondary school program of study options recognized by the Secretary for that State under the Academic Competitiveness Grant (ACG) Program or that reflect the secondary school program of study recognized as rigorous by the Secretary under 34 CFR 691.16(d)(2) of the ACG Program. The recognized secondary school programs of study for each State for students graduating in 2007 can be found at the following Web site: *http://www.ed.gov/admins/finaid/about/ac-smart/2007/state-programs-07.html*. Plans should include strategies for documenting completion of the rigorous secondary school program of study on high school transcripts.

Invitational Priority 4: State and Partnership applicants are encouraged to include plans to provide information to school personnel, students, and parents about the rigorous secondary school program of study requirements for an ACG as defined in 34 CFR 691.16.

Invitational Priority 5: State and Partnership applicants are encouraged to include plans to provide supportive services that help students meet the rigorous secondary school program of study requirements for an ACG as defined in 34 CFR 691.16.

Program Authority: 20 U.S.C. 1070a–21.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The regulations for this program in 34 CFR part 694.

Note: The regulations in 34 CFR part 79 apply to all applicants except Federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $303,423,120 for this program for FY 2008, of which we intend to use an estimated $44,700,000 for these competitions. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2009 from the list of unfunded applicants from these competitions.

Estimated Range of Awards: State grants: $2,800,000–$3,000,000. Partnership grants: $100,000–$7,000,000.

Estimated Average Size of Awards: State grants: $2,900,000. Partnership grants: $800,000.

Maximum Award: We will reject any application for a State grant that proposes a budget exceeding $3,000,000 for a single budget period of 12 months. We will reject any application for a partnership grant that proposes a budget exceeding $800 per student for a single budget period of 12 months. We also will reject any State or partnership grant application that proposes an increase in its budget after the first 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: State grants: 7. Partnership grants: 30.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 72 months.

III. Eligibility Information

1. *Eligible Applicants:* (1) A State; or (2) a partnership consisting of (A) one or more local educational agencies acting on behalf of (i) one or more elementary schools or secondary schools, and (ii) the secondary schools that students from the schools described in (i) would normally attend; (B) one or more degree granting IHE; and (C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4 of Part A of Title IV of the Higher Education Act of 1965, as amended (HEA), or other public or private agencies or organizations.

Note: For State grants, the fiscal agent/applicant must be a single State agency as designated by the State's Governor. For partnership grants, the fiscal agent/applicant must be either an IHE or a local educational agency.

2. *Cost Sharing or Matching:* Section 404C of the HEA requires grantees

under this program to provide not less than 50 percent of the total cost of the project over six years. By regulation, a partnership may propose a non-Federal contribution of less than 50 percent, but not less than 30 percent of the total cost of the project, if the partnership includes three or fewer IHEs as members and meets the high-need criteria in 34 CFR 694.7(b)(2). The non-Federal share of project costs may be in cash or in-kind. The Department will hold applicants accountable for the matching commitment proposed in the application for funding, even if the proposed match is higher than the percent required by statute.

3. *Other:* For State grants, at least 25 percent, and not more than 50 percent of grant funds must be spent on early college preparation and awareness, and at least 50 percent of grant funds must be spent on postsecondary scholarships to eligible GEAR UP students. The Secretary may waive the scholarship percentage requirement if the applicant demonstrates that it has another means of providing the students with financial assistance.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site at: *http://www.ed.gov/programs/gearup/index.html*.

You also can request a copy of the application package from the following: Angela Oliphant, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street, NW., Room 6133, Washington, DC 20006–8524. Telephone: (202) 502–7676 or by e-mail: *angela.oliphant@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application packages for these competitions.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to no more than 40 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: November 5, 2007.

Deadline for Transmittal of Applications: December 20, 2007.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact* in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: February 18, 2008.

4. *Intergovernmental Review:* These competitions are subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application packages for these competitions.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under these competitions must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the GEAR UP State and Partnership Competitions, CFDA Numbers 84.334S and CFDA 84.334A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for GEAR UP at *http://www.Grants.gov.* You must search for the downloadable application packages for these competitions by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.334, not 84.334A or 84.334S).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later

than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application packages for these competitions to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; *and*

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Angela Oliphant, U.S. Department of Education, 1990 K Street, NW., Room 6133, Washington, DC 20006–8524. Fax: (202) 502–7675.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal

Service or a commercial carrier) your application in paper format to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334A or 84.334S), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.334A or 84.334S), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your application in paper format to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334A or 84.334S), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for these programs are from 34 CFR 75.210 of EDGAR and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* The objectives of the GEAR UP program are—(1) to increase the academic performance and preparation for postsecondary education of participating students; (2) to increase the rate of high school graduation and participation in postsecondary education of participating students; and (3) to increase educational expectations for participating students and student and family knowledge of postsecondary education options, preparation, and financing.

The effectiveness of this program depends on the rate at which program participants complete high school and enroll in and complete a postsecondary education. We developed the following performance measures to track progress toward achieving the program's goals:

1. The percentage of GEAR UP students who passed Algebra 1 by the end of the 9th grade.

2. The percentage of GEAR UP students who have knowledge of necessary academic preparation for college.

3. The percentage of GEAR UP students who graduated from high school.

4. The percentage of former GEAR UP students who are enrolled in college.

In addition, to assess the efficiency of the program, we track the average cost in federal funds, of achieving a successful outcome, where success is defined as enrollment in postsecondary education of GEAR UP students immediately after high school graduation. These performance measures constitute GEAR UP's indicators of the success of the program. Grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

VII. Agency Contact

For Further Information Contact: Angela Oliphant, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street, NW., Room 6133, Washington, DC 20006–8524. Telephone: (202) 502–7676 or by e-mail: *angela.oliphant@ed.gov*.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under *For Further Information Contact* in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as

all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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*.

Diane Auer Jones,

Assistant Secretary for Postsecondary Education.

[FR Doc. E7–21692 Filed 11–2–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Business and International Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.153A.

Dates:

Applications Available: November 5, 2007.

Deadline for Transmittal of Applications: December 12, 2007.

Deadline for Intergovernmental Review: February 11, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Business and International Education program provides grants to enhance international business education programs and to expand the capacity of the business community to engage in international economic activities.

Priorities: This competition includes one competitive preference priority and four invitational priorities that are explained in the following paragraphs.

Competitive Preference Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for this program (34 CFR 661.32). For FY 2008, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional five points to an application that meets this priority.

This priority is: The establishment of internships overseas to enable foreign language students to develop their foreign language skills and their knowledge of foreign cultures and societies.

Invitational Priorities: For FY 2008, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority I: Applications from institutions of higher education that propose projects that include activities focused on the countries in which the following critical languages are spoken: Arabic, Chinese, Japanese, Korean, Russian as well as Indic, Iranian, and Turkic language families.

Invitational Priority II: Applications that focus on developing, improving and/or disseminating best practices of international business training programs, teaching, and curriculum development to increase American competitiveness.

Invitational Priority III: Programs that expand the capacity of the business community to engage in international economic activities by developing college/business partnerships that provide internships for business students or science, technology, engineering, and mathematics (STEM) students who may seek careers in the global marketplace.

Invitational Priority IV: Programs that prepare STEM or business students to work cross-culturally in international settings by providing opportunities for them to study foreign languages.

Program Authority: 20 U.S.C. 1130–1130b.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The regulations in 34 CFR parts 655 and 661.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $91,541,340 for the International Education and Foreign Language Studies Domestic Programs for FY 2008, of which we intend to use an estimated $1,680,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000–$90,000.

Estimated Average Size of Awards: $84,000.

Maximum Award: We will reject any application that proposes a budget exceeding $90,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education that have entered into agreements with business enterprises, trade organizations, or associations that are engaged in international economic activity—or a combination or consortium of these enterprises, organizations, or associations—for the purposes of pursuing the activities authorized under this program.

2. *Cost Sharing or Matching:* The matching requirement is described in section 613(d) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1130a). The HEA provides that the applicant's share of the total cost of carrying out a program supported by a grant under the Business and International Education Program must be no less than 50 percent of the total cost of the project in each fiscal year. The non-Federal share of the cost may be provided either in-kind or in cash.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site: *http://www.ed.gov/programs/iegpsbie/index.html*. You also can obtain a copy of the application package by contacting Ms. Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., Room 6017, Washington, DC 20006–8521. Telephone: (202) 502–7626 or by e-mail: *tanyelle.richardson@ed.gov*.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS) toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille,

large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 40 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be outside of the 1″ margin.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, captions, and all text in charts, tables, and graphs. These items may be single-spaced. Charts, tables, figures, and graphs in the application narrative count toward the page limit.
- Use a font that is either 12-point or larger or no smaller than 10-point (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental information required by the Department of Education; Part II, the budget information summary form (ED Form 524); and Part IV, the assurances and certifications. The page limit also does not apply to a table of contents. However, the page limit does apply to all of the application narrative section (Part III). If you include any attachments or appendices not specifically requested, these items will be counted as part of the application narrative (Part III) for purposes of the page limit requirement. You must include your complete response to the selection criteria in the application narrative.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: November 5, 2007.

Deadline for Transmittal of Applications: December 12, 2007.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: February 11, 2008.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Business and International Education Program, CFDA Number 84.153A, must be submitted electronically using the Governmentwide Grants.gov Apply site at: *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Business and International Education Program at *http://www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.153 not 84.153A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at: *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include

(1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format. You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application). We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Tanyelle Richardson, U.S. Department of Education, 1990 K Street, NW., Room 6017, Washington, DC 20006–8521. Fax: (202) 502–7859.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.153A), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.153A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.153A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper *Applications:* If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *General:* For FY 2008, applications are randomly divided into seven groupings. International business and outreach experts, organized into seven panels of three, will review each application. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other panels. However, ultimately, all applications, without being divided into groups, will be ranked from the highest to the lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this program are in 34 CFR 661.31 and are as follows: (a) Need for the project (25 points); (b) plan of operation (20 points); (c) qualifications of the key personnel (10 points); (d) budget and cost effectiveness (15 points); (e) evaluation plan (25 points); and (f) adequacy of resources (5 points).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the electronic data instrument, *International Resource Information System* (IRIS), to complete both the annual and final reports. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the objective for the Business and International Education Program (BIE) is to meet the nation's security and economic needs through the development of a national capacity in foreign languages, and area and international studies.

The Department will use the following measures to evaluate its success in meeting this objective.

BIE Performance Measures: (1) The number of outreach activities that are adopted or disseminated within a year, divided by the total number of BIE outreach activities conducted in the reporting period. (2) Percentage of BIE projects judged to be successful by the program officer, based on a review of information provided in annual performance reports.

The information provided by grantees in their performance reports submitted via IRIS will be the source of data for this measure. Reporting screens for institutions can be viewed at: *http://www.ieps-iris.org/iris/pdfs/BIE.pdf.*

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Ms. Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K. Street, NW., Room 6017, Washington, DC 20006–8521. Telephone: (202) 502–7626 or by e-mail: *tanyelle.richardson@ed.gov.* If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under *For Further Information Contact* in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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: October 31, 2007.

Diane Auer Jones,

Assistant Secretary for Postsecondary Education.

[FR Doc. E7–21695 Filed 11–2–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: Department of Education, National Assessment Governing Board.

ACTION: Notice of open meeting and partially closed meetings.

SUMMARY: The notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify members of the general public of their opportunity to attend. Individuals who will need special accommodations in order to attend the meeting (i.e.; interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than November 5, 2007. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: November 15–17, 2007.

Times

November 15

Committee Meeting

Executive Committee: Open Session—4 p.m. to 4:30 p.m.; Closed Session—4:30 p.m. to 6 p.m.

November 16

Full Board: Open Session—8:30 a.m. to 9:30 a.m..; Closed Session—12:45 p.m. to 2:15 p.m.; Open Session—2:15 p.m. to 3:30 p.m.; Closed Session—3:30 p.m. to 4 p.m.

Committee Meetings

Assessment Development Committee: Closed Session—9:30 a.m. to 11:30 a.m.; Open Session—11:30 a.m. to 12:30 p.m.;

Committee on Standards, Design and Methodology: Open Session—9:30 a.m. to 12:30 p.m.;

Reporting and Dissemination Committee: Open Session—9:30 a.m. to 12:30 p.m.;

November 17

Nominations Committee: Closed Session—7:45 a.m. to 8:45 a.m.

Full Board: Open Session—9 a.m. to 12 p.m.

Location: The Ritz Carlton Tysons Corner, 1700 Tysons Boulevard, McLean, VA 22102.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994, as amended.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include selecting subject areas to be assessed, developing assessment objectives, developing appropriate student achievement levels for each grade and subject tested, developing guidelines for reporting and disseminating results, and developing standards and procedures for interstate and national comparisons.

On November 15, the Executive Committee will meet in closed session from 4:30 p.m. to 6 p.m. to receive a briefing from the National Center for Education Statistics on contractor costs and contract options under National Assessment of Educational Progress (NAEP) contracts awarded in Fiscal Year 2007, covering the 2008–2012 assessment years. The discussion of contractor costs and contract options will address the implications for congressionally mandated goals and adherence to Board policies on NAEP assessments. This part of the meeting must be conducted in closed session because public discussion of this information would disclose proprietary information submitted by the successful contractors and have an adverse effect on the confidentiality of the contracting process. The meeting must therefore be conducted in closed session as disclosure of technical and cost data would significantly impede implementation of the NAEP contract awards, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

On November 16, the full Board will meet in open session from 8:30 a.m. to 9:15 a.m. The Board will approve the agenda and new Board members will be administered the Oath of Office. The Governing Board will receive a report from the Executive Director and hear an update on the work of the National Center for Education Statistics (NCES).

The Assessment Development Committee will meet in closed session on November 16 from 9:30 a.m. to 11:30 a.m. to review secure science pilot items for grades 4, 8, and 12 for the 2009 National Assessment of Educational Progress (NAEP). The meeting must be conducted in closed session as disclosure of proposed test items for the science pilot would significantly impede implementation of the NAEP program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C. From 11:30 a.m. to 12:30 p.m., the Committee will meet in open session.

On November 16, the Committee on Standards, Design and Methodology, and the Reporting and Dissemination Committee will meet in open session from 9:30 a.m. to 12:30 p.m.

On November 16, the full Board will meet in closed session from 12:45 p.m. to 2:15 p.m. to receive a briefing on results of the 2007 NAEP Trial Urban District Assessment (TUDA) Reading and Mathematics Report Card. The Governing Board will be provided with embargoed data on the report that cannot be discussed in an open meeting prior to their official release. The meeting must therefore be conducted in closed session as premature disclosure of data would significantly impede implementation of the NAEP program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

On November 16 from 2:15 p.m. to 3:15 p.m. the Board will receive an update from the Chair of the Technical Panel on 12th Grade Preparedness Research. Thereafter, Board members will receive a closed session briefing on Ethics from the Office of General Counsel from 3:30 p.m. to 4 p.m.

On November 17, the Nominations Committee will meet in closed session from 7:45 a.m. to 8:45 a.m. to review and discuss confidential information regarding nominees received for Board vacancies for terms beginning on October 1, 2008. These discussions pertain solely to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 U.S.C.

The full Board will meet in open session on November 17 from 9 a.m. to 12 p.m. From 9 a.m. to 10 a.m., the Board will receive a briefing on developing NAEP Frameworks and Test Questions. Board actions on policies and Committee reports are scheduled to take place between 10:15 a.m. and 12 p.m., upon which the November 17, 2007 session of the Board meeting will adjourn.

Detailed minutes of the meeting, including summaries of the activities of the closed sessions and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment

Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 9 a.m. to 5 p.m. Eastern Standard Time, 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: October 30, 2007.

Charles E. Smith,

Executive Director, National Assessment Governing Board, U.S. Department of Education.

[FR Doc. E7–21678 Filed 11–2–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance: Symposium

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of an Opening Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming symposium of the Advisory Committee on Student Financial Assistance (The Advisory Committee). This notice also describes the functions of the Advisory Committee. Notice of this symposium is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

Date and Time: Monday, December 10, 2007, beginning at 9 a.m. and ending at approximately 5 p.m.

ADDRESSES: Holiday Inn on the Hill, Federal Ballroom, Lobby Level, 415 New Jersey Avenue, NW., Washington DC 20001.

FOR FURTHER INFORMATION CONTACT: Dr. Michelle Asha Cooper, Deputy Director, Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202–7582, (202) 219–2099.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1–800–8339.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act, and to make recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students. In addition, Congress expanded the Advisory Committee's mission in the Higher Education Amendments of 1998 to include several important areas: Access, Title IV modernization, distance education, and early information and needs assessment. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

The Advisory Committee has scheduled this one-day symposium to discuss issues affecting community colleges, particularly as they relate to enrollment, persistence, and transfer between two- and four-year institutions.

The proposed agenda will include testimony and discussion by community college leaders, policymakers, researchers and practitioners on (a) best practices used to inform students about college and help students prepare to enroll in community colleges; (b) the types of programs and efforts needed to better ensure the persistence and degree completion of community college students; and (c) innovative programs that facilitate the transfer process from two-year to four-year institutions. The Advisory Committee will also conduct a public comment and discussion session.

Individuals who will need accommodations for a disability in order to attend the Symposium (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Thursday, November 29, 2007 by contacting Ms. Hope Gray at (202) 219–2099 or via e-mail at *hope.gray@ed.gov.* We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The symposium site is accessible to individuals with disabilities.

The Advisory Committee invites the public to submit written comments on the agenda topics to the following e-mail address: *ACSFA@ed.gov.* Information regarding the topics covered at the symposium will also be available on the Advisory Committee's Web site, *http://www.ed.gov/ACSFA.* We must receive your comments *on or before Friday, November 30, 2007 to be included in the symposium materials.*

Space for the symposium is limited and you are encouraged to register early if you plan to attend. You may register by sending an e-mail to the following address: *ACSFA@ed.gov* or *Tracy.Deanna.Jones@ed.gov.* Please include your name, title, affiliation, complete address (including internet and e-mail address, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219–3032. You may also contact the Advisory Committee staff directly at (202) 219–2099. The registration deadline is Friday, November 30, 2007.

Records are kept for Advisory Committee proceedings, and are available for inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays. Information regarding the Advisory Committee is available on the Committee's Web site, *http://www.ed.gov/ACSFA.*

Electronic Access to This Document: You may view this document, as well as 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.*

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Dated: October 30, 2007.

William J. Goggin,

Executive Director, Advisory Committee on Student Financial Assistance.

[FR Doc. E7–21665 Filed 11–2–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–11–000]

Tennessee Gas Pipeline Company; Notice of Application

October 29, 2007.

Take notice that on October 18, 2007, Tennessee Gas Pipeline Company (Tennessee), 180 East 100 South, Salt Lake City, Utah 84111, filed in Docket No. CP08–11–000, an application, pursuant to section 7 of the Natural Gas Act (NGA), for an order authorizing or approving a Payment-in-Lieu-of-Taxes transaction (PILOT Transaction) between Tennessee and the Schoharie County Industrial Development Agency (Agency) that would involve the lease and lease-back of certain property, including certificated facilities located in Schoharie County, New York. As described further in the application, the PILOT Transaction would give the Agency a passive interest in Tennessee's Schoharie County property and facilities solely for the purpose of effectuating a tax exemption for Tennessee. Approval and execution of PILOT Transaction would not effect jurisdictional services performed by Tennessee; would not allow the Agency to administer jurisdictional services; and would not require the addition, replacement, construction, or abandonment of any certificated facilities or capacity. Tennessee will retain complete ownership and operational control of its property and facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Kevin Erwin, Associate General Counsel, 1001 Louisiana, Houston Texas 77002, at (713) 420–1212

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, 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: November 19, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21652 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket OR07–5–000]

ExxonMobil Oil Corporation, Complainant v. Calnev Pipe Line LLC, Kinder Morgan GP Inc., Kinder Morgan Inc., Respondents; Notice of Amended Complaint

October 29, 2007.

Take notice that on October 18, 2007, ExxonMobil Oil Corporation (ExxonMobil) tendered for filing its First Amended Complaint against Calnev Pipe Line LLC, Kinder Morgan GP, Inc., and Kinder Morgan Inc.

ExxonMobil states that copies of the complaint were served on all respondents.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

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 November 19, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21653 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 29, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP99–518–103.

Applicants: Gas Transmission Northwest Corporation.

Description: Gas Transmission Northwest Corp submits Thirteenth Revised Sheet 24 *et al.* to FERC Gas Tariff, Third Revised Volume 1–A, effective 10/27/07.

Filed Date: 10/26/2007.

Accession Number: 20071029–0235.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–32–000.

Applicants: Transcontinental Gas Pipe Line Corp.

Description: Transcontinental Gas Pipe Line Corp submits Fifty-First Revised Sheet 27 *et al.* to FERC Gas Tariff, Third Revised Volume 1, effective 11/1/07.

Filed Date: 10/26/2007.

Accession Number: 20071029–0234.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–33–000.

Applicants: Texas Eastern Transmission LP.

Description: Texas Eastern Transmission, LP submits Twenty-Fifth Revised Sheet 25 *et al.* to FERC Gas Tariff, Seventh Revised Volume 1 *et al.*

Filed Date: 10/26/2007.

Accession Number: 20071029–0214.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–34–000.

Applicants: Kinder Morgan Illinois Pipeline LLC.

Description: Kinder Morgan Illinois Pipeline LLC submits Original Sheet 129 *et al.* to FERC Gas Tariff, Original Volume 1, effective 12/1/07.

Filed Date: 10/26/2007.

Accession Number: 20071029–0215

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–35–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits Second Revised Sheet 40 *et al.* to FERC Gas Tariff, Fifth Revised Volume 1, effective 12/1/07.

Filed Date: 10/26/2007.

Accession Number: 20071029–0236.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7–21646 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 26, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP88–67–083.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits Twenty-Fourth Revised Sheet 25 et al. to FERC Gas Tariff, Seventh Revised Volume 1 et al., to be effective 12/1/07.

Filed Date: 10/23/2007.

Accession Number: 20071024–0131.

Comment Date: 5 p.m. Eastern Time on Monday, November 5, 2007.

Docket Numbers: RP97–81–043.

Applicants: Kinder Morgan Interstate Gas Trans., LLC.

Description: Kinder Morgan Interstate Gas Transmission, LLC submits its Third Revised Sheet 4G.02 et al. to its FERC Gas Tariff, Fourth Revised Volume 1–A.

Filed Date: 10/25/2007.

Accession Number: 20071026–0056.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 6, 2007.

Docket Numbers: RP99–176–139.

Applicants: Natural Gas Pipeline Co. of America.

Description: Natural Gas Pipeline Company of America submits the Transportation Rate Schedule FTS Agreement with a negotiated rate exhibit, Third Revised Sheet 414.02 with Chesapeake Energy Marketing, Inc.

Filed Date: 10/25/2007.

Accession Number: 20071026–0027.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 6, 2007.

Docket Numbers: RP08–31–000.

Applicants: Crossroads Pipeline Company.

Description: Crossroads Pipeline Co. submits its Second Revised Sheet 78 et al. to FERC Gas Tariff, First Revised Volume 1.

Filed Date: 10/25/2007.

Accession Number: 20071026–0055.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 6, 2007.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7–21647 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 26, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER07–1205–001.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC responds to FERC's 9/21/07 deficiency letter re their 7/26/07 filing of an executed interconnection service agreement with WM Renewable Energy, LLC.
Filed Date: 10/22/2007.
Accession Number: 20071023–0034.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER07–1258–002.
Applicants: Rocky Mountain Power, LLC.
Description: Rocky Mountain Power LLC submits Substitute Original Sheet No. 1 and Second Substitute Original Sheet No. 2 to its revised tariff to delete the following provisions.
Filed Date: 10/22/2007.
Accession Number: 20071023–0033.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER07–1259–002.
Applicants: San Joaquin Cogen, LLC.
Description: San Joaquin Cogen LLC submits its Second Substitute Original Sheet 1–3 to its FERC Electric Tariff, First Revised Volume 1 etc.
Filed Date: 10/22/2007.
Accession Number: 20071023–0031.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER07–1331–002.
Applicants: Indianapolis Power & Light Company.
Description: Indianapolis Power & Light Company submits the corrected designation of First Revised Rate Schedule 21 superceding Original Sheet 1 through 11.
Filed Date: 10/19/2007.
Accession Number: 20071023–0032.
Comment Date: 5 p.m. Eastern Time on Friday, November 9, 2007.

Docket Numbers: ER08–25–001.
Applicants: Ocean State Power.
Description: Ocean State Power and Ocean State Power II submits revised tariff sheets to accompany the 10/4/07 application.
Filed Date: 10/22/2007.
Accession Number: 20071024–0020.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–68–000.
Applicants: Virginia Electric and Power Company.
Description: Virginia Electric and Power Co. submits an amendment to their Agreement for the Purchase of Electricity for Resale with Virginia Municipal Electric Association No.1.
Filed Date: 10/18/2007.
Accession Number: 20071022–0090.
Comment Date: 5 p.m. Eastern Time on Thursday, November 8, 2007.

Docket Numbers: ER08–75–000.
Applicants: Del Light, Inc.
Description: Del Light, Inc. submits a Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority designated as FERC Electric Tariff, Original Volume.
Filed Date: 10/22/2007.
Accession Number: 20071023–0028.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–76–000.
Applicants: South Glen Falls Energy, LLC.
Description: South Glen Falls Energy, LLC submits a notice of cancellation of their market based rate tariff, FERC Electric Tariff, Third Revised Volume 1.
Filed Date: 10/22/2007.
Accession Number: 20071023–0035.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–77–000.
Applicants: Golden Spread Electric Cooperative, Inc.
Description: Golden Spread Electric Cooperative, Inc. submits First Revised Sheet No. 8 *et al.* to FERC Revised Rate Schedule 23 *et al.*
Filed Date: 10/22/2007.
Accession Number: 20071024–0024.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–78–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits an executed revised service agreement for Network Integration Transmission Service with Westar Energy, Inc.
Filed Date: 10/22/2007.
Accession Number: 20071024–0025.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–79–000.
Applicants: Nevada Power Company
Description: Nevada Power Co. submits a notice of cancellation of FERC Electric Tariff 5 *et al.*
Filed Date: 10/23/2007.
Accession Number: 20071024–0023.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–80–000.

Applicants: The Detroit Edison Company.

Description: The Detroit Edison Co. submits an executed Wholesale Distribution Service Agreement with the City of Croswell *et al.*

Filed Date: 10/23/2007.

Accession Number: 20071024–0022.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–81–000.

Applicants: Sierra Pacific Power Company.

Description: Sierra Pacific Power Co. submits a notice of cancellation of FERC Electric Tariff 4 *et al.*

Filed Date: 10/23/2007.

Accession Number: 20071024–0021.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–82–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co.'s reliability Services Rate Revision Filing.

Filed Date: 10/23/2007.

Accession Number: 20071024–0161.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

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Nathaniel J. Davis, Sr.,

Acting Deputy Director.

[FR Doc. E7–21648 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 30, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP00–632–026.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc submits its refund report.

Filed Date: 10/26/2007.

Accession Number: 20071029–0361.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP02–361–065.

Applicants: Gulfstream Natural Gas System, L.L.C.

Description: Gulfstream Natural Gas System, LLC submits Original Sheet 8.02f to FERC Gas Tariff, Original Volume 1, to be effective 11/1/07.

Filed Date: 10/29/2007.

Accession Number: 20071030–0028.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: RP96–383–082.

Applicants: CNG Transmission Corporation, Dominion Transmission, Inc.

Description: Dominion Transmission, Inc submits Ninth Revised Sheet 1405 to FERC Gas Tariff, Third Revised Volume 1, effective 11/1/07.

Filed Date: 10/29/2007.

Accession Number: 20071030–0027.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: RP99–176–140.

Applicants: Natural Gas Pipeline Company of America, Natural Gas Pipeline Co. of America.

Description: Natural Gas Pipeline Company of America submits Third Revised Sheet 26W.33 and 26–W.34 to FERC Gas Tariff, Sixth Revised Volume 1, effective 11/1/07.

Filed Date: 10/26/2007.

Accession Number: 20071030–0026.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–36–000.

Applicants: High Island Offshore System, L.L.C.

Description: High Island Offshore System, LLC submits Sixth Revised Sheet 11 *et al.* to FERC Gas Tariff, Third Revised Volume 1, proposed to be effective 11/1/07.

Filed Date: 10/26/2007.

Accession Number: 20071030–0030.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Docket Numbers: RP08–37–000.

Applicants: Trailblazer Pipeline Company.

Description: Trailblazer Pipeline Company's refund of Penalty Revenue Crediting Report FERC Gas Tariff, Third Revised Volume 1 which reflects the three months period from 7/1/07 to 9/30/07.

Filed Date: 10/26/2007.

Accession Number: 20071030–0029.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 7, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7–21649 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

October 29, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–136–001.

Applicants: NRG Energy, Inc.

Description: Long Beach Generation, LLC, *et al.* submits the organizational charts that were excluded from the September 27, 2007 Application along with an updated notarized verification of J. Andrew Murphy.

Filed Date: 10/25/2007.

Accession Number: 20071029–0063.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 6, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–830–015; ER03–720–006; ER03–719–006; ER03–721–006.

Applicants: Millenium Power Partners, LLC; New Athens Generating Company, LLC; New Harquahala Generating Company, LLC; New Covert Generating Company, LLC.

Description: New Athens Generating Company, LLC, *et al.* submits Notice of Non-material Change in Status and First Revised Sheet 1 *et al.* to FERC Electric Tariff, Second Revised Volume 1 in compliance with Order 697.

Filed Date: 10/25/2007.

Accession Number: 20071029–0069.

Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Docket Numbers: ER99–1435–015.

Applicants: Avista Corporation.

Description: Avista Corporation submits Original Sheet 1 *et al.* to its FERC Electric Tariff, Seventh Revised Volume 9.

Filed Date: 10/24/2007.

Accession Number: 20071029–0074.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER99–3077–005.

Applicants: Colorado Power Partners.

Description: Colorado Power Partners submits Second Substitute Original Sheet 1—2 to its FERC Electric Tariff, First Revised Volume 1 etc.

Filed Date: 10/22/2007.

Accession Number: 20071023–0020.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER99–3197–005.

Applicants: BIV Generation Company, LLC.

Description: BIV Generation Company, LLC submits Substitute Original Sheet 1 *et al.* to its revised tariff to delete provisions.

Filed Date: 10/22/2007.

Accession Number: 20071023–0022.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER01–751–009.

Applicants: Mountain View Power Partners, LLC.

Description: Mountain View Power Partners, LLC submits Second Substitute Original Sheet 1–3 to its FERC Electric Tariff, First Revised Volume 1 in accordance with FERC 9/21/07 request and Order 697.

Filed Date: 10/22/2007.

Accession Number: 20071023–0021.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER02–1470–003; ER02–1573–003; ER05–1249–003; ER96–2585–005; ER98–6–010; ER99–2387–003.

Applicants: KeySpan-Glenwood Energy Center, LLC; KeySpan-Port Jefferson Energy Center, LLC; Niagara Mohawk Power Corporation; New England Power Company; KeySpan Ravenwood, Inc.; The Narragansett Electric Company; Granite State Electric Company; Massachusetts Electric Company.

Description: Niagara Mohawk Power Corporation *et al.* submit a supplement to the Notice of Change in Status to reflect the impact of the recently consummated merger with KeySpan Corp. etc.

Filed Date: 10/19/2007.

Accession Number: 20071023–0023.

Comment Date: 5 p.m. Eastern Time on Friday, November 9, 2007.

Docket Numbers: ER03–774–005.

Applicants: Eagle Energy Partners I, LP.

Description: Eagle Energy Partners I, LP submits Notice of Change in Status as a result from closing of the merger transaction with Texas Energy Future Holdings, LP.

Filed Date: 10/24/2007.

Accession Number: 20071029–0070.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER05–1420–004.

Applicants: Lehman Brothers Commodity Services, Inc.

Description: Lehman Brothers Commodity Services, Inc. submits Notice of Non-Material Change in Status.

Filed Date: 10/24/2007.

Accession Number: 20071029–0072.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER06–1346–003.

Applicants: White Creek Wind I, LLC.

Description: White Creek Wind LLC submits a revised Second Revised Sheet 1 of its FERC Electric Tariff, Original Volume 1 to replace First Revised Sheet 1 and First Revised Sheet 2 in the 10/1/07 filing.

Filed Date: 10/24/2007.

Accession Number: 20071026–0051.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER07–870–002.

Applicants: Oncor Electric Delivery Company.

Description: Oncor Electric Delivery Company submits an amendment to its 7/5/07 filing of a Notice of Succession.

Filed Date: 10/24/2007.

Accession Number: 20071026–0052.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER07–1251–002.

Applicants: Northern Maine Independent System Administrator.

Description: Northern Maine Independent System Administrator submits revision to the Northern Maine Market Rules to clarify the definition of ''Firm Energy'' therein in compliance with FERC's 10/19/07 Order.

Filed Date: 10/25/2007.

Accession Number: 20071026–0054.

Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Docket Numbers: ER07–1303–002.

Applicants: PS Energy Group, Inc.
Description: PS Energy Group, Inc. submits an amendment to its 8/23/07 filing of a Petition for Acceptance of Initial Rate Tariff.
Filed Date: 10/24/2007.
Accession Number: 20071026–0053.
Comment Date: 5 p.m. Eastern Time on Monday, November 5, 2007.

Docket Numbers: ER08–19–001.
Applicants: Energy Algorithms, LLC.
Description: Amendment to the application of Energy Algorithms, LLC for Order Accepting Market-Based Rate Tariff etc.
Filed Date: 10/25/2007.
Accession Number: 20071029–0073.
Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Docket Numbers: ER08–25–001; ER08–26–001.
Applicants: Ocean State Power; Ocean State Power II.
Description: Ocean State Power and Ocean State Power II submit revised tariff sheets to accompany the 10/4/07 application.
Filed Date: 10/22/2007.
Accession Number: 20071024–0020.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–83–000.
Applicants: Gilberton Power Company.
Description: Gilberton Power Company's application for market-based rate authority, request for waivers and pre-approvals, and request for finding of qualification as Category 1 Seller.
Filed Date: 10/23/2007.
Accession Number: 20071025–0030.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–84–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Duke Energy Carolinas, LLC submits its 8/30/07 Confirmation with North Carolina Electric Membership Corporation.
Filed Date: 10/23/2007.
Accession Number: 20071025–0029.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 13, 2007.

Docket Numbers: ER08–85–000.
Applicants: American Electric Power Service Corporation.
Description: American Electric Power Service Corporation agent for AEP Texas North Company submits an executed amendment to the Interconnection Agreement with Texas-New Mexico Power Company.
Filed Date: 10/24/2007.
Accession Number: 20071025–0028.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER08–86–000.
Applicants: California Power Exchange Corporation .
Description: The California Power Exchange Corp submits proposed amendments to its Rate Schedule 1 in order to recover projected expenses for the period 1/1/08—6/30/08.
Filed Date: 10/24/2007.
Accession Number: 20071025–0027.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER08–87–000.
Applicants: Metropolitan Edison Company
Description: Metropolitan Edison Company submits a Construction and Reimbursement Agreement with MetEd, Texas Eastern Transmission LP *et al.*, etc.
Filed Date: 10/24/2007.
Accession Number: 20071026–0050.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER08–88–000.
Applicants: Old Dominion Electric Cooperative, Inc.
Description: Old Dominion Electric Cooperative submits an Interconnection Agreement with A&N Electric Cooperative and Old Dominion, to become effective 11/1/07.
Filed Date: 10/24/2007.
Accession Number: 20071026–0049.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER08–89–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Duke Energy Carolina LLC submits its Second Revised Rate Schedule 316, the Full Requirements Power Purchase Agreement with Piedmont Electric Membership Corporation, dated as 10/22/07.
Filed Date: 10/24/2007.
Accession Number: 20071026–0118.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 14, 2007.

Docket Numbers: ER08–90–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool Inc submits an executed Amended and Restated Interconnection Agreement with Public Service Company of Oklahoma et al designated as First Revised Service Agreement 1160.
Filed Date: 10/25/2007.
Accession Number: 20071029–0066.
Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Docket Numbers: ER08–91–000.
Applicants: Mississippi Power Company.
Description: Mississippi Power Company submits materials in support of a request for authorization to use its updated depreciation rates in the calculation of charges for services provided etc.
Filed Date: 10/25/2007.
Accession Number: 20071029–0067.
Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES07–34–000.
Applicants: System Energy Resources, Inc.
Description: System Energy Resources, Inc submits reports required under Sections 131.43 and 131.50 of the Commission regulations.
Filed Date: 10/25/2007.
Accession Number: 20071026–0174.
Comment Date: 5 p.m. Eastern Time on Thursday, November 15, 2007.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–16–000.
Applicants: Northern Indiana Public Service Company.
Description: Order No. 890 OATT of Northern Indiana Public Service Company.
Filed Date: 10/26/2007.
Accession Number: 20071026–5021.
Comment Date: 5 p.m. Eastern Time on Friday, November 16, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Jr.,

Acting Deputy Secretary.

[FR Doc. E7–21650 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2233–066 Oregon]

Portland General Electric Company; Notice of Availability of Environmental Assessment

October 29, 2007.

An environmental assessment (EA) is available for public review. The EA was prepared for an application filed by Portland General Electric Company (licensee) on December 29, 2006, and supplemented on February 26, 2007, requesting Commission approval of an amendment of license to increase the height of temporary flashboards on the concrete dam along the crest of Willamette Falls from 2.0 feet to 3.5 feet, in addition to other modifications, at the Willamette Falls Hydroelectric Project. The project is located on the Willamette River near the cities of West Linn and Oregon City in Clackamas County, Oregon. The project does not occupy any federal lands.

The EA evaluates the environmental impacts that would result from approving the licensee's proposed increase in flashboard height and installation of temporary adult lamprey passage structures. The EA finds that approval of the amendment application, combined with Commission modifications, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a Commission order titled ''Order Amending License,'' issued October 29, 2007, and is available for review in the Commission's Public Reference Room. A copy of the EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2233) 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21660 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF07–13–000]

Palomar Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Palomar Gas Transmission Project; Request for Comments on Environmental Issues and Notice of Public Meetings

October 29, 2007.

The Federal Energy Regulatory Commission (FERC or Commission) is in the process of preparing an environmental impact statement (EIS) on the environmental impacts of the Palomar Gas Transmission Project involving the construction and operation of a new underground natural gas pipeline proposed by Palomar Gas Transmission, LLC (PGT). This Notice of Intent (NOI) explains the scoping process that will be used to gather input from the public and interested agencies on the project. Your input will help determine which issues will be evaluated in the EIS. Please note that the scoping period for this project will close on November 28, 2007.

Comments on the project may be submitted in written form or verbally. In lieu of or in addition to sending written comments, we[1] also invite you to attend the public scoping meetings that have been scheduled in the project area. The meetings are scheduled for Monday, November 12 in Maupin, Oregon; Tuesday, November 13 in Molalla, Oregon; Wednesday, November 14 in McMinnvile, Oregon; and Thursday, November 15 in Forest Grove, Oregon. Further details on how to submit comments and additional details of the public scoping meetings are provided in the Public Participation section of this notice.

The FERC will be the lead federal agency in the preparation of an EIS that will satisfy the requirements of the National Environmental Policy Act (NEPA) and will be used by the FERC to consider the environmental impacts that could result if the Commission issues PGT a Certificate of Public Convenience and Necessity under section 7 of the Natural Gas Act.

This NOI is being sent to Federal, State, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Indian tribes and regional Native American organizations; commentors and other interested parties; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a PGT representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the FERC, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Internet Web site (*http://www.ferc.gov/for-citizens/citizen-guides.asp*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in FERC's proceedings.

Summary of the Proposed Project

PGT has announced its proposal to construct and operate a new natural gas pipeline and associated structures with a bi-directional flow capacity of 1.4 billion cubic feet per day. The project would be located in northwest Oregon and consist of a 211-mile-long, 36-inch-diameter pipeline running from near Shaniko, Wasco County, Oregon to near Wauna, Clatsop County, Oregon. The pipeline would travel across Wasco,

[1] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

Clackamas, Marion, Yamhill, Washington, Columbia, and Clatsop Counties in Oregon. The pipeline would connect the existing Gas Transmission Northwest Corporation (GTN) mainline pipeline system in central Oregon to the Northwest Natural Gas Company (NW Natural) distribution system near Molalla in Clackamas County. The pipeline is also proposed to extend to other potential interconnections with NW Natural's system and to an interconnection with NorthernStar Energy LLC's proposed Bradwood Landing pipeline near Wauna in Clatsop County, Oregon. The proposed project would also include a 3.8-mile-long, 36-inch-diameter lateral pipeline [2] near Molalla, Clackamas County, Oregon, to connect the Palomar Project mainline to an existing NW Natural city gate. Certain associated aboveground facilities are also proposed, i.e., mainline valves spaced at intervals along the pipeline as defined by U.S. Department of Transportation regulations per the Code of Federal Regulations (CFR) 49 Part 192, at least three meter stations, and pig launcher and receiver facilities. At this time, PGT does not anticipate that compression will be required for this project.

More specifically, PGT proposes the following primary project components:

☐ A 211-mile-long, 36-inch diameter underground natural gas mainline consisting of two segments:

☐ Segment 1: a 108.5-miles of mainline from TransCanada's GTN pipeline system northwest of Madras in Wasco County to a location southwest of Molalla in Clackamas County; and a 3.8-mile, 36-inch diameter accessory lateral pipeline, the Molalla Lateral, which will connect the main pipeline to NW Natural's distribution system;

☐ Segment 2: a 102.5-mile segment commencing at the Molalla Lateral interconnect and terminating at the proposed connection to the Bradwood Landing pipeline near Wauna, Clatsop County; there is potential for additional interconnections with NW Natural along this route;

☐ two meter stations, eight mainline valves, and two pig launchers/receivers on Segment I; one pig launcher/receiver on the Molalla Lateral; and one meter station, eight mainline valves, and one pig launcher/receiver on section II;

☐ temporary pipe storage and contractor yards at various locations along the pipeline for office trailers, parking, and pipe and equipment storage during construction; and

☐ temporary construction roadways and short permanent roads from existing roads to meter station sites and other aboveground facilities.

A location map depicting PGT's proposed facilities is attached to this NOI as Appendix 1.[3]

The EIS Process

NEPA requires the Commission to take into account the environmental impacts that could result from an action when it considers whether or not a natural gas pipeline should be approved. FERC will use the EIS to consider the environmental impacts that could result if it issues project authorizations to PGT under sections 3 and 7 of the Natural Gas Act. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of scoping is to focus the analysis in the EIS on the important environmental issues. With this NOI, the Commission staff is requesting public comments on the scope of the issues to be addressed in the EIS. All comments received will be considered during preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction, operation, and maintenance of the proposed project under these general headings:

- Geology and soils.
- Water resources.
- Aquatic resources.
- Vegetation and wildlife.
- Threatened and endangered species.
- Land use, recreation, and visual resources.
- Cultural resources.
- Socioeconomics.
- Air quality and noise.
- Reliability and safety.
- Cumulative impacts.

In the EIS, 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 affected resources.

Our independent analysis of the issues will be included in a draft EIS. The draft EIS will be mailed to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Indian tribes and regional Native American organizations; commentors; other interested parties; local libraries and newspapers; and FERC's official service list for this proceeding. There will be at minimum a 45 day comment period allotted for review of the draft EIS. We will consider all comments on the draft EIS and revise the document, if necessary, before issuing a final EIS. We will consider all comments on the final EIS before we make our recommendations to the Commission. To ensure that your comments are considered, please follow the instructions in the Public Participation section of this NOI.

Although no formal application has been filed, FERC has already initiated its NEPA review under its pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with FERC.

With this NOI, we are 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 EIS. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this NOI.

The EIS will examine the proposed action and alternatives that require administrative or other actions by other Federal agencies. The U.S. Department of Agriculture Forest Service has identified the possible need to amend the existing Mt. Hood National Forest Land and Resource Management Plans. The U.S. Department of Interior Bureau of Land Management has identified the possible need to amend the existing Resource Management Plans of the Salem and Prineville Districts.

Currently Identified Environmental Issues

We have already identified issues that we think deserve attention based on our previous experience with similar projects in the region. This preliminary list of issues, which is presented below, may be revised based on your comments and our continuing analyses specific to the Palomar Gas Transmission Project.

- Potential for disturbance to residents along pipeline construction route, including noise and aesthetics;

[2] A lateral pipeline typically takes gas from the main system to deliver it to a customer, local distribution system, or another interstate transmission system.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies can be obtained from the Commission's Web site (excluding maps) at the ''eLibrary'' link, from the Commission's Public Reference Room, or by calling (202) 502–8371. For instructions on connecting to eLibrary, refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

• Potential for geological hazards, including seismic activity, to have impacts on the pipeline;

• Potential impacts of the pipeline on water bodies and wetlands, including issues of erosion control;

• Potential impacts of the pipeline on vegetation, including the clearing of forested areas;

• Potential impacts of the pipeline on threatened and endangered species and wildlife habitat;

• Potential impacts of the pipeline on cultural resources; and

• Potential impacts of the pipeline on recreation and scenic resources.

Public Participation

You are encouraged to become involved in this process and provide your specific comments or concerns about PGT's proposal. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. Your comments should focus on the potential environmental effects, reasonable alternatives (including alternative facility sites and pipeline routes), and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To expedite the FERC Staff's receipt and consideration of your comments, electronic submission of comments is strongly encouraged. For information on electronically filing comments, please see the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide as well as information in 18 CFR 385.2001(a)(1)(iii). Before you can file comments, you will need to create a free account, which can be accomplished online by clicking on ''Sign-up'' under ''New User.'' This type of submission is considered a ''Comment on Filing.'' Comments submitted electronically must be submitted by November 28, 2007.

If you wish to mail comments, please mail your comments so that they will be received in Washington, DC on or before November 28, 2007 and carefully follow these instructions to ensure that your comments are timely and properly recorded:

• Send an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

• Label one copy of your comments for the attention of OEP/DG2E/Gas Branch 2, PJ–11.2.

• Reference Docket No. PF07–13–000 on the original and both copies.

• Mail your comments so that they will be received in Washington, DC on or before November 28, 2007.

The public scoping meetings (dates, times, and locations listed below) are designed to provide another opportunity to offer comments on the proposed project. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues that they believe should be addressed in the EIS. A transcript of the meetings will be generated so that your comments can be accurately recorded. All meetings will begin at 7 p.m., and are scheduled as follows:

Date	Location
Monday, November 12, 2007	Imperial River Company, 304 Bakeoven Road, Maupin, OR 97037, 541–395–2404.
Tuesday, November 13, 2007	Molalla Adult Center, 315 Kennel Street, Molalla, OR 97038, 503–829–4214.
Wednesday, November 14, 2007	Patton Middle School, 1175 East 19th Street, McMinnville, OR 97128, 503–565–4503.
Thursday, November 15, 2007	Pacific University, 2043 College Way, Forest Grove, OR 97116, 503–352–6151. Meeting will be held in the Multipurpose Room located on ground floor of Washburne Hall. Optimum parking would be in lot ''D'' off of Cedar Street and on College Way.

Once PGT formally files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that you may *not* request intervenor status at this time. You must wait until a formal application is filed with the Commission.

Environmental Mailing List

Everyone who responds to this notice or provides comments throughout the EIS process will be retained on the mailing list. If you do not want to send comments at this time but want to stay informed and receive copies of the draft and final EISs, you must return the Mailing List Retention Form (Appendix 2). If you do not send comments or return the Mailing List Retention Form asking to remain on the mailing list, you will be taken off the mailing list.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208–FERC (3372), or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary link.'' Click on the eLibrary link, select ''General Search'' and enter the project docket number, excluding the last three digits (i.e., PF07–13) in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance with eLibrary, the eLibrary helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or by e-mail at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, FERC now offers a free service called eSubscription that 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. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm*.

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.

Finally, PGT has established a Web site for this project at *http://www.palomargas.com/project.html*. The Web site includes a project overview, timeline, safety and environmental information, and answers to frequently asked questions. You can also request additional information by e-mailing PGT directly at *info@palomargas.com* or by writing to: Palomar Gas Transmission, 1400 SW. Fifth Avenue, Suite 900, Portland, OR 97201.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21651 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FFP Project 54, LLC; Project No. 12915–000]

Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

October 29, 2007.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–12915–000.

c. *Date Filed:* August 6, 2007.

d. *Applicant:* FFP Project 54, LLC.

e. *Name of the Project:* Flora Creek Light Project.

f. *Location:* The project would be located on the Mississippi River in Cape Girardeau County, Missouri and Alexander County, Illinois. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicants Contact:* Mr. Dan Irvin, FFP Project 54, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Patricia W. Gillis, (202) 502–8735.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12915–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 3100 proposed 20-kilowatt Free Flow generating units having a total installed capacity of 62-megawatts, (2) a proposed transmission line; and (3) appurtenant facilities. The project would have an average annual generation of 271.56-gigawatt-hours and be sold to a local utility.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', and ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21654 Filed 11–2–07; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12931–000]

FFP Project 43, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 29, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12931–000.

c. *Date filed:* August 6, 2007.

d. *Applicant:* FFP Project 43, LLC.

e. *Name of Project:* Plum Point Project.

f. *Location:* The project would be located on the Mississippi River in Mississippi County, Arkansas and Tipton County, Tennessee. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 43, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12931–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 5,900 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 118 megawatts, (2) a proposed transmission line; and (3) appurtenant facilities. The FFP Project 43, LLC, project would have an average annual generation of 516.84 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with18 CFR 4.30 and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''COMPETING APPLICATION'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21655 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12936–000]

FFP Project 46, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 29, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12936–000.

c. *Date filed:* August 6, 2007.

d. *Applicant:* FFP Project 46, LLC.

e. *Name of Project:* Little Prairie Bend Project.

f. *Location:* The project would be located on the Mississippi River in Pemiscot County, Missouri and Lake County, Tennessee. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 46, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12936–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 2,700 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 54 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 46, LLC, project would have an average annual generation of 236.52 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the

prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''COMPETING APPLICATION'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21656 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12937–000]

FFP Project 45, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 29, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12937–000.

c. *Date filed:* August 6, 2007.

d. *Applicant:* FFP Project 45, LLC.

e. *Name of Project:* Huffman Light Project.

f. *Location:* The project would be located on the Mississippi River in Mississippi County, Arkansas and Dyer County, Tennessee. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 45, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12937–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 1,900 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 38 megawatts, (2) a proposed transmission line; and (3) appurtenant facilities. The FFP Project 45, LLC, project would have an average annual generation of 166.44 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing

development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''COMPETING APPLICATION'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21657 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FFP Project 42, LLC, Project No. 12938–000]

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 29, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12938–000.

c. *Date filed:* August 6, 2007.

d. *Applicant:* FFP Project 42, LLC.

e. *Name of Project:* Hope Field Point Project.

f. *Location:* The project would be located on the Mississippi River in Crittenden County, Arkansas and Shelby County, Tennessee. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 42, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12938–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 5,600 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 112 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 42, LLC, project would have an average annual generation of 490.56 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice

of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. Comments, Protests, or Motions To Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''COMPETING APPLICATION'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21658 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12942–000]

FFP Project 44, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 29, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12942–000.

c. *Date filed:* August 6, 2007.

d. *Applicant:* FFP Project 44, LLC.

e. *Name of Project:* Bar Field Bend Project.

f. *Location:* The project would be located on the Mississippi River in Mississippi County, Arkansas and Lauderdale County, Tennessee. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 44, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232–3536.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12942–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 4,700 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 94 megawatts, (2) a proposed transmission line; and (3) appurtenant facilities. The FFP Project 44, LLC, project would have an average annual generation of 411.72 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in

the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''COMPETING APPLICATION'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–21659 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD07–15–000]

State of the Natural Gas Industry Conference; Supplemental Notice of Commission Conference

October 29, 2007.

As announced in an October 5, 2007 Notice of Commission Conference, the Federal Energy Regulatory Commission will hold a conference on November 6, 2007, from 9:30 a.m. to 1 p.m. (EST) (change in the closing time from 12:30 p.m. listed in the previous notice), in the Commission Meeting Room on the second floor of the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.

All interested persons may attend; there is no registration and no fee.

The conference is designed to discuss current issues affecting the natural gas industry including: supply, demand, and their impact on the market; the role of liquefied natural gas in U.S. gas supply; and infrastructure needs and construction impediments. Attached is the agenda for the conference.

As mentioned in the earlier notice, transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–336–6646) for a fee. Additionally, a free Web cast of the meeting is available through *http://www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *http://www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its Web cast. The Capitol Connection provides technical support for the Web casts and offers the option of listening to the meeting via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at 703–993–3100.

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 202–208–1659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about the conference, please contact John Schnagl

at (202) 502–8756 (*john.schnagl@ferc.gov*).

Kimberly D. Bose,

Secretary.

Attachment

State of the Natural Gas Industry Conference

November 6, 2007.

Agenda

9:30 a.m. Opening Remarks.
Chairman Joseph T. Kelliher, Federal Energy Regulatory Commission Commissioners.

9:50 a.m. Natural Gas Markets.
- What is the changing nature of U.S. natural gas markets?
- Will newer sources of natural gas (shale, coal bed methane, deepwater Gulf of Mexico) offset declines in traditional sources of natural gas?
- What changes should we expect in net import/exports to and from Canada and Mexico?
- How could ethanol production, carbon constrained electric generation, or other unforeseen demands affect the U.S. supply/demand balance?

Panelists:
Kevin Petak, Vice President, ICF International.
Porter Bennett, President and CEO, Bentek Energy, LLC.
Stephen Harvey, Director, Energy Market Oversight, Office of Enforcement, FERC.

10:50 a.m. LNG's Role in U.S. Gas Supply.
- How does the U.S. currently obtain the LNG it needs?
- Is there a need to change LNG procurement in the U.S.? If so,
- What is needed to encourage contractual arrangements for LNG supply that will meet expected U.S. demand for natural gas?
- Is imported LNG a dependable supply source?
- How is the U.S.'s role in the world LNG market changing?

Panelists:
Betsy Spomer, Senior Vice President Western Hemisphere LNG, BG Group, plc.
Richard Grant, International Chief Executive, Suez Energy International.
Zach Allen, Managing Director, Pan EurAsian Enterprises, Inc.
Patricia Outtrim, Vice President, Cheniere Energy, Inc.

11:50 a.m. Natural Gas Infrastructure.
- What gas infrastructure needs to be built to satisfy future demand?
- What difficulties are currently being encountered in planning and building gas infrastructure? (e.g., cost and availability of materials, regulatory impediments—federal and non-federal)
- What financial/capital impediments exist that will impede the construction of needed gas infrastructure?
- Is there a skilled labor shortage? If so, is it a temporary situation and what is the extent (national, regional, global)?

Panelists:
Sam Brothwell, Managing Director, Equity Research, Wachovia Securities.
Scott Parker, President, Natural Gas Pipelines, Kinder Morgan.
Martha Wyrsch, President and CEO, Spectra Energy Transmission.
Brad Kamph, President, Interliance Consulting, Inc.

12:50 p.m. Closing Remarks.
1 p.m. Adjourn.

[FR Doc. E7–21661 Filed 11–2–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0019; FRL–8491–2]

Agency Information Collection Activities; Proposed Collection; Comment Request; Clean Watersheds Needs Survey (Renewal); ICR No. 0318.11; OMB Control No. 2040–0050

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost

DATES: Comments must be submitted on or before December 5, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2003–0019, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Michael Plastino, Municipal Support Division, Office of Wastewater Management (4204M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; phone number: 202–564–0682; fax number: 202–501–2397; e-mail address: *plastino.michael@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 23, 2007 (72 *FR* 40148), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2003–0019, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: Clean Watersheds Needs Survey (Renewal).

ICR Numbers: EPA ICR No. 0318.11, OMB Control No. 2040–0050.

ICR Status: The current ICR (EPA ICR No. 0318.10) is scheduled to expire on November 30, 2008. The effective date

of this ICR renewal (EPA ICR No. 0318.11) is January 22, 2008—at which point EPA ICR No. 0318.10 will be superseded by EPA ICR No. 0318.11. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Clean Watersheds Needs Survey (CWNS) is required by Sections 205(a) and 516 of the Clean Water Act (*http://www.epa.gov/cwns*). It is a periodic inventory of existing and proposed publicly owned wastewater treatment works (POTWs) and other water pollution control facilities in the United States, as well as an estimate of how many POTWs need to be built. The CWNS is a voluntary, joint effort of EPA and the States. The Survey records cost and technical data associated with POTWs and other water pollution control facilities, existing and proposed, in the United States. The State respondents who provide this information to EPA are State agencies responsible for environmental pollution control. No confidential information is used, nor is sensitive information protected from release under the Public Information Act. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.46 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State governments, water pollution control facilities.

Estimated Number of Respondents: 56 State (States, District of Columbia, and U.S. Territories) respondents and approximately 4,700 water pollution control facilities.

Frequency of Response: Every 4 Years.

Estimated Total Annual Hour Burden: 8,807.

Estimated Total Annual Cost: $305,805. This includes an estimated burden cost of $305,805 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Changes in the Estimates: There is an increase of 1,136 hours in the total estimated burden identified in ICR 0318.09 (the ICR for the CWNS 2004 collection) in the OMB Inventory of Approved ICR Burdens. This increase is due to adjustment in estimates as well as increased ability for respondents to have supporting documentation necessary for responding. These increases were largely offset by burden reductions made through improving the data collection system, reducing data requirements, and streamlining data quality assurance practices.

Dated: October 30, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–21689 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8491–8]

Environmental Laboratory Advisory Board (ELAB) Meeting Dates, and Agenda.

AGENCY: Environmental Protection Agency.

ACTION: Notice of teleconference meetings.

SUMMARY: The Environmental Protection Agency's Environmental Laboratory Advisory Board (ELAB), as previously announced, will have teleconference meetings on November 29, 2007 at 1 p.m. ET; December 19, 2007 at 1 p.m. ET; February 20, 2008 at 1 p.m. ET; March 19, 2007 at 1 p.m. ET; and April 16, 2007 at 1 p.m. ET to discuss the ideas and views presented at the previous ELAB meetings, as well as new business. Items to be discussed by ELAB over these coming meetings include: (1) Expanding the number of laboratories seeking National Environmental Laboratory Accreditation Conference (NELAC) accreditation; (2) homeland security issues affecting the laboratory community; (3) ELAB support to the Agency's Forum on Environmental Measurements (FEM); (4) implementing the performance approach; and (5) follow-up on some of ELAB's past recommendations and issues. In addition to these teleconferences, ELAB will be hosting their next face-to-face meeting on January 16, 2008 at the Hyatt Regency in Newport Beach, CA at 8:30 a.m. (PT).

Written comments on laboratory accreditation issues and/or environmental monitoring issues are encouraged and should be sent to Ms. Lara P. Autry, DFO, U.S. EPA (E243–05), 109 T. W. Alexander Drive, Research Triangle Park, NC 27709, faxed to (919) 541–4261, or e-mailed to *autry.lara@epa.gov.* Members of the public are invited to listen to the teleconference calls, and time permitting, will be allowed to comment on issues discussed during this and previous ELAB meetings. Those persons interested in attending should call Lara P. Autry at (919) 541–5544 to obtain teleconference information. The number of lines for the teleconferences, however, are limited and will be distributed on a first come, first serve basis. Preference will be given to a group wishing to attend over a request from an individual. For information on access or services for individuals with disabilities, please contact Lara P. Autry at the number above. To request accommodation of a disability, please contact Lara P. Autry, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

George M. Gray,

Assistant Administrator, Office of Research and Development.

[FR Doc. E7–21723 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8491–3]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of EPA's final action identifying water quality limited segments and associated pollutants in

Louisiana to be listed pursuant to Clean Water Act Section 303(d), and request for public comment. Section 303(d) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On October 19, 2007, EPA partially approved and partially disapproved Louisiana's 2006 Section 303(d) submittal. Specifically, EPA approved Louisiana's listing of 347 waterbody pollutant combinations, and associated priority rankings. EPA disapproved Louisiana's decisions not to list 136 waterbody pollutant combinations. EPA identified these additional waterbodies and pollutants along with priority rankings for inclusion on the 2006 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to add waters and pollutants to Louisiana's 2006 Section 303(d) List, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments and if necessary amend its final action on the additional waterbodies and pollutants identified for inclusion on Louisiana's Final 2006 Section 303(d) List.

DATES: Comments must be submitted in writing to EPA on or before December 5, 2007.

ADDRESSES: Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733, telephone (214) 665–2145, facsimile (214) 665–7373, or e-mail: *smith.diane@epa.gov.* Oral comments will not be considered. Copies of the documents which explain the rationale for EPA's decisions and a list of the 136 water quality limited segments for which EPA disapproved Louisiana's decisions not to list can be obtained at EPA Region 6's Web site at *http://www.epa.gov/earth1r6/6wq/tmdl.htm,* or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Diane Smith at (214) 665–2145.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish Total Maximum Daily Loads (TMDLs) according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for states to submit Section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 (65 FR 17170).

Consistent with EPA's regulations, Louisiana submitted to EPA its listing decisions under Section 303(d) on February 12, 2007 with subsequent corrections submitted on September 20, 2007. On October 19, 2007, EPA approved Louisiana's listing of 347 water body-pollutant combinations and associated priority rankings. EPA disapproved Louisiana's decisions not to list 136 water waterbody pollutant combinations. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2006 Section 303(d) List. EPA solicits public comment on its identification of 136 additional waters and associated pollutants for inclusion on Louisiana's 2006 Section 303(d) List.

Dated: October 29, 2007.

Miguel I. Flores,

Director, Water Quality Protection Division, Region 6.

[FR Doc. E7–21722 Filed 11–2–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 07–4335]

Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') gives notice of Mrs. Evelyn Myers Scott's (''Myers Scott'') suspension from the schools and libraries universal service support mechanism (or ''E-Rate Program''). Additionally, the Bureau gives notice that debarment proceedings are commencing against her. Mrs. Myers Scott, or any person who has an existing contract with or intends to contract with her to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation to Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554.

DATES: Opposition requests must be received by December 5, 2007. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or December 5, 2007, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418–0843 or e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by e-mail at *vickie.robinson@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 07–4335, which was mailed to Mrs. Myers Scott and released on October 18, 2007. The complete text of the notice of debarment is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12 Street, SW., Room CY–A257, Washington, DC 20554, In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the

contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via e-mail *http://www.bcpiweb.com.*

Federal Communications Commission.

Hillary S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

October 18, 2007

DA 07–4335

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND FACSIMILE (404–261–2842)

Mrs. Evelyn Myers Scott, c/o Charles M. Abbott, Esq., C. Michael Abbott, P.C., 3127 Maple Drive, NE., Atlanta, GA 30305–2503, E–Mail: *michael@michaelabbottlaw.com.*

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–07–IH–7305

Dear Mrs. Scott:

The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of your conviction for conspiracy to defraud the United States in violation of 18 U.S.C. 371 in connection with your participation in the schools and libraries universal service support mechanism (''E-Rate program'').[1] Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau (''Bureau'') hereby notifies you that we are commencing debarment proceedings against you.[2]

I. Notice of Suspension

The Commission has established procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program.[3] You pled guilty to engaging in a conspiracy to defraud the United States in connection with your participation in the E-Rate program.[4] You admitted that while employed by the Atlanta Public Schools (''APS'') Information Services Department, you conspired with others, including your husband Arthur R. Scott (''Scott''), to enter into an E-Rate contract with a vendor on behalf of APS. In return for entering into the E-Rate contract, the vendor agreed to pay money to the consulting firm owned by you and Scott.[5] The loss and the restitution that you owed to the E-Rate program resulting from the criminal offense was $300,176.10.[6]

Pursuant to section 54.521(a)(4) of the Commission's rules,[7] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[8] Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.[9]

Suspension is immediate pending the Bureau's final debarment determination. In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[10] Such requests, however, will not ordinarily be granted.[11] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[12] Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[13]

II. Initiation of Debarment Proceedings

Your guilty plea to criminal conduct in connection with the E–Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.[14] Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

As with your suspension, you may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[15] Absent extraordinary circumstances, the Bureau will debar you.[16] Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.[17] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.[18]

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[1] Any further reference in this letter to ''your conviction'' refers to your May 2, 2007 guilty plea and subsequent conviction of conspiracy to defraud the United States. *United States* v. *Evelyn Myers Scott,* Criminal Docket No. 1:07–CR–139–CC–02, Plea Agreement (N.D.Ga. filed May 2, 2007 and entered May 7, 2007) (''*Myers Scott Plea Agreement*''); *United States* v. *Evelyn Myers Scott,* 1:07–CR–139–CC–02, Judgment (N.D.Ga. filed and entered Oct. 2, 2007) (''*Myers Scott Judgment*'').

[2] 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

[3] *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225, 66 (2003) (''*Second Report and Order*''). The Commission's debarment rules define a ''person'' as ''[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized.'' 47 CFR 54.521(a)(6).

[4] *See generally United States* v. *Arthur R. Scott and Evelyn Myers Scott a/k/a Evelyn M. Myers,* Criminal Docket No. 1:07–CR–139, Information (N.D.Ga. filed Apr. 30, 2007 and entered May 3, 2007) (''*Scott and Myers Scott Information*''); *Myers Scott Plea Agreement* at 1.

[5] *Scott and Myers Scott Information* at 1–9. *See also* Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, to Arthur R. Scott, DA 07–4336, dated October 18, 2007.

[6] *See Myers Scott Judgment* at 5; *see also Myers Scott Plea Agreement* at 4.

[7] 47 CFR 54.521(a)(4). *See Second Report and Order,* 18 FCC Rcd at 9225–9227, ¶67–74 (2003).

[8] *Second Report and Order,* 18 FCC Rcd at 9225, ¶67; 47 U.S.C. 254; 47 CFR §§ 54.502–54.503; 47 CFR 54.521(a)(4).

[9] *Second Report and Order,* 18 FCC Rcd at 9226, ¶69; 47 CFR 54.521(e)(1).

[10] *Second Report and Order,* 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(4).

[11] *Second Report and Order,* 18 FCC Rcd at 9226, ¶70.

[12] 47 CFR 54.521(e)(5).

[13] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(5), 54.521(f).

[14] ''Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.'' 47 CFR 54.521(c). Such activities ''include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section ([47 CFR] 54.500 *et seq.*).'' 47 CFR 54.521(a)(1).

[15] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

[16] *Second Report and Order,* 18 FCC Rcd at 9227, ¶74.

[17] *See id.,* 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(5).

[18] *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.[19] The Bureau may, if necessary to protect the public interest, extend the debarment period.[20]

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC 20554, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC 20554. You shall also transmit a copy of the response via e-mail to *diana.lee@fcc.gov* and to *vickie.robinson@fcc.gov.*

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418–1420 or by e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by e-mail at *vickie.robinson@fcc.gov.*

Sincerely yours,

Hillary S. DeNigro

Chief, Investigations and Hearings Division Enforcement Bureau

cc: Kristy Carroll, Esq., Universal Service Administrative Company

(via e-mail) Aaron M. Danzig, Esq., Assistant United States Attorney

[FR Doc. E7–21719 Filed 11–2–07; 8:45 am]

BILLING CODE 6712–01–P

a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.521(f).

[19] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

[20] *Id.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Vaccine Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

Authority: 42 U.S.C. 300aa–5, Section 2105 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The National Vaccine Program Office (NVPO), a program office within the Office of Public Health and Science, DHHS, is soliciting nominations of qualified candidates to be considered for appointment as members to the National Vaccine Advisory Committee (NVAC). The activities of this Committee are governed by the Federal Advisory Committee Act (FACA).

Consistent with the National Vaccine Plan, the Committee advises and makes recommendations to the Assistant Secretary for Health in his/her capacity as the Director of the National Vaccine Program, on matters related to the Program's responsibilities. Specifically, the Committee studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States; recommends research priorities and other measures to enhance the safety and efficacy of vaccines. The Committee also advises the Assistant Secretary for Health in the implementation of Sections 2102 and 2103 of the PHS Act; and identifies annually the most important areas of government and non-government cooperation that should be considered in implementing Sections 2102 and 2103 of the PHS Act.

DATES: Nominations for membership on the Committee must be received no later than 5 p.m. EST on December 11, 2007, at the address below.

ADDRESSES: All nominations should be mailed or delivered to: Bruce G. Gellin, M.D., M.P.H., Executive Secretary, NVAC, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue, SW., Room 443–H, Hubert H. Humphrey Building; Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Emma English, Program Analyst, National Vaccine Program Office, Department of Health and Human Services, 200 Independence Avenue, SW., Room 443–H, Hubert H. Humphrey Building, Washington, DC 20201; (202) 690–5566; *nvpo@hhs.gov.*

A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. English or by accessing the NVAC Web site at: *http://www.hhs.gov/nvpo/nvac.*

SUPPLEMENTARY INFORMATION:

Committee Function, Qualifications, and Information Required: As part of an ongoing effort to enhance deliberations and discussions with the public on vaccine and immunization policy, nominations are being sought for interested individuals to serve on the Committee. Individuals selected for appointment to the Committee will serve as voting members. Voting members shall be selected from individuals who are engaged in vaccine research or the manufacture of vaccines, or who are physicians, members of parent organizations concerned with immunizations, representatives of state or local health agencies or public health organizations. The Committee currently has particular needs for individuals with expertise in the fields of vaccine safety and vaccine and immunization financing. Individuals selected for appointment to the Committee can be invited to serve terms of up to four years.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (i.e., specific attributes which qualify the nominee for service in this capacity), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address and daytime telephone number, and the home and/or work address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae. Applications cannot be submitted by facsimile. The names of Federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view

represented and the committee's function. Every effort is made that a broad representation of geographic areas, gender, ethnic and minority groups, and the disabled are given consideration for membership on HHS Federal advisory committees. Appointment to this committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

The Standards of Ethical Conduct for Employees of the Executive Branch are applicable to individuals who are appointed as public members of Federal advisory committees. Individuals appointed to serve as public members of Federal advisory committees are classified as special Government employees (SGEs). SGEs are Government employees for purposes of the conflict of interest laws. Therefore, individuals appointed to serve as public members of NVAC are subject to an ethics review. The ethics review is conducted to determine if the individual has any interests and/or activities in the private sector that may conflict with performance of their official duties as a member of the Committee. Individuals appointed to serve as public members of the Committee will be required to disclose information regarding financial holdings, consultancies, and research grants and/or contracts.

Dated: October 30, 2007.

Bruce Gellin,

Director, National Vaccine Program Office, Executive Secretary, National Vaccine Advisory Committee.

[FR Doc. E7–21682 Filed 11–2–07; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–08–07AL]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call 404–639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC, or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Notice of Correction to Burden Table

Proposed Project

Evaluation of the Successful Business Strategies to Prevent Heart Disease and Stroke Toolkit—NEW—Division for Heart Disease and Stroke Prevention (DHDSP), National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Description of Correction

The previous 30-day **Federal Register** Notice (FRN) published August 31, 2007, Volume 72, No. 169, Pages 50371–50372, was submitted with an error showing the number of respondents as 51. This correction reduces the number of respondents from 51 to 25.

Background and Brief Description

Under Part C (Centers for Disease Control and Prevention) of the Statement of Organization Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 70 FR 72842–72843, dated December 7, 2005), the Division for Heart Disease and Stroke Prevention, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention was established. This Division plans, directs, and coordinates programs to reduce morbidity, risk factors, costs, disability, mortality, and disparities associated with heart disease, stroke, and other cardiovascular disease outcomes. Under this Division, formative research was conducted to identify effective interventions and promising practices for preventing heart disease and stroke at the work site. In 2005, this research resulted in the development of a *Successful Business Strategies to Prevent Heart Disease and Stroke Toolkit.* The toolkit provides state programs with suggestions about which health benefits, services, and interventions can improve employee cardiovascular health, prevent heart disease and stroke, and reduce related costs. The second phase of this project focuses on disseminating and evaluating the *Successful Business Strategies to Prevent Heart Disease and Stroke Toolkit.*

As part of the Toolkit evaluation, the CDC has employed contractor support to design and conduct a Web-based survey of State Health Departments to gather information on their experiences with the Toolkit. The contractor will collect and analyze all data from this survey. The CDC has also contracted to make revisions to the toolkit based on results of this survey, ongoing feedback from the States, and feedback from employers through interviews. The Centers for Disease Control and Prevention (CDC) is seeking a 6-month Office of Management and Budget (OMB) approval for implementing the Web-based survey.

There are no costs to respondents except for their time to complete the survey. The total estimated annualized burden hours are 13.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
State Heart Disease and Stroke Programs	Web-based survey on CVH Toolkit	25	1	30/60

Dated: October 25, 2007.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–21666 Filed 11–2–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0412]

Adolescent Over-the-Counter Drug Product Use; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA), the National Institutes of Health (NIH), and the Consumer Healthcare Product Association (CHPA) are announcing a public workshop entitled ''Adolescent Over-the-Counter (OTC) Drug Product Use.'' The purpose of the workshop is to gain an understanding of current use of OTC drug products by adolescents, including adolescent decisionmaking skills (compared with adult skills) and other factors influencing adolescent OTC drug product use. Information gathered at the workshop and from submitted comments will be used to identify when it would be most appropriate for consumer studies on OTC drugs to enroll adolescents, and to define the type of consumer research and study designs needed to support OTC drug product approval in the adolescent population. The workshop is intended to help inform FDA in its effort to assure the safe and effective use of OTC drug products by adolescents.

DATES: The public workshop will be held on December 6, 2007, from 8:30 a.m. to 5:30 p.m. and on December 7, 2007, from 8:30 a.m. to 3:30 p.m. Register to make an oral presentation during the open public session by November 21, 2007. Submit written or electronic comments by January 31, 2008.

ADDRESSES: The public workshop will be held at the Natcher Conference Center, National Institutes of Health, 45 Center Dr., Bethesda, MD 20892.

Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/ohrms/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Faith Dugan, Center for Drug Evaluation and Research (HFD–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6779, FAX: 301–827–4312, e-mail: *Faith.Dugan@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

We are announcing a public workshop on adolescent use of OTC drug products. OTC drugs are FDA-regulated drug products that are available without a prescription. Other health care products (e.g., dietary supplements) are beyond the scope of the workshop. Adolescents use OTC drug products from a wide range of therapeutic categories (including fluoride toothpastes, acne drug products, and pain relievers) and with varying degrees of parental oversight. While clinical and consumer behavior studies for OTC drugs have enrolled various populations, few studies have included adolescents. Therefore, limited information on adolescents' use of OTC drug products has been collected regarding the magnitude of their use, the types of products they use, factors that influence their use, or their ability to understand and follow directions provided on OTC labels.

The desire to learn more about adolescent decisionmaking skills as they relate to the use of OTC drug products has generated interest in holding a public workshop that would convene a group of scientific experts and solicit input from the public. Information gathered at the workshop would help identify methods for assessing adolescent OTC drug use and identify information useful to regulatory decisionmaking.

II. Why Are We Holding This Public Workshop?

This workshop has been developed to further our understanding of the physiological and psychological differences and similarities between adolescents and adults, which may have an impact on adolescents' decisions about OTC drug use and also may define research priorities for assessing the differences in drug use decisions. The workshop is also aimed at designing efforts to encourage appropriate OTC drug product use by adolescents. It is hoped that such efforts will foster appropriate use when adolescents become adults.

III. What Are the Topics We Intend to Address at the Workshop?

We will address the following topics at the workshop:

- OTC drug product use by adolescents;
- Discussion of adolescent neurocognitive development and decisionmaking skills;
- Discussion of how best to communicate product information directed toward adolescents;
- Discussion of future actions and research agendas, including studies regarding consumer behavioral issues; and
- Discussion of mechanisms to promote appropriate and optimal use of OTC drugs by adolescents.

We are interested in hearing comments at the public workshop or receiving written or electronic comments (see section V of this document) on the following questions:

1. What is known about current OTC drug product use by adolescents? Focus on the following information:
   - Magnitude of current use of OTC drugs by adolescents;
   - Product categories commonly used by adolescents;
   - Market use data for such drugs;
   - Consumer behavior studies that have enrolled adolescents; and
   - Factors that influence adolescent's use of OTC products, such as drug class, age, parental involvement and influence, household dynamics, social circumstances, and gender.
2. How does adolescent neurocognitive development influence decisionmaking and behavior as they relate to OTC drug product use?
   - Identify known factors that contribute to how adolescents make health-related decisions;
   - Discuss adolescent behavior patterns, decisionmaking skills, and predictors of risk-taking behavior as they relate to purchase and use of OTC drugs; and
   - Discuss differences between adolescent and adult risk perceptions and decisionmaking and discuss the ages at which identifiable developmental transitions generally occur.
3. What future actions will help promote safe and effective use of OTC drugs by adolescents?
   - Discuss drug categories (e.g., analgesics, acne drugs) for which it would be appropriate to enroll adolescents in clinical and behavioral studies and identify related study design issues (e.g., design, age, informed consent, parental assent, compliance);
   - Assess the need for consumer behavior studies targeted toward adolescents;
   - Explore alternate and effective means of communicating with adolescents, including need for labels

directed toward adolescent age groups; and

• Discuss other potential future actions to promote safe and effective use of OTC drugs by adolescents.

IV. Workshop Attendance and Registration

The Natcher Conference Center is a Federal facility with security procedures for entrance. Workshop attendees will be required to show proper identification and are asked to allow ample time to enter the NIH campus.

There is no fee to attend the workshop, and attendees who do not wish to make an oral presentation do not need to register. Seating will be on a first-come, first-served basis.

If you would like to make an oral presentation during the workshop, you must register by close of business on November 21, 2007. You must provide your name, title, business affiliation (if applicable), address, and type of organization you represent (e.g., industry, consumer organization) to Lee Lemley or Faith Dugan at 301–594–6779 (see **FOR FURTHER INFORMATION CONTACT**). Persons registered to make an oral presentation should check in before the workshop.

If you need special accommodations because of disability, please contact Lee Lemley (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the workshop.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the issues and questions presented in this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

VI. Workshop Transcripts

We will prepare a transcript of the workshop. The transcript will be available for review approximately 30 days after the workshop at the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday. The transcript will also be available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: October 30, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–21713 Filed 11–2–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Oncologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Oncologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 5, 2007, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD. The hotel phone number is 301–977–8900.

Contact Person: Nicole Vesely, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–6793, FAX: 301–827–6776, e-mail: *nicole.vesely@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512542. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On December 5, 2007, from 8 a.m. to 3 p.m., the committee will discuss supplemental biologics license application (sBLA) 125085/91, AVASTIN (bevacizumab), Genentech, Inc., proposed indication, in combination with paclitaxel, for the treatment of patients who have not received chemotherapy for their locally recurrent or metastatic, HER2 negative breast cancer. From 3:30 p.m. to 5 p.m., the committee will meet in closed session.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.

Procedure: On December 5, 2007, from 8 a.m. to 3 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 21, 2007. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 noon. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 13, 2007. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 14, 2007.

Closed Committee Deliberations: On December 5, 2007, from 3:30 p.m. to 5 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). During this session, the committee will be briefed on recent and upcoming applications within the Office of Oncology Products.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you

require special accommodations due to a disability, please contact Nicole Vesely at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 24, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7–21630 Filed 11–2–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Cooperative Agreement for Poison Prevention Education; CFDA #93.253

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of Single Source Award.

SUMMARY: HRSA will be enhancing the partnership with the Home Safety Council (HSC) to collaborate on reaching America's low literacy population. Through this project, additional poison prevention training materials targeting the low literacy population will be developed and distributed to the public, poison centers, safety and injury prevention professionals, health educators, and first responders. HRSA first announced the partnership with the HSC in the **Federal Register**, Vol. 71, No. 146, July 31, 2006.

FOR FURTHER INFORMATION CONTACT: Lori Roche, Director, Poison Control Program, Healthcare Systems Bureau, Room 11C–06, 5600 Fishers Lane, Rockville, MD 20857; Telephone: 301–443–0652; E-mail: *lroche@hrsa.gov*.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Home Safety Council.

Amount of the Award: $75,000.

Authority: Section 1271 *et seq.* of the Public Health Service Act, 42 U.S.C. 300d–71 *et seq.* as amended by the Poison Center Stabilization and Enhancement Grant Program.

Project Period: The period of the award is from September 1, 2007, through April 1, 2008.

Justification for the Exception to Competition

This project will be implemented through a single source cooperative agreement because the HSC is uniquely positioned to immediately undertake and complete the activities within the seven month time frame. HSC is currently developing low literacy poison prevention materials, and this project will enhance the existing package of materials. The HSC has existing organizational knowledge and experience in developing materials for the low literacy population through its Home Safety Literacy Project, of which this project will be a component. The HSC has an existing relationship with key stakeholders in place for reaching this vulnerable population, and the HSC project director has extensive expertise in poison prevention education.

Dated: October 26, 2007.

Dennis P. Williams,

Deputy Administrator.

[FR Doc. E7–21677 Filed 11–2–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: 2008–2010 National Survey on Drug Use and Health: Methodological Field Tests—NEW

The National Survey on Drug Use and Health (NSDUH), formerly the National Household Survey on Drug Abuse (NHSDA), is a survey of the civilian, non-institutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

This will be a request for generic approval for information collection for NSDUH methodological field tests designed to examine the feasibility, quality, and efficiency of new procedures of revisions to the existing survey protocol. These field tests will examine ways to increase data quality, lower operating costs, and gain a better understanding of various sources of nonsampling error. If these tests provide successful results, current procedures may be revised and incorporated into the main study (e.g., questionnaire changes). Particular attention will be given to minimizing the impact of design changes so that survey data continue to remain comparable over time.

Field test activities are expected to include improving response rates among persons residing in controlled access communities (locked apartment buildings, gated communities, college dormitories, etc.), and conducting a nonresponse follow-up study. Cognitive laboratory testing will be conducted prior to the implementation of significant questionnaire modifications. These questionnaire modifications will also be pre-tested and the feasibility of text-to-speech software determined. To understand the effectiveness of current monetary incentive, a new incentive study will be conducted with varying incentive amounts. The relationship between incentives and veracity of reporting will also be examined. Tests will also be designed to determine the feasibility of alternative sample designs and modes of data collection. Lastly, a customer satisfaction survey of NSDUH data users will be conducted to improve the utility of the NSDUH data. Some of the above studies may be combined to introduce survey efficiencies.

The average annual burden associated with these activities over a three-year period is summarized below:

ESTIMATED BURDEN FOR NSDUH METHODOLOGICAL FIELD TESTS

Activity	Number of respondents	Responses per respondent	Average burden per response	Total burden (hrs.)
a. Improving participation among controlled access and other hard-to-reach populations	417	1	1.0 hr.	417
b. Nonresponse follow-up	2000	1	1.0 hr.	2000
c. Incentive/validity study	2000	1	1.0 hr.	2000
d. NSDUH questionnaire validity studies	2500	1	1.0 hr.	2500
e. Cognitive laboratory testing	90	1	1.0 hr.	90
f. Annual questionnaire pre-test	670	1	1.0 hr.	670
g. Field testing alternative questions, data collection protocol, contact materials	1000	1	1.0 hr.	1000
h. Text-to-speech software for voices in computer-assisted interviewing	100	1	1.0 hr.	100
i. Testing alternative sample designs (including alternative sampling frames)	5000	1	1.5 hr.	7500
j. Alternative modes of data collection (e.g., T–ACASI for Nonresponse follow-up)	100	1	1.0 hr.	100
k. Customer satisfaction survey of NSDUH data users	100	1	.25 hr.	25
Household screening for a-d, f-g, i-j	12,471	1	0.083 hr.	1,769
Screening Verification for a-d, f-g, i-j	997	1	0.067 hr.	43
Interview Verification for a-d, f-g, i-j	1,497	1	0.067 hr.	78
Total	28,942	-	-	18,292
Annual Average (Total divided by 3 years)	9,647	-	-	6,097

Written comments and recommendations concerning the proposed information collection should be sent by December 5, 2007 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: October 23, 2007.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E7–21295 Filed 11–2–07; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by December 5, 2007.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: University of California Davis, Wildlife Health Center, Davis, CA, PRT–165762.

The applicant requests a permit to import various biological samples collected from wild free-ranging African wild dog (*Lycaon pictus*) for the purpose of pathogen evaluation for scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

Applicant: U.S. Fish and Wildlife Service/National Black-Footed Ferret Conservation Center, Carr, OR, PRT–800411 and 086867.

The applicant requests renewal of their permits to export, import, and re-import live captive-born specimens, biological samples, and salvaged material of black-footed ferret (*Mustela nigripes*) to/from Canada for scientific research and completion of identified tasks and objectives mandated under the Black-footed Ferret Recovery Plan. Salvaged materials may include but are not limited to: Whole or partial specimens, blood, tissue, hair, and fecal swabs. This notification covers activities to be conducted by the applicant over a five-year period.

Applicant: University of Florida, Florida Museum of Natural History, Gainesville, FL, PRT–164015.

The applicant requests a permit to import biological samples from dwarf crocodile (*Osteolaemus tetraspis osborni*), Nile crocodile (*Crocodylus niloticus*), and African slender-snout crocodile (*Crocodylus cataphractus*) from West and Central Africa countries for the purpose of scientific research. This notification covers activities conducted by the applicant over a five-year period.

Applicant: Robert Serrano, Brewster, NY, PRT–165300.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Robert C. Riggs, Forked River, NJ, PRT–166589.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.

Applicant: Douglas J. McDaniel, Commerce City, CO, PRT–167031.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: October 19, 2007.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E7–21728 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Oregon Parks and Recreation Department Habitat Conservation Plan for the Western Snowy Plover Along the Oregon Coast

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application.

SUMMARY: The Oregon Parks and Recreation Department (OPRD) has submitted an application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). As required by section 10(a)(2)(B) of the ESA, OPRD has prepared a Habitat Conservation Plan (Plan) that describes proposed actions and measures they will implement to minimize and mitigate take of the threatened western snowy plover (*Charadrius alexandrinus nivosus*). The permit application is related to public use and recreation, beach management, and resource management activities along Oregon's coast. The application includes the proposed Plan and a proposed Implementation Agreement (IA). The Service also announces the availability of a draft Environmental Impact Statement (DEIS) that has been prepared in response to the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA). The Service is considering issuing a 25-year permit to the OPRD. The requested permit would authorize OPRD to engage in activities related to public use and recreation, beach management, and resource management activities that may result in the incidental take of the western snowy plover.

We request comments from the public on the permit application, the Plan, the IA, and the DEIS, all of which are available for review. The Service is furnishing this notice to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA. For locations to review the documents, please see the **SUPPLEMENTARY INFORMATION** section below.

DATES: Comments must be received from interested parties on or before January 4, 2008. Written comments may be sent by mail, facsimile, or e-mail to the addresses listed below.

ADDRESSES: All written comments should be addressed to: Laura Todd, U.S. Fish and Wildlife Service, Newport Field Office, 2127 SE OSU Drive, Newport, OR, 97365–5258; facsimile (541) 867–4551. Submit comments by e-mail to *FW1ORDHCP@fws.gov.* In the subject line of the e-mail include the identifier OPRD HCP DEIS.

SUPPLEMENTARY INFORMATION: You may view or download the draft Plan, draft IA, and DEIS on the Internet at *http://www.fws.gov/oregonfwo/Species* or *egov.oregon.gov/OPRD/PLANS/osmp_hcp.shtml*. The documents can also be reviewed by appointment at the above address during normal business hours or at the following libraries: Astoria Public Library, 450 Tenth St., Astoria, Oregon 97103; Bandon Public Library, City Hall, Hwy 101, Bandon, Oregon 97411; Chetco Community Public Library, 405 Alder St., Brookings, Oregon 97415; Coos Bay Public Library, 525 Anderson, Coos Bay, Oregon 97420; Siuslaw Public Library, 1460 9th St., Florence, Oregon 97439; Curry Public Library, 29775 Colvin St., Gold Beach, Oregon 97444; Manzanita Branch Library, 571 Laneda, Manzanita, Oregon 97130; Newport Public Library, 35 NW Nye St., Newport, Oregon 97365; Marilyn Potts Guin Library, Hatfield Marine Science Center, Oregon State University, 2030 Marine Science Drive, Newport, OR 97365; Port Orford Public Library, 555 W. 20th St., Port Orford, Oregon 97465; Reedsport Branch Library, 395 Winchester Ave., Reedsport, Oregon 97467; Seaside Public Library, 60 N Roosevelt Blvd., Seaside, Oregon 97138; Tillamook County Library, 1716 3rd St., Tillamook, Oregon 97141; and Warrenton Community Library, 225 S Main Ave., Warrenton, Oregon 97146.

FOR FURTHER INFORMATION CONTACT: For further information, or to receive copies of the documents on CD ROM, please contact Laura Todd at (541) 867–4558.

Background: Section 9 of the ESA (16 U.S.C. 1538) and implementing regulations prohibit the ''take'' of fish and wildlife species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532). ''Harm'' is defined by Service regulation to include significant habitat modification or degradation where it actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3(c)). However, under limited circumstances, the Service may issue permits to authorize ''incidental take'' of listed species. Incidental take is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively.

The OPRD has management responsibility on all Oregon coastal beaches, which extend approximately 230 miles, for such activities as public use and recreation, beach management conducted by OPRD staff, and natural resource management. These activities may result in the incidental take of the threatened western snowy plover (*Charadrius alexandrinus nivosus*). The OPRD has prepared a 25-year Plan that would address the incidental take of the western snowy plover caused by the above activities. This Plan forms the basis for OPRD's permit application to the Service and its implementation is discussed in the Service's DEIS.

Activities that the OPRD is proposing for permit coverage, and for which minimization and mitigation measures are described in the Plan, include:

1. Public Use/Recreation Management.
   a. Dog-exercising.
   b. Driving.
   c. Kite-flying.
   d. Non-motorized Vehicle Use.
   e. Other Dry Sand Activities.
2. Beach Management.
   a. Public Safety.
   b. Law Enforcement.
   c. Boat and Marine Mammal Strandings.
3. Natural Resource Management.
   a. Snowy Plover Management.
   b. Other Habitat Restoration.

The Service formally initiated an environmental review of the proposed

permit decision through publication of a Notice of Intent to prepare an Environmental Impact Statement (68 FR 13720, March 20, 2003). That notice also announced a public scoping period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal. In a letter jointly signed by the OPRD and the Service, agencies and the public were notified of the opportunity to comment, and of the dates and locations of upcoming public meetings. Information regarding the public meetings was also posted on the OPRD's Web site. In March 2003, public meetings were held in Coos Bay, Newport, Tillamook, and Portland, Oregon.

Utilizing the public scoping comments, the Service prepared a DEIS to analyze the effects of alternatives on the human environment. Alternative 2 in the DEIS is implementation of OPRD's Plan, including issuance of a permit by the Service, and was developed in collaboration with the Oregon Department of Fish and Wildlife. Two other alternatives are analyzed in the DEIS: Alternative 1, No-Action, under which the OPRD would continue their ocean shore management activities with no issuance of a permit by the Service; and, Alternative 3, Management of Additional OPRD Sites, which would include management of three additional western snowy plover management areas than are included in Alternative 2.

The Service invites the public to comment on the Plan, DEIS, and draft IA during a 60-day comment period beginning on the date of this notice. The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the ESA, and to prepare a Final Environmental Impact Statement (FEIS). Application requirements and issuance criteria for incidental take permits are found in 50 CFR 17.22(b). The Service decision regarding issuance of an incidental take permit will be made no sooner than 30 days after completion of the FEIS and the associated Record of Decision.

All comments received, including names and addresses, will become part of the administrative record and will be available for review pursuant to section 10(c) of the ESA. Anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

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. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will honor your request to withhold your personal information to the extent allowable by law.

This notice is provided pursuant to section 10(c) of the ESA and Service regulations for implementing NEPA, as amended (40 CFR 1506.6). If we determine that all requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the ESA to the OPRD for take of the western snowy plover, incidental to otherwise lawful activities, in accordance with the Plan, the IA, and the permit.

Cynthia U. Barry,

Acting Deputy Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. E7–21670 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Submission of Information Collection to OMB for Approval

AGENCY: Bureau of Indian Education, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Education (BIE) is planning to reinstate the Home-living Programs and School Closure and Consolidation, OMB Control Number 1076–0164 as required by the Paperwork Reduction Act. This collection expired during the renewal process because the 30-day notice was not published before the expiration date. The reinstatement will ensure we can continue to operate the residential program of the No Child Left Behind Act. This notice replaces the notice published Wednesday, October 3, 2007 (72 FR 56373).

DATES: Written comments must be submitted on or before December 5, 2007.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–6566 or you may send an e-mail to *OIRA_DOCKET@omb.eop.gov*. Please send copies of comments to the Bureau of Indian Education (BIE), 1849 C Street, NW., Mail Stop 3609–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. James Martin, (202) 208–6123.

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 107–110, the No Child Left Behind (NCLB) Act of January 8, 2001, requires all schools including Bureau of Indian Education (BIE) funded boarding/residential schools to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. In addition, the BIE is required by NCLB to implement national standards for home-living situations in all BIE funded residential schools. The BIE is required to assess each residential school and submit a plan to the Congress, Tribes and schools which will bring all BIE funded residential schools up to the national standards. Information from all BIE funded residential schools must be collected in order to assess each school's progress in meeting the national standards. Finally, the BIE is required to monitor programs, gather data, and complete reports for the U.S. Department of Education. To achieve these results, residential schools must prepare reports, develop curriculum, prepare financial planning documents, and establish standards to measure student progress. The BIE uses the Annual Report to the Department of Education and three other information collections for the BIE to collect data, measuring each school's performance. When there is a lack of progress, the residential schools must show that they have developed school improvement, corrective action, or restructuring plans to address the problems of all students. Additional information collection requirements have been developed to implement the No Child Left Behind Act.

II. Request for Comments

A 60-day notice requesting comments was published on May 7, 2007 (Vol. 72, FR 25773). There were no comments received regarding that notice.

You are invited to comment on the following items to the Desk Officer at OMB at the citation in **ADDRESSES** section.

(a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agencies' estimate of the burden (including the hours and cost) of the proposed collection of information, including the validity of the methodology and assumption used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and become a matter of public record.

OMB has up to 60 days to make a decision, but may decide after 30 days; therefore your comments will receive maximum consideration if received during the 30-day period. We will not request nor sponsor a collection of information, and you need not respond to such a request, if there is no valid Office of Management and Budget Control Number.

III. Data

OMB Control Number: 1076–0164.

Type of review: Reinstatement of Expired Collection.

Title: Home-living Standards and School Closure and Consolidation, 25 CFR Part 36 and 48.

Brief Description of collection: This collection is mandatory according to statutory regulations, and the benefit to the respondents is continued supplementary Title programs funds. This collection deals with the dormitories and residential schools as well as possible school consolidations or closures.

Respondents: Bureau-funded schools with residential programs, tribal governing bodies and school boards are the respondents, and submission is mandatory.

Number of Respondents: There are 66 schools with residential programs, of which 28 are Bureau-operated and 38 are tribally operated. Thus, the collection of information must be cleared for 38 of the 66 residential schools.

Estimated Time per Response: Ranges from .02 hour to 40 hours with an average of 1.841 hours, depending upon the activity.

Frequency of Response: Annually and on occasion.

Total Annual Burden to Respondents: 1,344 hours (730 responses x 1.841 average hourly burden per response).

Dated: October 24, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–21676 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–XN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–670–1220–NU]

Emergency Closure of Selected Public Lands in Eastern San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Emergency Closure of Selected Public Lands in Eastern San Diego County, California.

SUMMARY: The Bureau of Land Management, El Centro Field Office (BLM), is providing notice pursuant to Title 43 Code of Federal Regulations (CFR) 8364.1 (Closure and Restriction Orders), which provides, in part, for the Authorized Officer to close or restrict use of designated public lands for the protection of persons, property, and public lands and resources.

Notice is hereby given that the El Centro Field Office (BLM) will immediately close selected public lands to public access in Eastern San Diego County, CA.

Due to extreme fire conditions currently in this area and in the interest of public safety, the following areas will be temporarily closed until the end of the current fire emergency.

(1) McCain Valley Conservation Area (22,852 acres) to include Cottonwood Campground, Lark Canyon Campground and Lark Canyon Day Use OHV Area, Boulevard, CA.

(2) Buck Canyon (2,763 acres), Ranchita, CA.

(3) Chariot Canyon/Rodriguez Canyon (6,870 acres), Julian, CA.

(4) San Felipe Hills (5,278 acres), Ranchita, CA.

DATES: The emergency closure is effective October 26, 2007 and will remain in effect until the end of the fire emergency and until rescinded or modified by the Authorized Officer. The restriction prohibiting public entry and use within the affected areas will help protect public health and safety.

ADDRESSES: Maps of the closure area may be obtained from the El Centro Field Office, 1661 S. 4th Street, El Centro, CA 92243, Phone 760–337–4400.

FOR FURTHER INFORMATION CONTACT: Stephen M. Razo, BLM California Desert District Director of External Affairs, (951) 697–5217.

SUPPLEMENTARY INFORMATION: The affected areas described herein will be subject to the following use restrictions:

1. Unless otherwise authorized, no person shall access the described restricted area.

2. Persons who are exempt from the restriction include:

a. Any Federal, State or local officers engaged in fire, emergency, or law enforcement activities;

b. BLM employees, contractors, or agents engaged in official duties;

c. Individuals operating within the scope of their official and legitimate governmental duties; and

d. Additional persons may be allowed, but must have advanced written approval from the BLM Authorized Officer, El Centro Field Office.

Maps of the closure area may be obtained from the El Centro Field Office, 1661 S. 4th Street, El Centro, CA 92243, Phone 760–337–4400. The areas affected by this order will be posted with appropriate regulatory signs and/or physical barriers.

Penalties: On all public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1733(a), 43 CFR 8360.0–7, and 43 CFR 9262.1, any person who violates any of these supplementary rules, closures or restrictions on public lands of this order may be tried before a United States Magistrate and fined no more than $1,000.00 or imprisoned for no more than 12 months, or both. Such violations may also be subject to enhancement fines provided for by 18 U.S.C. 3571 (not to exceed $100,000 and/or imprisonment not to exceed 12 months).

Dated: October 29, 2007.

Vicki L. Wood,

El Centro Field Office (BLM), Manager.

[FR Doc. E7–21675 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–910–07–1739-NSSI]

Notice of Minor Amendments to the Charter of the Technical Advisory Panel for the North Slope Science Initiative and Call for Nominations

AGENCY: Bureau of Land Management, Alaska State Office.

ACTION: Notice of Minor Amendments to the Charter and Call for Nominations.

SUMMARY: This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act of 1972, Public Law 92–463. Notice is hereby given that the Charter for the Science Technical Advisory Panel for the North Slope Science Initiative is amended to reflect the implementing legislative language in section 348(d), Energy Policy Act of 2005, establishing the Science Technical Advisory Panel. This amendment is a minor technical change in accordance with 41 CFR 102–3.80(1). The North Slope Science Initiative is also seeking nominations for five, three-year appointments to the North Slope Science Technical Advisory Panel. Any individual or organization may nominate one or more persons to serve on the Science Technical Advisory Panel. Individuals may nominate themselves for Science Technical Advisory Panel membership.

The purpose of the Science Technical Advisory Panel is to provide advice on proposed inventory, monitoring and research functions related to the North Slope Science Initiative.

DATES: Submit nomination packets for positions to the address listed below no later than 30 days after date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: John Payne, Executive Director, North Slope Science Initiative, Bureau of Land Management, Alaska State Office, 222 West 7th Avenue, #13, Anchorage, Alaska 99513; phone (907) 271–3431, or e-mail: *John_payne@ak.blm.gov*. Additional information and nomination forms may also be obtained on the North Slope Science Initiative Web site: *http://www.northslope.org*.

SUPPLEMENTARY INFORMATION: The duties of the Science Technical Advisory Panel are solely advisory to the North Slope Science Initiative Oversight Group, which will give direction to the Science Technical Advisory Panel regarding priorities for decisions needed for the Department of the Interior's management. Duties could include the following:

a. Advise the Oversight Group on science planning and relevant research and monitoring projects;

b. Advise the Oversight Group on scientific information relevant to the Oversight Group's mission;

c. Review selected reports to advise the Oversight Group on their content and relevance;

d. Review ongoing scientific programs of North Slope Science member organizations on the North Slope at the request of the member organizations to promote compatibility in methodologies and complication of data;

e. Advise the Oversight Group on how to ensure that scientific products generated through the North Slope Science Initiative activities are of the highest technical quality;

f. Periodically review the North Slope Science Plan and provide recommendations for changes to the Oversight Group;

g. Provide recommendations for proposed North Slope Science Initiative funded inventory, monitoring and research activities to the Oversight Group;

h. Provide other scientific advice as requested by the Oversight Group; and,

i. Coordinate with groups and committees appointed or requested by the Oversight Group to provide science advice, as needed.

Any individual or organization may nominate one or more persons to serve on the Science Technical Advisory Panel. Individuals may nominate themselves for Science Technical Advisory Panel membership. You may obtain nomination forms from John Payne, Executive Director, North Slope Science Initiative, Bureau of Land Management, Alaska State Office, 222 West 7th Avenue, #13, Anchorage, Alaska 99513, or at *http://www.northslope.org*. To make a nomination, you must submit a completed nomination form, letters of reference from the represented interests or organizations, as well as any other information that speaks to the nominee's qualifications, to the Executive Director, North Slope Science Initiative. The Science Technical Advisory Panel is currently made up of 15 scientists and technical experts from diverse professions and interests that are serving rotating appointments ranging from 1 to 3 years. New appointments will be made for three years. This call for nominations is for five appointments to fill vacancies for those expiring appointments. Current appointees may be re-nominated. Nominations may be from scientists and technical experts from diverse professions and interests, including the oil and gas industry, subsistence users, Native Alaska entities, conservations organizations, wildlife management organizations, and academia, as determined by the Secretary. The specific scientific or technical expertise the nominee would like to represent should be identified in the letter of nomination and in the nomination form. The Executive Director will collect the nomination forms and letters of reference and distribute them to the members of the North Slope Science Initiative Oversight Group. The Executive Director will then forward recommended nominations to the Secretary, who has the responsibility for making the appointments.

Appointees will serve with monetary compensation, but may be reimbursed for travel and per diem expenses at current rates for Federal Government employees. The appointment term will be for three years.

Dated: October 31, 2007.

Thomas P. Lonnie,

State Director.

[FR Doc. E7–21680 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT050–1610–012J]

Correction to Notice of Availability of the Draft Resource Management Plan (DRMP) and Draft Environmental Impact Statement (DEIS) for the Richfield Field Office in Garfield, Piute, Sanpete, Sevier, and Wayne Counties, UT (Federal Register: October 26, 2007, Volume 72, Number 207, Page 60879–60881)

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: The following corrections are made: Comments should be sent to the Richfield Field Office. Comments and information submitted on the Richfield Field Office DRMP/DEIS, including names, e-mail addresses, and street addresses of respondents, will be available for public review and disclosure at the Richfield Field Office address listed below. Or, you may contact Cornell Christensen, RMP Project Manager, Richfield BLM Field Office, 150 East 900 North, Richfield, Utah 84701, phone 435–896–1561.

All other information within the Notice of Availability (10/26/07) remains unchanged.

Dated: October 30, 2007.

Kent Hoffman,

Acting Utah State Director.

[FR Doc. 07–5470 Filed 11–02–07; 8:45 am]

BILLING CODE 4310–DK–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–5101–ER7–J217]

Correction to Notice of Intent to Prepare an Environmental Impact Statement to Analyze PacifiCorp's Mona to Oquirrh Double-Circuit 50/345 Kilovolt (kV) Transmission Line, UT–82829, and Amend the Pony Express Resource Management Plan for the Salt Lake Field Office, Utah. (Federal Register; October 16, 2007, Volume 72, Number 199, Page 58681–58682)

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The following corrections are made: Three scoping meetings (West Jordan, Tooele, and Nephi, Utah) will be held during the scoping period. The Mona to Oquirrh Transmission Line project Web site is *http://www.monatransmission.com.*

All other information within the Notice of Intent (10/16/07) remains unchanged.

Dated: October 30, 2007.

Kent Hoffman,

Acting Utah State Director.

[FR Doc. 07–5469 Filed 11–2–07; 8:45 am]

BILLING CODE 5101–$$–M

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on a proposed new collection of information (1024–xxxx).

DATES: Public comments on the proposed Information Collection Request (ICR) will be accepted on or before January 4, 2007.

ADDRESSES: *Send Comments to:* Dr. Jane Swanson, Protected Area Social Research Unit, College of Forest Resources, University of Washington, Seattle, WA 98195; via phone at 206/685–9150; via fax at 206/685–0790, or via e-mail at *swansonj@u.washington.edu.* Also, you may send comments to Leonard Stowe, NPS Information Collection Clearance Officer, 1849 C St., NW., (2605), Washington, DC 20240, or by e-mail at *Leonard_Stowe@nps.gov.* All responses to this notice will be summarized and included in the request for the Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

To Request a Draft of Proposed Collection of Information Contact: Dr. Jane Swanson, Protected Area Social Research Unit, College of Forest Resources, University of Washington, Seattle, WA 98195; via phone at 206/685–9150; or via e-mail at *swansonj@u.washington.edu.*

FOR FURTHER INFORMATION CONTACT: Dr. James Gramann, National Park Service Social Science Program, 1201 ''Eye'' St., Washington, DC 20005; via phone 202–513–7189; or via e-mail at *James_Gramann@partner.nps.gov.* You are entitled to a copy of the entire ICR package free of charge.

SUPPLEMENTARY INFORMATION:

Title: Research Assessing Current and Potential Impacts of Cruise Ships on Visitor Experiences in Glacier Bay National Park and Preserve.

Bureau Form Number(s): None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: New collection.

Description of Need: The proposed study would provide information to be used in deciding cruise ship use levels in Glacier Bay National Park. The purpose of this research is to provide Park managers with information about current impacts of cruise ships, if any, on the quality of visitor experience and to estimate potential impacts on the quality of visitor experience for cruise ship use levels specified in the Record of Decision (Record of Decision for Vessel Quotas and Operating Requirements in Glacier Bay National Park and Preserve, 2003).

The Final Environmental Impact Statement for Vessel Quotas and Operating Requirements, and the resulting Record of Decision signed November 21, 2003, currently guide vessel management in Glacier Bay National Park and Preserve (GLBA). The Record of Decision (Record of Decision for Vessel Quotas and Operating Requirements in Glacier Bay National Park and Preserve, 2003) adopted an alternative that maintains the current daily maximum of two cruise ships in the park and sets seasonal use days for the June–August season at 139 ships. The Record of Decision also provides for possible increases in cruise ship use. Specifically, use in the June–August season could be increased to two ships per day, every day for a seasonal use total of 184 ships. The Record of Decision for Vessel Quotas and Operating Requirements in Glacier Bay National Park and Preserve (2003) provided the following direction for the role of research in the process of changing quotas for cruise ships.

> The determination of whether to increase seasonal-use day quotas for cruise ships will rely on criteria that define the environmental and social conditions to be met before any additional seasonal-use days are approved. These criteria will be based on the results of and guidance provided through studies that examine the effects of vessels on all park resources and visitor experience. (p.18).

The Record of Decision also specified that the studies examining the effects of cruise ships would be identified with the assistance of a Glacier Bay Vessel Management Science Advisory Board (SAB). The SAB was established and a final report of their findings and recommendations was published in September 2005 (*Glacier Bay National Park Science Advisory Board: Final Report, 2005*). The SAB recommended a comprehensive research program that was presented in general terms with no prioritization or cost estimates. Because the research program outlined in the SAB could not be performed within the time and budget limitations facing park managers, the SAB recommended (and park managers agreed to fund) a social research problem analysis. Upon review of the final Program Analysis, park staff decided on a research program that would focus primarily on measuring impacts of cruise ships, if any, on the quality of visitor experience and secondarily on understanding the context in which cruise ship impacts occur and how these impacts arise. To accomplish these objectives, this proposed research includes the following components. (1) Assessment of cruise ship impacts, if any, on the quality of visitor experience. (2) The role of experience gatekeepers in visitor encounters with cruise ships.

1. *Assessing impacts of cruise ships, if any, on the quality of visitor experiences in Glacier Bay proper.*

The purpose of the proposed study is to provide park managers with information about a variety of potential impacts of cruise ships on all visitor groups that have potential to encounter a cruise ship in Glacier Bay proper. Information about impacts of other mechanized transport, if any, on the quality of visitor experience will also be collected (1) to provide a context for understanding the role of cruise ships on the quality of visitor experience and (2) to examine aggregate effects of

mechanized transport on the quality of visitor experience. This research proposed for the 2008 summer season, will use on-site and mail questionnaires to gather data for estimating impact rates for different user groups. Additionally, in-depth interviews with visitors will provide additional information about how these impacts arise and visitors' opinions of increasing cruise ship size. Finally, itinerary data will be collected from captains of charter and tour boats and from kayak guides to obtain more reliable itinerary data than visitors aboard these vessels would likely provide.

2. *The role of experience gatekeepers in visitor encounters with cruise ships.*

Discussions with experience providers indicate that these individuals may adjust itineraries in an effort to provide visitors with a particular experience. Often that experience is one where few other vessels are encountered. Understanding these practices and how the increase in 2-cruise-ship days may affect them are the primary objectives of this research component. This information will be integral when estimating population impacts under the 2-cruise-ships every day scenario. Gatekeepers identified include charter and tour boat captains, kayak guides, and VIS staff who issue permits and provide guidance to kayakers and captains of private vessels. Interviews, to be conducted during the summer 2008 use season, will rely on an open-ended, in-depth process.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Automated data collections: This information will be collected via in-person interviews and surveys. No automated data collection will take place.

Description of respondents: Component 1—survey and interviews: Cruise ship passengers, tour boat passengers, charter boat passengers, people entering on private vessel permits, and people entering on backcountry permits who visit Glacier Bay proper between June 1, 2008 and August 31, 2008.

Component 1—itinerary data: Charter and tour boat captains and kayak guides who serve visitors included in the survey component of the project.

Component 2: Charter and tour boat captains, kayak guides, and VIS staff who serve visitors to Glacier Bay proper during the 2008 summer season.

Estimated average number of respondents: Component 1: 2780 respondents for on-site survey; 1492 respondents for mail survey; 75 respondents for interviews; 24 respondents for itinerary date. *Component 2:* 27.

Estimated average number of responses: Component 1: 2780 respondents for on-site survey, 1492 respondents for mail survey; 75 respondents for interview; 24 respondents for itinerary data.

Component 2: 27.

Estimated average burden hours per response: Component 1: 3 minutes for on-site survey respondents; 25 minutes for mail questionnaire; 60 minutes for interview respondents; 15 minutes for itinerary respondents. *Component 2:* 30 minutes.

Frequency of Response: 1 time per respondent.

Estimated total annual reporting burden: 855 hours.

Dated: September 13, 2007.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. 07–5464 Filed 11–2–07; 8:45 am]

BILLING CODE 4312–52–M

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission to the Office of Management and Budget; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service (NPS) invites public comments on a proposed new collection of information (OMB #1024–XXXX).

DATES: Public comments on this Information Collection Request (ICR) will be accepted on or before December 5, 2007.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1024–XXXX), Office of Information and Regulatory Affairs, OMB, by fax at 202/395–6566, or by electronic mail at *oria_docket@omb.eop.gov*. Please also send a copy of your comments to Dr. Michael Patterson, Department of Society and Conservation, University of Montana, Missoula, MT 59801; Phone: 406/243–6614; e-mail: *michael.patterson@unmontana.edu*.

FOR FURTHER INFORMATION CONTACT: Dr. James Gramann, NPS Social Science Program, 1201 Eye St., Washington, DC 20005; or via phone 202/513–7189; or via e-mail *James_Gramann@partner.nps.gov*. You are entitled to a copy of the entire ICR package free-of-charge.

Comments Received on the 60-Day Federal Register Notice: The NPS published a 60-Day Notice to solicit public comments on this ICR in the **Federal Register** on April 24, 2007 (Vol. 72, No. 78, Page 20363–20364). The comment period closed on June 25, 2007. After multiple notifications to stakeholders requesting comments, the NPS received one comment as a result of the publication of this 60-Day **Federal Register** Notice.

We received on public comment on the proposed visitor study in Yellowstone National Park (YNP). The comment, from a representative of the Wyoming State Snowmobile Association, raised concerns related to four aspects of the research design: (1) The possible disruption of visitor experiences through asking them to respond to an on-site survey, (2) the adequacy of the sample size, (3) the appropriateness/practical utility of gathering information on visitor perceptions about their experiences and park management, and (4) the appropriateness of gathering information on guides' perspectives about the snowcoach/snowmobile guide-only policy.

The comments were addressed in a reply letter. The following is a synopsis of the response to each of the proposed concerns: (1) The methods used in this study are well-established in the research community and every effort has been made to ensure that visitors are not disrupted in any significant way. (2) The sample sizes are large enough to address the research needs and will allow for a small standard error of ±5%. (3) The goal of the proposed study is to

assess visitor perceptions about the appropriateness and acceptability of YNP's stewardship of bison, management of human-wildlife interactions witnessed during their experiences, and YNP soundscapes. Thus this information will have important practical utility for park managers: it can help managers understand visitor experiences, visitors' values, how experiences and values are related to support/opposition for management policies, what visitors think about NPS stewardship, and how to design interpretation/education efforts. (4) The guides represent a constituency with whom YNP interacts, who are impacted by management policies, and who have a wealth of experience and information about winter use given the time they spend in YNP. Information about guides' perceptions are therefore another important source of input for understanding winter use.

SUPPLEMENTARY INFORMATION:

Title: Winter Visitor Experiences in Yellowstone National Park.

Bureau Form Number(s): None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: New Collection.

Description of Need: This study will provide the NPS and park managers with critical information on winter visitor experiences of Yellowstone National Park. The purpose of this research is to assist Park managers in identifying efficient, salient and effective dimensions of the visitor experience for applications in monitoring efforts. Those monitoring efforts can then be tailored to the evaluation of NPS policy and management actions. Recent changes to Yellowstone National Park's winter use policy have driven a need for social scientific research on winter visitor experiences in the park. This research has three components: (1) The role of the natural soundscape in visitor experiences, (2) visitor perceptions of human-wildlife interactions, and (3) snowcoach and snowmobile guides' perceptions of the effectiveness of the guide-only policy.

1. The Role of the Natural Soundscape in Visitor Experiences

Yellowstone National Park (YNP) has requested research into visitor experiences of natural sounds. The recent changes in winter use motorized access in YNP require snowmobiles in the park to use clean and quiet technology. These changes have led to the need to better understand the role of natural sounds in the winter visitor experience. The purpose of this study is to provide park managers with specific information on visitor perceptions of the experience of the natural soundscape and on visitor willingness to support management actions that affect the natural soundscape in Yellowstone National Park. The purpose of the interview approach for soundscape research is to obtain an in depth understanding of visitor experiences of the natural soundscape and to better understand the context within which soundscape policies affect the visitor experience.

Previous research in Yellowstone National Park has documented the existence of differing values held among visitors for the park itself. Strong relationships between perceived park values and visitor willingness to support park management activities have been previously documented. The research proposed for the next winter use season will build on this knowledge, expanding it to include the natural soundscape resource, providing the park with information on the status of visitor perceptions of park values, visitor perceptions of the importance of natural sounds to their experience, and visitors' willingness to support management actions affecting the natural soundscape. In addition to the in-depth interviews, an on-site questionnaire will be utilized for this portion of the soundscape research.

2. Visitor Perceptions of Human-Wildlife Interactions

This study seeks to provide park managers with specific information on visitor perceptions of wildlife interactions that occur in Yellowstone National Park. The recent changes in winter use policy require the snowmobile experience to be guided, which leads to different types of visitor wildlife interactions. YNP has requested research exploring how winter visitors appraise the human-bison interactions they observe during their visit. The primary goals are to explore snowcoach and snowmobile passengers' appraisals of the human-bison interactions they witness during their visits, to analyze situational and visitor characteristics that might influence those appraisals, and to explore visitors' judgments about when consequences of winter use for bison are serious enough to warrant management intervention regulating these interactions.

3. The Effectiveness of the Guide-Only Policy in Yellowstone National Park: The Perspective of Snowcoach and Snowmobile Guides

Recent winter use plans at Yellowstone National Park have required that each snowmobile comply with best available technology, that all groups be guided, and that the total number of daily winter visitors be capped. These restrictions were implemented to reduce impacts to wildlife, improve compliance with winter use rules, reduce visitor conflict, and address visitor carrying capacity. This study will look at the effectiveness of these managerial interventions through the eyes of the professional guides. Many guides have been working in the park on a daily basis for year; thus, they offer a unique perspective on how the conditions in the park have changed and what seems to be working best within the new winter use system. Interviews, to be conducted during the winter use season, will rely on an open ended, in-depth process.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Automated data collection: This information will be collected via in-person interviews and surveys. No automated data collection will take place.

Frequency of collection: Once.

Description of respondents: Components 1 and 2: Visitors stopping at the Old Faithful Snow Lodge and Old Faithful Geyser on 20 days during the 2007–2008 winter use season. *Component 3:* Snowmobile and snowcoach guides in Yellowstone National Park.

Estimated average number of respondents: Component 1: 445 (400 respondents for on-site survey and 45 respondents for interviews). *Component 2:* 400. *Component 3:* 30. *Non-respondents:* 92 (*component 1:* 45, *component 2:* 40, and *component 3:* 7).

Estimated average number of responses: Component 1: 445 (400 responses for on-site survey and 45 responses for interviews). *Component 2:*

400. *Component 3:* 30. *Non-responses:* 92 (*component 1:* 45, *component 2:* 40, and *component 3:* 7).

Estimated average time burden per respondent: Component 1: 15 minutes for on-site survey and 30 minutes for interview. *Component 2:* 20 minutes. *Component 3:* 20 minutes. *Non-respondents:* 1 minute.

Frequency of Response: 1 time per respondent.

Estimated total annual reporting burden: 268 hours.

Dated: October 30, 2007.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. 07–5465 Filed 11–2–07; 8:45 am]

BILLING CODE 4312–52–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Region; Notice/Request for Comments—The Lighting of the National Christmas Tree Event

SUMMARY: The National Park Service is seeking public comments and suggestions on the planning of the 2007 Lighting of the National Christmas Tree and the subsequent 26-day event.

SUPPLEMENTARY INFORMATION: The National Park Service is seeking public comments and suggestions on the planning of the 2007 Lighting of the National Christmas Tree and the subsequent 26-day event, which opens on December 6, 2007, on the Ellipse (President's Park), south of the White House. The meeting will be held at 9 a.m. on November 27, 2007 in Room 234 of the National Capital Region Headquarters Building, at 1100 Ohio Drive, SW., Washington, DC (East Potomac Park).

Persons who would like to comment at the meeting should notify the National Park Service by November 23, 2007 by calling the White House Visitor Center weekdays between 9 a.m., and 4 p.m., at (202) 208–1631. Written comments may be sent to the Park Manager, White House Visitor Center, 1100 Ohio Drive, SW., Washington, DC 20242, and will be accepted until November 27, 2007.

The meeting will be held on November 27, 2007. Written comments will be accepted until November 27, 2007.

ADDRESSES: The meeting will be held at 9 a.m. on November 27, 2007, in Room 234 of the National Capital Region Headquarters Building, at 1100 Ohio Drive, SW., Washington, DC (East Potomac Park). Written comments may be sent to the Park Manager, White House Visitor Center, 1100 Ohio Drive, SW., Washington, DC 20242. Due to delays in mail delivery, it is recommended that comments be provided by telefax at 202–208–1643 or by e-mail to *John_Stanwich@nps.gov*. Comments may also be delivered by messenger to the White House Visitor Center at 1450 Pennsylvania Avenue, NW., in Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Stanwich at the White House Visitor Center weekdays between 9 a.m., and 4 p.m., at (202) 208–1631.

Dated: October 22, 2007.

Maria Santo,

Deputy National Park Service Liaison to the White House

[FR Doc. E7–21639 Filed 11–2–07; 8:45 am]

BILLING CODE 4312–JK–P

DEPARTMENT OF THE INTERIOR

National Park Service

First Meeting of the Big Cypress National Preserve Off-Road Vehicle (ORV) Advisory Committee

AGENCY: Department of the Interior, National Park Service, ORV Advisory Committee.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, 10), notice is hereby given of the first meeting of the Big Cypress National Preserve ORV Advisory Committee.

DATES: The Committee will meet on Thursday, November 29, 2007, beginning at 3:30 p.m.

ADDRESSES: The meeting will be held in the cafetorium of Everglades City School, 415 School Drive, Everglades City, FL. Written comments may be sent to: Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, FL 34141–1000, Attn: ORV Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Karen Gustin, Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, Florida 34141–1000; 239–695–1103, or go to the Web site *http://www.parkplanning.nps.gov/bicy* and select ORV Advisory Committee.

SUPPLEMENTARY INFORMATION: The Committee was established (**Federal Register**, August 1, 2007, pp. 42108–42109) pursuant to the Preserve's 2000 *Recreational Off-road Vehicle Management Plan* and the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix) to examine issues and make recommendations regarding the management of ORVs in the Preserve. This meeting will be administrative in nature. The topics to be discussed will be introductions, meeting logistics, parameters and ground rules for operation of the Committee. The meeting will be open to the public, and time will be reserved for public comment.

Karen Gustin,

Superintendent, Big Cypress National Preserve.

[FR Doc. E7–21637 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–U6–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston Harbor Islands National Recreation Area Advisory Council; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, Boston Harbor Islands National Recreation Area.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the Boston Harbor Islands National Recreation Area Advisory Council will be held on Wednesday, December 5, 2007, at 4 p.m. to 6 p.m. at the Boston Harbor Islands Partnership Office, 408 Atlantic Avenue, 2nd Floor Conference Room, Boston, MA.

The purpose of the meeting will be to review the summer season, discuss the report card project, and plan for the annual meeting of the council.

The meeting will be open to the public. Any person may file with the Superintendent a written statement concerning the matters to be discussed. Persons who wish to file a written statement at the meeting or who want further information concerning the meeting may contact Superintendent Bruce Jacobson at (617) 223–8667.

DATES: December 5, 2007 at 4 p.m.

ADDRESSES: Boston Harbor Islands NRA, 408 Atlantic Avenue, Suite 228, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Superintendent Bruce Jacobson, (617) 223–8667.

SUPPLEMENTARY INFORMATION: The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American

interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands NRA.

Dated: October 19, 2007.

Bruce Jacobson,

Superintendent, Boston Harbor Islands NRA.

[FR Doc. E7–21635 Filed 11–2–07; 8:45 am]

BILLING CODE 4310–3B–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI).

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act. This meeting announcement is being published as required by Section 10 of the FACA.

The CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Integrated Automated Fingerprint Identification System, the Interstate Identification Index, Law Enforcement Online, National Crime Information Center, the National Instant Criminal Background Check System, the National Incident-Based reporting System, Law Enforcement national Data Exchange, and Uniform Crime Reporting.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement concerning the CJIS Division programs or wishing to address this session should notify senior CJIS Advisory Roy g. Weise at (304) 625–2730 at least 24 hours prior to the start of the session. The notification should contain the requestor's name, corporate designation, and consumer affiliation or government designation along with a short statement describing the topic to be addressed and the time needed for the presentation. A requestor will ordinarily be allowed no more than 15 minutes to present a topic.

DATES AND TIMES: The APB will meet in open session from 8:30 a.m.until 5 p.m., on December 5–6, 2007.

ADDRESSES: The meeting will take place at the Renaissance Glendale Hotel and Spa, Glendale, Arizona, (623) 937–3700.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mrs. Rebecca S. Durrett; Management and Program Analyst; Adivsory Groups Management Unit, Liaison, Advisory, Training and Statistics Section; FBI CJIS Division; Module C3; 1000 Custer Hollow Road; Clarksburg; West Virginia 26306–0149; telephone (304) 625–2617; facsimile (304) 625–5090.

Dated: October 24, 2007.

Roy G. Weise,

Senior CJIS Advisory, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 07–5472 Filed 11–02–07; 8:45 am]

BILLING CODE 4410–02–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: National Endowment for the Humanities.

ACTION: Final guidance.

SUMMARY: The National Endowment for the Humanities (NEH) is publishing final policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons.

DATES: This policy guidance is effective immediately.

FOR FURTHER INFORMATION CONTACT: Heather Gottry, Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 529, Washington, DC 20506 or by telephone at 202–606–8322 or TDD 1–866–372–2930, by facsimile at 202–606–8600, or by e-mail at *gencounsel@neh.gov.*

SUPPLEMENTARY INFORMATION: On August 17, 2006, NEH published in the **Federal Register** at 71 FR 47541, proposed policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons. The agency publishes this as its Final Guidance.

Under NEH regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* (Title VI), recipients of federal financial assistance from the NEH (recipients) have a responsibility to ensure meaningful access by persons with limited English proficiency (LEP) to their programs and activities. See 45 CFR 1170. Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that extends assistance subject to the requirements of Title VI to publish, after review and approval by the Department of Justice, guidance for its recipients clarifying that obligation. The Executive Order also directs that all such guidance be consistent with the compliance standards and framework detailed in DOJ Policy Guidance entitled ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency.'' See 65 FR 50123 (August 16, 2000).

On March 14, 2002, the Office of Management and Budget (OMB) issued a report to Congress titled ''Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons With Limited English Proficiency.'' Among other things, the report recommended the adoption of uniform guidance across all federal agencies, with flexibility to permit tailoring to each agency's specific recipients. Consistent with this OMB recommendation, the Department of Justice (DOJ) published LEP Guidance for DOJ recipients which was drafted and organized to also function as a model for similar guidance by other Federal grant agencies. See 67 FR 41455 (June 18, 2002). This guidance is based upon and incorporates the legal analysis and compliance standards of the model June 18, 2002, DOJ LEP Guidance for Recipients.

It has been determined that the guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553. It has also been determined that this guidance is not subject to the requirements of Executive Order 12866.

The text of the complete final guidance document appears below.

Dated: October 30, 2007.

Heather C. Gottry,

Acting General Counsel, National Endowment for the Humanities.

I. Introduction

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based

on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or ''LEP.''

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Title VI regulations against national origin discrimination.

The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the National Endowment for the Humanities (NEH), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons pursuant to Title VI of the Civil Rights Act of 1964 and the NEH implementing regulations. The policy guidance reiterates NEH's longstanding position that, in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide.

This policy guidance is modeled on and incorporates the legal analysis and compliance standards and framework set out in Section I through Section VIII of Department of Justice (DOJ) Policy Guidance titled ''Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,'' published at 67 FR 41455, 41457–41465 (June 18, 2002) (DOJ Recipient LEP Guidance). To the extent additional clarification is desired on the obligation under Title VI to ensure meaningful access by LEP persons and how recipients can satisfy that obligation, a recipient should consult the more detailed discussion of the applicable compliance standards and relevant factors set out in DOJ Recipient LEP Guidance. The DOJ Guidance may be viewed and downloaded at *http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.htm* or at *http://www.lep.gov.* In addition, NEH recipients also receiving federal financial assistance from other federal agencies, such as the Department of Education or the National Endowment for the Arts, should review those agencies' guidance documents at *http://www.lep.gov* for a more focused explanation of how they can comply with their Title VI and regulatory obligations in the context of similar federally assisted programs or activities.

Many commentators have noted that some have interpreted the case of *Alexander* v. *Sandoval,* 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. The NEH and the Department of Justice have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Purpose and Application

This policy guidance provides a legal framework to assist recipients in developing appropriate and reasonable language assistance measures designed to address the needs of LEP individuals. The NEH Title VI implementing regulations prohibit both intentional discrimination and policies and practices that appear neutral but have a discriminatory effect. Thus, a recipient entity's policies or practices regarding the provision of benefits and services to LEP persons need not be intentional to be discriminatory, but may constitute a violation of Title VI if they have an adverse effect on the ability of national origin minorities to meaningfully access programs and services.

Recipient entities have considerable flexibility in determining how to comply with their legal obligation in the LEP setting and are not required to use the suggested methods and options that follow. However, recipient entities must establish and implement policies and procedures for providing language assistance sufficient to fulfill their Title VI responsibilities and provide LEP persons with meaningful access to services.

III. Policy Guidance

1. Who Is Covered

All entities that receive Federal financial assistance from NEH, either directly or indirectly, through a grant, cooperative agreement, contract or subcontract, are covered by this policy guidance. Title VI applies to all Federal financial assistance, which includes but is not limited to awards and loans of Federal funds, awards or donations of Federal property, details of Federal personnel, or any agreement, arrangement or other contract that has as one of its purposes the provision of assistance.

Title VI prohibits discrimination in any program or activity that receives Federal financial assistance. In most cases, when a recipient receives Federal financial assistance for a particular program or activity, all operations of the recipient are covered by Title VI, not just the part of the program that uses the Federal assistance. Thus, all parts of the recipient's operations would be covered by Title VI, even if the Federal assistance were used only by one part.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to federal non-discrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

2. Basic Requirement: All Recipients Must Take Reasonable Steps To Provide Meaningful Access to LEP Persons

Title VI and the NEH implementing regulations require that recipients take reasonable steps to ensure meaningful access to the information, programs, and services they provide. Recipients of federal assistance have considerable flexibility in determining precisely how to fulfill this obligation.

It is also important to emphasize that academic institutions, nonprofit organizations, museums and libraries are in the business of maintaining, sharing, and disseminating vast amounts of information and items, most of which are created or generated by third parties. In large measure, the common service provided by these recipients is access to information, whether maintained on-site or elsewhere, not the generation of the source information itself. This distinction is critical in properly applying Title VI to academic institutions, nonprofit organizations, museums, libraries, and similar programs. For example, in the context of library and museum services, recipients

initially should focus on their procedures or services that directly impact access in three areas. First, applications for library or museum membership cards, instructions on card usage, exhibit brochures, building maps, and dissemination of information on where and how source material and collections are maintained and indexed, should be available in appropriate languages other than English. Second, recipients should, consistent with the four-factor analysis, determine what reasonable steps could be taken to enhance the value of their collections or services to LEP persons, including, for example, accessing language-appropriate books through inter-library loans, direct acquisitions, and/or on-line materials. Third, to the extent a recipient provides services beyond museum exhibitions or access to books, art, or cultural collections to include the generation of information about those collections, research aids, or community educational outreach such as reading or discovery programs, these additional or enhanced services should be separately evaluated under the four-factor analysis. A similar distinction can be employed with respect to a museum's exhibits versus a museum's procedures for meaningful access to those exhibits.

What constitute reasonable steps to ensure meaningful access in the context of federally assisted programs and activities in the area of academic institutions, nonprofit organizations, museums and library services will be contingent upon a balancing of four factors: (1) The number and proportion of eligible LEP constituents; (2) the frequency of LEP individuals' contact with the program; (3) the nature and importance of the program; and (4) the resources available, including costs. Each of these factors is summarized below. In addition, recipients should consult Section V of the June 18, 2002 DOJ LEP Guidance for Recipients, 67 FR at 41459–41460 or *http://www.lep.gov*, for additional detail on the nature, scope, and application of these factors.

(1) Number or Proportion of LEP Individuals

The appropriateness of any action will depend on the size and proportion of the LEP population that the recipient serves and the prevalence of particular languages. Programs that serve a few or even one LEP person are still subject to the Title VI obligation to take reasonable steps to provide meaningful opportunities for access. The first factor in determining the reasonableness of a recipient's efforts is the number or proportion of people who will be effectively excluded from meaningful access to the benefits or services if efforts are not made to remove language barriers. The steps that are reasonable for a recipient who serves one LEP person a year may be different than those expected from a recipient that serves several LEP persons each day.

(2) Frequency of Contact With the Program

Frequency of contact between the program or activity and LEP individuals is another factor to be weighed. If LEP individuals must access the recipient's program or activity on a daily basis, a recipient has greater duties than if such contact is unpredictable and infrequent. Recipients should take into account local or regional conditions when determining frequency of contact with the program, and should have the flexibility to tailor their services to those needs.

(3) Nature and Importance of the Program

The importance of the recipient's program to beneficiaries will affect the determination of what reasonable steps are required. More affirmative steps must be taken in programs where the denial or delay of access may have serious, or even life or death implications than in programs that are not crucial to one's day-to-day existence, economic livelihood, safety, or education. For example, the obligations of a federally assisted school or hospital differ from those of a federally assisted nonprofit organization, museum or library. This factor implies that the obligation to provide translation services will be highest in programs providing education, job training, medical/health services, social welfare services, and similar services. As a general matter, it is less likely that nonprofit organizations, museums and libraries receiving assistance from the NEH will provide services having a similar immediate and direct impact on a person's life or livelihood. Thus, in large measure, it is the first factor (number or proportion of LEP individuals) that will have the greatest impact in determining the initial need for language assistance services.

In assessing the effect on individuals of failure to provide language services, recipients must consider the importance of the benefit to individuals both immediately and in the long-term. Another aspect of this factor is the nature of the program itself. Some museum content may be extremely accessible regardless of language. In these instances, little translation might be required.

(4) Resources Available

NEH is aware that its recipients may experience difficulties with resource allocation. Many of the organizations' overall budgets, and awards involved are quite small. The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipient must take to ensure meaningful access. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance in programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not providing an important service or benefit from, for instance, a health, education, economic, or safety perspective. Translation and interpretation costs are appropriately included in award budget requests.

This four-factor analysis necessarily implicates the ''mix'' of LEP services required. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. Even those award recipients who serve very few LEP persons on an infrequent basis should use a balancing analysis to determine whether the importance of the service(s) provided and minimal costs make language assistance measures reasonable even in the case of limited and infrequent interactions with LEP persons. Recipients have substantial flexibility in determining the appropriate mix.

IV. Strategies for Ensuring Meaningful Access

Academic institutions, nonprofit organizations, museums and libraries have a long history of interacting with people with varying language backgrounds and capabilities within the communities where they are located. The agency's goal is to continue to encourage these efforts and share practices so that other academic institutions, nonprofit organizations, museums and libraries can benefit from other institutions' experiences.

The following are examples of language assistance strategies that are potentially useful for all recipients. These strategies incorporate a variety of options and methods for providing meaningful access to LEP beneficiaries and provide examples of how recipients should take each of the four factors discussed above into account when developing an LEP strategy. Not every option is necessary or appropriate for every recipient with respect to all of its programs and activities. Indeed, a

language assistance plan need not be intricate; it may be as simple as being prepared to use a commercially available language line to obtain immediate interpreting services and/or having bilingual staff members available who are fluent in the most common non-English languages spoken in the area. Recipients should exercise the flexibility afforded under this Guidance to select those language assistance measures which have the greatest potential to address, at appropriate levels and in reasonable manners, the specific language needs of the LEP populations they serve.

Finally, the examples below are not intended to suggest that if services to LEP populations aren't legally required under Title VI and Title VI regulations, they should not be undertaken. Part of the way in which academic institutions, nonprofit organizations, museums and libraries build communities is by cutting across barriers like language. A small investment in outreach to a linguistically diverse community may well result in a rich cultural exchange that benefits not only the LEP population, but also the academic institutions, nonprofit organizations, museums and libraries and the community as a whole.

Examples

- Identification of the languages that are likely to be encountered in, and the number of LEP persons that are likely to be affected by, the program. This information may be gathered through review of census and constituent data as well as data from school systems and community agencies and organizations;
- Posting signs in public areas in several languages, informing the public of its right to free interpreter services and inviting members of the public to identify themselves as persons needing language assistance;
- Use of ''I speak'' cards for public-contact personnel so that the public can easily identify staff language abilities;
- Employment of staff, bilingual in appropriate languages, in public contact positions;
- Contracts with interpreting services that can provide competent interpreters in a wide variety of languages in a timely manner;
- Formal arrangements with community groups for competent and timely interpreter services by community volunteers;
- An arrangement with a telephone language interpreter line for on-demand service;
- Translations of application forms, instructional, informational and other key documents into appropriate non-English languages and provide oral interpreter assistance with documents for those persons whose language does not exist in written form;
- Procedures for effective telephone communication between staff and LEP persons, including instructions for English-speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls to or from LEP persons;
- Notice to and training of all staff, particularly public contact staff, with respect to the recipient's Title VI obligation to provide language assistance to LEP persons, and on the language assistance policies and the procedures to be followed in securing such assistance in a timely manner;
- Insertion of notices, in appropriate languages, about access to free interpreters and other language assistance, in brochures, pamphlets, manuals, and other materials disseminated to the public and to staff; and
- Notice to and consultation with community organizations that represent LEP language groups, regarding problems and solutions, including standards and procedures for using their members as interpreters.

In identifying language assistance measures, recipients should avoid relying on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities. However, where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by the recipient. But where a balancing of the four factors indicate that recipient-provided language assistance is warranted, the recipient should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

The use of family and friends as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that recipient-provided language assistance is not necessary. An example of this might be a bookstore or cafeteria associated with a museum. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for technical accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family, friends, or other informal ad hoc interpreters may be appropriate.

As noted throughout this guidance, NEH award recipients have a great deal of flexibility in addressing the needs of their constituents with limited English skills. That flexibility does not diminish, and should not be used to minimize, the obligation that those needs be addressed. NEH recipients should apply the four factors outlined above to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons. By balancing the number or proportion of people with limited English skills served, the frequency of their contact with the program, the importance and nature of the program, and the resources available, NEH awardees' Title VI obligations in many cases will be satisfied by making available oral language assistance or commissioning translations on an as-requested and as-needed basis. There are many circumstances where, after an application and balancing of the four factors noted above, Title VI would not require translation. For example, Title VI does not require a library to translate its collections, but it does require the implementation of appropriate language assistance measures to permit an otherwise eligible LEP person to apply for a library card and potentially to access appropriate-language materials through inter-library loans or other reasonable methods. The NEH views this policy guidance as providing sufficient flexibility to allow the NEH to continue to fund language-dependent programs in both English and other languages without requiring translation that would be inconsistent with the nature of the program. Recipients should consult Section VI of the June 18, 2002 DOJ LEP Guidance for Recipients, 67 FR at 41461–41464 or *http://www.lep.gov*, for additional clarification on the standards applicable to assessing interpreter and translator competence, and for determining when translations of documents vital to accessing program benefits should be undertaken.

The key to ensuring meaningful access for people with limited English skills is effective communication. Academic institutions, nonprofit organizations, museums and libraries can ensure effective communication by developing and implementing a comprehensive language assistance

program that includes policies and procedures for identifying and assessing the language needs of its LEP constituents. Such a program should also provide for a range of oral language assistance options, notice to LEP persons of the right to language assistance, periodic training of staff, monitoring of the program and, in certain circumstances, the translation of written materials.

Each recipient should, based on its own volume and frequency of contact with LEP clients and its own available resources, adopt a procedure for the resolution of complaints regarding the provision of language assistance and for notifying the public of their right to and how to file a complaint under Title VI. State recipients, who will frequently serve large numbers of LEP individuals, may consider appointing a senior level employee to coordinate the language assistance program and to ensure that there is regular monitoring of the program.

V. Compliance and Enforcement

Executive Order 13166 requires that each federal department or agency extending federal financial assistance subject to Title VI issue separate guidance implementing uniform Title VI compliance standards with respect to LEP persons. Where recipients of federal financial assistance from NEH also receive assistance from one or more other federal departments or agencies, there is no obligation to conduct and document separate but identical analyses and language assistance plans for NEH. NEH, in discharging its compliance and enforcement obligations under Title VI, looks to analyses performed and plans developed in response to similar detailed LEP guidance issued by other federal agencies. Recipients may rely upon guidance issued by those agencies.

NEH's regulations implementing Title VI contain compliance and enforcement provisions to ensure that a recipient's policies and practices overcome barriers resulting from language differences that would deny LEP persons an equal opportunity to participate in and access to programs, services and benefits offered by NEH. See 45 CFR, Part 1110. The agency will ensure that its recipient entities fulfill their responsibilities to LEP persons through the procedures provided for in the Title VI regulations.

The Title VI regulations provide that NEH will investigate (or contact its State recipient of funds to investigate, if appropriate) whenever it receives a complaint, report or other information that alleges or indicates possible noncompliance with Title VI. If the investigation results in a finding of compliance, NEH will inform the recipient in writing of this determination, including the basis for the determination. If the investigation results in a finding of noncompliance, NEH must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance, and must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, the NEH will secure compliance through (a) the suspension or termination of Federal assistance after the recipient has been given an opportunity for an administrative hearing, (b) referral to the Department of Justice for injunctive relief or other enforcement proceedings, or (c) any other means authorized by federal, state, or local law.

Under the Title VI regulations, the NEH has a legal obligation to seek voluntary compliance in resolving cases and cannot seek the termination of funds until it has engaged in voluntary compliance efforts and has determined that compliance cannot be secured voluntarily. NEH will engage in voluntary compliance efforts and will provide technical assistance to recipients at all stages of its investigation. During these efforts to secure voluntary compliance, NEH will propose reasonable timetables for achieving compliance and will consult with and assist recipients in exploring cost effective ways of coming into compliance.

In determining a recipient's compliance with Title VI, the NEH's primary concern is to ensure that the recipient's policies and procedures overcome barriers resulting from language differences that would deny LEP persons a meaningful opportunity to participate in and access programs, services, and benefits. A recipient's appropriate use of the methods and options discussed in this policy guidance will be viewed by the NEH as evidence of a recipient's willingness to comply voluntarily with its Title VI obligations. If implementation of one or more of these options would be so financially burdensome as to defeat the legitimate objectives of a recipient/covered entity's program, or if there are equally effective alternatives for ensuring that LEP persons have meaningful access to programs and services (such as timely effective oral interpretation of vital documents), NEH will not find the recipient/covered entity in noncompliance.

If you have any questions related to this policy, please contact the NEH Office of the General Counsel.

[FR Doc. E7–21631 Filed 11–2–07; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

FirstEnergy Nuclear Operating Company; Beaver Valley Power Station, Units 1 and 2; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

FirstEnergy Nuclear Operating Company (FENOC) has submitted an application for renewal of Facility Operating Licenses Nos. DPR–66 and NPF–73, for an additional 20 years of operation at Beaver Valley Power Station, Units 1 and 2. Beaver Valley Power Station is located in Shippingport, Pennsylvania.

The current operating licenses for Beaver Valley Power Station, Units 1 and 2, expire on January 29, 2016 and May 27, 2027, respectively. The application for renewal, dated August 27, 2007, was submitted pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 54. A notice of receipt and availability of the application, which included FENOC's environmental report (ER), was published in the **Federal Register** on September 24, 2007 (72 FR 54301). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on October 26, 2007, (72 FR 60916). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) related to the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act'' (NEPA), the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of NEPA of 1969.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, FENOC submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555

Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at *http://adamswebsearch.nrc.gov/dologin.htm.* The Accession Number for the ER is ML072430913. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or via e-mail at *pdr@nrc.gov.* The ER may also be viewed on the Internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications/bvalley.html.* In addition, the ER is available for public inspection near Beaver Valley Power Station at the following public libraries: Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009 and the Beaver County Library System, 1 Campus Drive, Monaca, Pennsylvania 15061.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants'' (NUREG–1437), related to the review of the application for renewal of the Beaver Valley Power Station, Units 1 and 2, operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, FENOC.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public scoping meetings for the Beaver Valley Power Station, Units 1 and 2, license renewal supplement to the GEIS. The scoping meetings will be held at the Embassy Suites Pittsburgh-International Airport, 550 Cherrington Parkway, Pittsburgh, Pennsylvania 15108, on Tuesday, November 27, 2007. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include:

(1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour before the start of each session at the Embassy Suites Pittsburgh-International Airport in Pittsburgh. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting NRC's Project Manager, Mr. Kent L. Howard, at 1–800–368–5642, extension 2989, or via e-mail to the NRC at *BeaverValleyEIS@nrc.gov* no later than November 15, 2007. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Howard will need to be contacted no later than November 15, 2007, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Beaver Valley Power Station, Units 1 and 2 license renewal review to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the U.S. Nuclear Regulatory Commission, Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by January 2, 2008. Electronic comments may be sent by e-mail to the NRC at

BeaverValleyEIS@nrc.gov, and should be sent no later than January 2, 2008, to be considered in the scoping process. Comments will be available electronically and accessible through ADAMS at *http://adamswebsearch.nrc.gov/dologin.htm*.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (72 FR 60916). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached; including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at *http://adamswebsearch.nrc.gov/dologin.htm*. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of a separate notice and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Howard at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 29th day of October 2007.

For the Nuclear Regulatory Commission.

Rani Franovich,

Branch Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E7–21683 Filed 11–2–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 204A–1, SEC File No. 270–536, OMB Control No. 3235–0596.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Rule 204A–1 (17 CFR 275.204A–1) under the Investment Advisers Act of 1940'' (15 U.S.C. 80b–1 *et seq.*). Rule 204A–1, the Code of Ethics Rule, requires investment advisers registered with the Commission to (i) set forth standards of conduct expected of advisory personnel (including compliance with the federal securities laws), (ii) safeguard material nonpublic information about client transactions, and (iii) requires the adviser's ''access persons'' to report their personal securities transactions, including transactions in any mutual fund managed by the adviser. The code of ethics also requires access persons to obtain the adviser's approval before investing in an initial public offering or private placement. The code of ethics also requires prompt reporting, to the adviser's chief compliance officer or another person designated in the code of ethics, of any violations of the code. Finally, the code of ethics requires the adviser to provide each supervised person with a copy of the code and any amendments, and requires the supervised persons to acknowledge, in writing, their receipt of these copies.

The purposes of the information collection requirements are: (i) To ensure that advisers maintain codes of ethics applicable to their supervised persons; (ii) to provide advisers with information about the personal securities transactions of their access persons for purposes of monitoring such transactions; (iii) to provide advisory clients with information with which to evaluate advisers' codes of ethics; and (iv) to assist the Commission's examination staff in assessing the adequacy of advisers' codes of ethics and assessing personal trading activity by advisers' supervised persons.

The respondents to this information collection are investment advisers registered with the Commission. The Commission has estimated that compliance with rule 204A–1 imposes a burden of approximately 117 hours per adviser annually for an estimated total annual burden of 1,265,865 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*.

October 29, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21663 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form BD–N/Rule 15b11–1, SEC File No. 270–498, OMB Control No. 3235–0556.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 15b11–1 (17 CFR 240.15b11–1) and Form BD–N (17 CFR 249.501b) serve as the form of notice for futures commission merchants and introducing brokers that register as broker-dealers by notice pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). Specifically, the form requires a broker-dealer registering by notice to indicate whether it is filing a notice registration to conduct a securities business in security futures

products and if so, that it satisfies the statutory conditions for notice registration.

The total annual burden imposed by Rule 15b11–1 and Form BD–N is approximately 8 hours, based on approximately 16 responses (16 initial filings + 0 amendments). Each initial filing requires approximately 30 minutes to complete and each amendment requires approximately 15 minutes to complete. There is no annual cost burden.

The Commission will use the information collected pursuant to Rule 15b11–1 to elicit basic identification information as well as information that will allow the Commission to ensure that the futures commission merchants and introducing brokers meet the statutory conditions to register by notice pursuant to section 15(b)(11) of the Exchange Act. This information will assist the Commission in fulfilling its regulatory obligations.

Completing and filing Form BD–N is mandatory in order for an eligible futures commission merchant or introducing broker to engage in notice-registered broker-dealer activity. Compliance with Rule 15b11–1 does not involve the collection of confidential information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *Alexander_T._Hunt@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

October 29, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21664 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of November 5, 2007:

A Closed Meeting will be held on Thursday, November 8, 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), (6), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), (8), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Casey, 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, November 8, 2007 will be:

Formal orders of investigation;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Adjudicatory matters;

Resolution of litigation claims;

Collection matter;

Regulatory matter regarding a financial institution; and

Other matters related to enforcement actions.

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: October 30, 2007.

Nancy M. Morris,

Secretary.

[FR Doc. E7–21638 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: BIMS Renewable Energy, Inc. (n/k/a Tung Ding Resources, Inc.); Order of Suspension of Trading

November 1, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of BIMS Renewable Energy, Inc. (n/k/a Tung Ding Resources, Inc.), because it has not filed a periodic report since the period ended June 30, 2004.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on November 1, 2007 through 11:59 p.m. EST on November 14, 2007.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 07–5519 Filed 11–1–07; 10:37 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56707; File No. SR–Amex–2007–111]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Enable Settlements of Disciplinary Matters To Be Considered for Approval or Rejection by Exchange Hearing Officers Without the Need To Convene a Formal Hearing

October 26, 2007.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 19, 2007, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by Amex. The Exchange filed the proposal as a ''non-controversial'' rule change pursuant to section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt changes to sections 1 and 2 of Article V of the Exchange's Constitution; Rule 345 of the Exchange's ''Office Rules''; and Rules 2(a), 2(b) and 8 of the Exchange's ''Rules of Procedure in Disciplinary Matters'' in order to enable settlements of disciplinary matters to be considered for approval or rejection by Exchange hearing officers without the need to convene a formal hearing.

The text of the proposed rule change is available on the Amex's Web site at *http://www.amex.com*, the Office of the Secretary, the Amex 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, Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing amendments to sections 1 and 2 of Article V of the Exchange's Constitution; Rule 345 of the Exchange's Office Rules; and Rules 2(a), 2(b) and 8 of the Exchange's Rules of Procedure in Disciplinary Matters in order to streamline the handling of settlements of disciplinary matters by permitting such matters to be addressed by a single Exchange hearing officer, who shall either approve or reject the settlement, without being required to convene a formal hearing.

Under current Amex rules, settlements of disciplinary proceedings are handled as follows: Should a member, member organization, approved person, or a registered or non-registered employee or prospective employee of a member or member organization (each a ''respondent''), on one side, and enforcement staff of the Exchange, on the other side, enter into a stipulation of facts and consent to a specified penalty (a ''Stipulation''), a formal hearing before an Exchange Disciplinary Panel (''Panel''), which may act solely through its Chair, must be convened to consider the Stipulation. Prior to that hearing, the Chair is provided with an enforcement staff memorandum outlining the Stipulation and analyzing how the agreed upon sanctions in the Stipulation are consistent with the Exchange Sanctions Guidelines and relevant precedent.[5] The subsequent hearings generally are conducted by telephone and consist of the respondent's counsel and enforcement staff affirming support for the Stipulation. After considering the presentation, the Chair issues a written decision either (i) approving the Stipulation, (ii) rejecting the Stipulation, if the Chair considers the penalty too lenient, or (iii) imposing a lesser penalty than that contained in the Stipulation, if the Chair considers the agreed upon penalty too severe.

The above process has proven more time consuming than the Exchange believes necessary. It typically takes several months to schedule the hearing as a result of various scheduling conflicts among the parties involved, yet the hearing itself only takes a few minutes and is more formal than substantive, given the negotiated settlement and submission of the detailed enforcement staff memorandum in advance of the hearing. Therefore, in order to streamline the process, the Exchange is proposing to modify its rules to allow a Stipulation to be accepted or rejected by a hearing officer without conducting a formal hearing. Further, the Exchange is also proposing that the Chair's power to impose a lesser penalty than that contained in a Stipulation be eliminated as unnecessary, in view of the fact that the Amex Adjudicatory Counsel, in any event, still retains the right to impose a lower sanction if it exercises its right to call the Chair's acceptance or rejection of the Stipulation for review.

In summary, the new proposed Stipulation consideration procedure will differ from current practice in only two substantive respects: (i) No formal hearing will now take place before the Chair, as a single hearing officer can consider the Stipulation without a formal hearing; and (ii) if a hearing officer deems a penalty in a Stipulation to be too severe, he will now reject the Stipulation, rather than propose a lesser penalty. The Exchange anticipates that these changes will provide a more efficient and expedient process for resolution of Exchange disciplinary matters, without compromising the quality of the process.

In addition, Amex proposes certain non-substantive ''housekeeping'' changes, including elimination of repetitive or unnecessary phrasing; creation of certain defined terms for ease of reference (*i.e.*, ''Stipulation''); and addition of rule cross-references.

2. Statutory Basis

The proposed rule change is consistent with sections 6(b)(6), 6(b)(7) and 6(d) of the Act[6] in that it is designed to ensure that members and persons associated with members of the Exchange shall be appropriately disciplined for violation of the securities laws, the rules or regulations thereunder, or the rules of the Exchange; provide a fair procedure for imposition of such discipline; and ensure that a record is kept of such proceedings.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after

[5] The respondent's counsel (or the respondent, in the event he is not represented) is also concurrently provided with a copy of the memorandum.

[6] 15 U.S.C. 78f(b)(6), 78f(b)(7), and 78f(d).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that Amex has satisfied the five-day pre-filing notice requirement.

the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay.

The Commission believes that the proposed amendments should allow the Exchange to settle disciplinary matters more efficiently, without affecting the rights of respondents in any significant manner. In addition, the Exchange's non-substantive changes should help make Amex rules clearer and easier for readers to understand. The Commission believes that for these reasons, waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative upon filing with the Commission.[9]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Amex–2007–111 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2007–111. 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–2007–111 and should be submitted on or before November 26, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21632 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

[9] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56721; File No. SR–ISE–2007–91]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1, Relating to API Fees

October 30, 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 October 1, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On October 29, 2007, the Exchange filed Amendment No. 1 to the proposed rule change.[3] ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Exchange under section 19(b)(3)(A),[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to amend its Schedule of Fees regarding the Exchange's API or login fees. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.ise.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. ISE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE charges its market makers a fee for each login that a member utilizes for quoting or order entry, with a lesser charge for logins used for the limited purpose of ''listening'' to system broadcasts.[6] ISE currently has the following categories of authorized logins: (1) Quoting, order entry and listening (allowing the user to enter quotes, orders, and perform all other miscellaneous functions, such as setting

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 made clarifying changes to the original filing and attached a revised Exhibit 5, to reflect intervening changes to the Exchange's Schedule of Fees that were made between the filing of the original proposed rule change and the submission of Amendment No. 1.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(2).

[6] *See* Securities Exchange Act Release No. 53522 (March 20, 2006), 71 FR 14975 (March 24, 2006) (SR–ISE–2006–09).

parameters, pulling quotes and performing linkage functions (*e.g.*, sending and receiving P and P/A orders, laying off orders, etc.)); (2) order entry and listening (allowing the user to enter orders and perform all other miscellaneous functions, such as setting parameters, pulling quotes and performing linkage functions (but not quote)); and (3) listening (allowing the user only to query the system and to respond to other broadcasts).[7]

An ISE market maker currently receives an allocation of 1,000,000 quotes per day per user. If a firm submits more quotes than those allocated, *i.e.*, 1,000,000 quotes per day per user as measured on an average in a single month, the firm is charged for additional users depending upon the number of quotes submitted. Each month, the total number of quotes submitted by a market maker firm across all bins (*i.e.*, group of options to which the market maker is appointed), is divided by the number of trading days, resulting in the average quotes per day. This number is then divided by 1,000,000 and rounded up to the nearest whole number, resulting in an implied number of users based on quotes. Members are invoiced on a monthly basis for the greater of a) the greatest number of users authorized to login into the system, or b) the number of implied users based on quotes.

The Exchange also previously adopted an additional category, a ''High Throughput User,'' that permits a market maker to quote up to 2,000,000 quotes per day in a month.[8] A High Throughput User is able to enter quotes, orders, and perform all other miscellaneous functions, such as setting parameters, pulling quotes and performing linkage functions (*e.g.*, sending and receiving P and P/A orders, laying-off orders, etc.).[9]

ISE currently charges market makers $950 per month for each quoting session for up to 1,000,000 quotes per day, on average for a month. Market makers are charged an additional user fee of $950 for each incremental usage of up to 1,000,000 quotes per day per user. For High Throughput Users, ISE charges a fee of $1,900 per month. High Throughput User market makers are charged an additional user fee of $1,900 for each incremental usage of up to 2,000,000 quotes per day per user.

The Exchange now proposes to increase the allocation of quotes per day per user from 1,000,000 to 1,300,000 for non-High Throughput Users and from 2,000,000 to 2,600,000 for High Throughput Users. As a result, under this proposed rule change, market makers will continue to be charged $950 per month for each quoting session for up to 1,300,000 quotes per day, with an additional user fee of $950 for each incremental usage of up to 1,300,000 quotes per day per user. For High Throughput Users, the fee will continue to be $1,900 per month for each quoting session for up to 2,600,000 quotes per day, with an additional user fee of $1,900 for each incremental usage of up to 2,600,000 quotes per day per user. Finally, ISE represents that the proposed increase in the allocation of quotes per day per user will not have an adverse effect on capacity on the Exchange.

2. Statutory Basis

The basis under section 6(b) of the Act[10] for this proposed rule change is the requirement under section 6(b)(4)[11] that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange has had numerous conversations with its market makers and believes that, in light of the increased number of quotes as a result of the penny pilot, an increase in the allocation of quotes per day per user is necessary and warranted.

B. Self-Regulatory Organization's Statement on Burden on Competition

ISE 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

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[12] and subparagraph (f)(2) of Rule 19b–4 thereunder,[13] since it establishes or changes a due, fee or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2007–91 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–1090.

All submissions should refer to File Number SR–ISE–2007–91. 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

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 55941 (June 21, 2007), 72 FR 35535 (June 28, 2007) (SR–ISE–2007–36).

[9] *Id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] for purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under *section* 19(b)(3)(C) of the Act, the Commission considers the period to commence on October 29, 2007, the date on which ISE filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

available for inspection and copying at the principal office of ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–ISE–2007–91 and should be submitted on or before November 26, 2007.

For the Commission, by the Division of Market Regulation, pursuant to elegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21662 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56711; File No. SR–NYSE–2007–83]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Granting Approval of Proposed Rule Change Relating to NYSE Rule 104.10 (''Dealings by Specialists'')

October 26, 2007.

On September 14, 2007, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to (i) extend the duration of its pilot program applicable to ''Conditional Transactions'' as defined in NYSE Rule 104.10 (''Dealings by Specialists'') to March 31, 2008 [3]; (ii) remove the ''active securities'' [4] limitation on Conditional Transactions that establish or increase a specialist's position and reach across the market to transact with the NYSE's published quote; and (iii) make certain conforming changes to NYSE Rule 104.10(5). The proposed rule change was published for comment in the **Federal Register** on September 25, 2007.[5] The Commission received no comments on the proposal. This order approves the proposed rule change.

I. Description of the Proposal

NYSE Rule 104 governs specialist dealings and includes, among other things, restrictions upon specialists' ability to trade as dealer in the stocks in which he or she is registered. Under NYSE Rule 104(a), specialists are not permitted to effect transactions on the Exchange for their proprietary accounts in any security in which the specialist is registered, ''unless such dealings are reasonably necessary to permit such specialist to maintain a fair and orderly market * * *.'' This restriction is known as the ''negative obligation.'' In particular, NYSE Rules 104.10(5) and (6) expand upon the negative obligation with respect to specific types of proprietary transactions.

In December 2006, as part of extensive amendments to its specialist stabilization rules, the Exchange implemented a pilot program allowing specialists to execute transactions in active securities that establish or increase a position and reach across the market to trade as the contra-side to the Exchange published bid or offer (Conditional Transactions) without restriction as to price or Floor Official approval, provided that the specialist appropriately re-enters on the opposite side of the market in a size commensurate with the specialist's Conditional Transaction.[6] NYSE issued guidelines called ''Price Participation Points'' (''PPPs'') that identify the price at or before which a specialist is expected to re-enter the market after effecting one or more Conditional Transactions. PPPs are minimum guidelines only and compliance with them does not guarantee that a specialist is meeting its obligations. Under the pilot program, certain Conditional Transactions require the specialist to immediately re-enter, or re-enter as the specialist's next available quoting or trading action, regardless of the PPP.[7] For example, immediate re-entry may be required based on the price and/or volume of the specialist's Conditional Transaction(s) in reference to the market in the security at the time of such trading. The fact that there may have been one or more independent trades following the specialist's Conditional Transaction does not, by itself, eliminate the need for immediate re-entry when otherwise appropriate. In addition, immediate re-entry is required after a Conditional Transaction: (a) Of 10,000 shares or more or a quantity of stock with a market value of $200,000 or more; and (b) which exceeds 50% of the published bid or offer size (as relevant).[8]

Specialists currently are not permitted to establish or increase a position in ''inactive securities'' [9] by reaching across the market to purchase the offer at a price that is above the last sale price on the Exchange or sell to the bid at a price that below the last sale price on the Exchange, unless such specialist trade is reasonably necessary to render the specialist's position adequate to the immediate and reasonably anticipated needs of the market and approved by a Floor Official. Further, for inactive securities, specialists currently are not permitted to purchase more than 50% of the stock offered at a price that is equal to the last sale price when the last sale price was higher than the last differently priced regular way sale, unless such trade is approved by a Floor Official. Specialists must re-enter the market when reasonably necessary after effecting such trades.[10]

The Exchange is now proposing to extend its pilot program applicable to Conditional Transactions to March 31, 2008 and remove the ''active securities'' restriction included in the pilot, enabling specialists to execute Conditional Transactions in all securities traded on the NYSE.[11] The Exchange will continue to apply its PPP guidelines, and specialists will continue to be required to meet the re-entry obligations of NYSE Rule 104.10(6). In

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Conditional Transaction'' is defined as a specialist transaction in an active security that establishes or increases a position and reaches across the market to trade as the contra-side to the Exchange published bid or offer. *See* NYSE Rule 104.10(6)(ii) (which is renumbered pursuant to this proposal as NYSE Rule 106.10(6)(i)).

[4] Original NYSE Rule 104.10(6)(i) defines ''active securities'' as: (a) *Securities* comprising the S&P 500 Index; (b) securities traded on the Exchange during the first five trading days following their initial public offering; and (c) securities that have been designated as ''active'' by a Floor Official pursuant to the parameters set forth in the rule. In general, a governing Floor Official may designate a security as ''active'' by determining, among other things, that the security in question has exhibited substantially greater than normal trading volume and is likely to continue to sustain such higher volume during the remainder of the trading session.

[5] *See* Securities Exchange Act Release No. 56455 (September 18, 2007), 72 FR 54499 (''Notice'').

[6] *See* Securities Exchange Act Release No. 54860 (December 1, 2006), 71 FR 71221 (December 8, 2006) (SR–NYSE–2006–76). The operation of the pilot was subsequently extended two times, first until September 30, 2007 and then until the earlier of (i) December 31, 2007 or (ii) the approval by the Commission of this proposed rule change. *See* Securities Exchange Act Release Nos. 55995 (June 29, 2007), 72 FR 37288 (July 9, 2007) (SR–NYSE–2007–58); and 56554 (September 27, 2007), 72 FR 56419 (October 3, 2007) (SR–NYSE–2007–84).

[7] *See* NYSE Rule 106.10(6)(iv) (which is renumbered pursuant to the proposal as NYSE Rule 106.10(6)(iii)).

[8] *See* NYSE Rule 106.10(6)(iv)(c)(I) and (II) (which are renumbered pursuant to the proposal as NYSE Rule 106.10(6)(iii)(c)(I) and (II)).

[9] ''Inactive securities'' are securities that do not fall within NYSE's definition of active securities. *See supra* note 4.

[10] *See* NYSE Rule 106.10(5)(b)(I).

[11] During the pilot, the restrictions currently in effect for inactive securities pursuant to NYSE Rule 106.10(5)(b) will be suspended.

addition, specialists will continue to be subject to their negative obligation.

II. Discussion and Commission Findings

After careful consideration, 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 [12] and, in particular, the requirements of Section 6 of the Act.[13] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[14] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Finally, the Commission believes the proposal is consistent with the principles set forth in Section 11A of the Act [15] and the requirements of Rule 11b–1 under the Act.[16]

Specialists' dealer activities are governed, in part, by the negative and affirmative trading obligations. Rule 11b–1 under the Act requires exchanges that permit members to register as specialists to have rules governing specialists' dealer transactions so that their proprietary trades conform to the negative and affirmative obligations. The negative obligations as set forth in Rule 11b–1 under the Act require that a specialist's dealings be restricted, so far as practicable, to those reasonably necessary to permit a fair and orderly market.[17] The affirmative obligation as set forth in Rule 11b–1 under the Act requires a specialist to engage in a course of dealings for its own account to assist in the maintenance, so far as practicable, of a fair and orderly market.[18] NYSE has adopted these obligations in its Rule 104, which includes restrictions on when specialists may effect certain transactions.

In connection with the Commission's approval of amendments to the Exchange's stabilization rules, including the implementation of Exchange's current pilot program for Conditional Transactions, the Commission eliminated the trade-by-trade standard previously applied to specialist trades for the purpose of determining whether such trade was ''reasonably necessary'' in accordance with the negative obligation.[19] The Commission noted that increased automation and competition—both within the Hybrid Market and in the markets generally—are significant factors, among others, that affect the ability of specialists to make trade-by-trade analysis regarding their negative obligation, and found that permitting specialists to consider the reasonable necessity of their transactions under negative obligations without a transaction-by-transaction test was appropriate and consistent with the Act. The Commission emphasized, however, that specialists must continue to comply with the negative obligation, and assess their need to trade and limit their proprietary trades to those reasonably necessary to allow the specialists to maintain a fair and orderly market.[20]

NYSE is now proposing to (i) extend the duration of its pilot program applicable to Conditional Transactions to March 31, 2008; (ii) remove the ''active securities'' limitation on Conditional Transactions that establish or increase a specialist's position and reach across the market to transact with the NYSE's published quote; and (iii) make certain conforming changes to NYSE Rule 104.10(5). NYSE specialists would remain subject to the negative obligation and would be required to appropriately re-enter the market after a Conditional Transaction is executed and, for certain Conditional Transactions, the specialist must re-enter immediately following the trade. In addition, the Exchange's PPP guidelines would continue to apply.

NYSE believes that the specialists are critical to its market structure, and that they perform an important function in the marketplace. Specifically, NYSE believes that, by committing capital, specialists provide market depth, lower market volatility, and reduce overall execution costs for investors. NYSE also believes that specialists bridge gaps between supply and demand, and help to maintain a fair and orderly market. Furthermore, the Exchange believes that advances in technology have virtually obviated the specialists' time and place advantage, and states that the rate of trading participation by specialists in specialist stocks has been significantly reduced. As a result, the Exchange believes that the basis for concern over specialist conflicts of interest (and the consequent ability of specialists to trade to the detriment of the public) is also diminished. NYSE highlights that the proposal does not in any way reduce the obligations imposed on its specialists pursuant to NYSE Rule 104 to re-enter a transaction on the opposite side of the market or alter their negative obligation. The Exchange believes that these factors support their proposal to extend the ability of the specialist to effect Conditional Transactions to all securities, and that providing specialists such ability would allow them to more effectively meet their affirmative and negative obligations by giving them the tools to better manage the inventory of their account.[21]

NYSE has committed to provide the Commission with statistics related to market quality, specialist trading activity, and sample statistics on an ongoing monthly basis.[22] The

[12] 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).

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k–1.

[16] 17 CFR 240.11b–1.

[17] 17 CFR 240.11b–1(a)(2)(iii).

[18] 17 CFR 240.11b–1(a)(2)(ii).

[19] *See* Securities Exchange Act Release No. 54860, *supra* note 6, at 71228. Previously, specialists were required to comply with the negative obligation on a transaction-by-transaction basis pursuant to a 1937 Commission interpretation known as the ''Saperstein Interpretation.'' *See* Securities Exchange Act Release No. 1117, 1937 SEC LEXIS 357 (March 30, 1937). *See also* Securities Exchange Act Release No. 54860, *supra* note 6, at 71227 for a discussion of the Saperstein Interpretation. Specifically, in the Saperstein Interpretation, the Commission stated that the negative obligation ''prohibits all transactions for the account of a specialist, excepting only such transactions as are properly a part of a course of dealings reasonably necessary to permit the specialist to maintain a fair and orderly market * * *.'' Further, the interpretation stated that *each transaction* by a specialist for its own account must meet the test of reasonable necessity, making clear that a specialist must comply with the rule on a transaction-by-transaction basis. *See* Securities Exchange Act Release No. 1117, *supra*, at 3–4.

[20] *See* Securities Exchange Act Release No. 54860, *supra* note 6, at 71228.

[21] In addition, the Exchange provided data which it contends evidences that the original stabilization pilot had no discernable adverse impact on liquidity or market quality. *See* Securities Exchange Act Release No. 56455, *supra* note 5 at 54501–2. *See also* Appendices 3A, 3B, and 3C, which are available at the Commission's Web site at *http://www.sec.gov/rules/sro/nyse/2007/34–56455appendix3.pdf*.

[22] Specifically, the Exchange has agreed to provide sample statistics, including the daily Consolidated Tape volume in shares, daily number of trades, daily high-low volatility in basis points, and daily close price in dollars. In addition, the Exchange will calculate the specialist profit on round-trip Hit Bid and Take Offer (''HB/TO'') executions, by measuring the specialist profit on HB/TO activity by taking the round-trip trading profits for all HB/TO trades where the specialist executes an offsetting trade within 30 seconds. In cases where the volume of the offsetting execution

Continued

Commission believes that this data will be important in helping it analyze the impact of this proposed rule change, and in determining whether to extend the operation of this rule or to approve this rule on a permanent basis.

The Commission continues to believe that the provisions governing Conditional Transactions may reflect an appropriate balance between the needs of specialists and other market participants in today's fast moving markets.[23] The Commission notes that specialists continue to be subject to the negative obligation, which requires that their proprietary trading be limited to that reasonably necessary to maintain a fair and orderly market. In approving the expansion of the pilot program beyond active securities, the Commission continues to recognize the potential conflicts of interest presented when a specialist engages in aggressive trading activity such as reaching across the market to trade with the NYSE bid or offer while increasing its position, particularly in the case of less liquid securities. Also, the proposed rule change represents a further shift in the role and obligations of specialists at the Exchange. As such, the Commission is approving the proposed expansion of the scope of the pilot, enabling specialists to execute Conditional Transactions in all securities traded on the NYSE, and the proposed extension of the duration of the pilot until March 31, 2008.

The Commission emphasizes that the extension of the pilot to all securities in no way relieves specialists of their obligations under federal securities laws or NYSE rules. A specialist's ability to effect proprietary transactions remains limited under the Act and the Exchange's rules and specialists must still determine whether their transactions are reasonably necessary. The Commission notes that the Exchange is obligated to surveil its specialists to ensure their compliance with the Act and NYSE rules, and the Exchange has stated that NYSE Regulation believes that it has appropriate surveillance procedures in place to surveil for compliance with the negative obligations.

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[24] that the proposed rule change (SR–NYSE–2007–83), be and hereby is, approved on a temporary basis until March 31, 2008.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21633 Filed 11–2–07; 8:45 am]

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is less than the size of the HB/TO execution, the calculation will only include profits realized within the 30-second window. The Exchange will further calculate the quote-based specialist re-entry ratio, and each re-entry price level will be categorized and reported separately. The categories will be in cent intervals at 0, 1, 2, 3, 4, and 5 or more cents. The time window for these calculations will also be in 30 seconds. Finally, the Exchange has agreed to provide the Commission with data related to the average realized spread on specialist HB/TO executions using the formula set forth in Rule 605 of Regulation NMS under the Act. 17 CFR 242.605. Specifically, the average realized spread should be a share-weighted average of realized spreads. For specialist buys, the spread will be double the amount of the difference between the execution price and the midpoint of the consolidated best bid and offer five minutes after the time of HB/TO execution. For specialist sells, the spread will be double the amount of the difference between the midpoint of the consolidated best bid and offer five minutes after the time of HB/TO execution and the execution price. The Exchange has also committed to maintain average measures for each stock-day during a particular month in order to provide such information to the Commission upon request.

[23] *See* Securities Exchange Act Release No. 54860, *supra* note 6, at 71229.

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56718; File No. SR–NYSE–2007–95]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Rule 18 (Compensation in Relation to Exchange System Failure)

October 29, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 12, 2007, the New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The NYSE filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Exchange Rule 18 to reduce the dollar amount required in order for a member organization to seek compensation in the event of an Exchange System failure. The Exchange is further seeking to make technical amendments to the rule text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Through this filing, the NYSE seeks to amend Exchange Rule 18 to reduce the dollar amount required for a member organization to seek compensation in the event of an Exchange system failure. Pursuant to the proposal, the Exchange seeks to reduce the current requirement that a net loss be in the amount of $5,000 or higher in order for a member organization to be eligible to make a claim for compensation. Rather, the Exchange seeks to lower the net loss requirement to $500.

Current Exchange Rule 18 (Compensation in Relation to Exchange System Failure)

Today, Exchange Rule 18 sets forth that member organizations that sustain a loss in relation to an Exchange system failure[5] are eligible to submit a claim for compensation to the Exchange, if certain requirements are met. Pursuant to the current rule, in order for a member organization to be eligible to receive payment for a claim, it must incur a net loss equal to or greater than $5,000. That is, the loss must total

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] An Exchange system failure is defined as a malfunction of the Exchange's physical equipment, devices and/or programming which results in an incorrect execution of an order or no execution of an order that was received in Exchange systems. *See* Exchange Rule 18(b).

$5,000 after any profits received in relation to the same incident are subtracted.[6] Claims must be submitted on a per incident basis. Member organizations are not permitted to aggregate losses incurred as a result of more than one system failure in order to satisfy the $5,000 minimum claim requirement.

Proposed Amendments to Rule 18—Reduction of Net Loss Dollar Amount

Exchange Rule 18 was put into effect on July 17, 2007.[7] A newly implemented rule, the initial $5,000 threshold for net loss seemed to be a reasonable dollar amount at the time. However, as the Exchange has gained experience with the administration of the Rule, it has observed that over 40% of the sustained net loss amounts were less than $2,000. Nearly 12% of the net loss amounts were less than $1,000. As a result, only approximately half of the net losses sustained by member organizations were eligible to receive compensation.

In establishing Exchange Rule 18, the NYSE sought to provide a mechanism for member organizations to receive compensation for losses sustained in relation to an Exchange system failure. The Exchange seeks to have the rule be more inclusive of its member organizations that may sustain a loss in the event of an Exchange system failure. In practice the requirement that the net loss equal at least $5,000 has resulted in the exclusion of approximately half the member organizations that have sustained losses in relation to an Exchange system failure from qualifying to receive compensation. Accordingly, the Exchange seeks to lower the net loss amount to $500. The Exchange believes that $500 is a more appropriate threshold. The Exchange believes that this threshold amount will be more inclusive and give more member organizations opportunities to seek compensation for losses sustained in relation to an Exchange system failure.

Technical Amendments to the Rule

The Exchange further proposes to make technical,l non-substantive amendments to subparagraphs (d), (e), and (f) of Exchange Rule 18. Specifically, subparagraph (d) provides that an ''Exchange-designated panel'' will be responsible for determining the eligibility of claim for payment. The Exchange seeks to amend the rule to state that the name of the Exchange-designated panel is the ''Compensation Review Panel'' for the sake of specificity and clarity. As such, references to this panel have been changed to read ''Compensation Review Panel'' in subparagraphs (d), (e), and (f) of the Rule.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act[8] that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

NYSE has requested that the Commission waive the 30-day operative delay.[11] The proposal reduces the minimum threshold amount for a net loss sustained in relation to an Exchange system failure, thereby providing more opportunities for member organizations to be compensated for losses sustained in relation to an Exchange system failure. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will enable the Exchange to immediately implement the proposal so that more member organizations' net loss claims will qualify for compensation under the rule. For this reason, the Commission designates the proposed rule change to be effective and operative upon filing with the Commission.[12]

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2007–95 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2007–95. 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

[6] In addition to the net loss requirement, Exchange Rule 18 requires that the Exchange's Division of Floor Operations (''Floor Operations'') determines that: (i) A valid order was accepted by the Exchange's systems; and that (ii) an Exchange system failure occurred. The member organization is further responsible for providing the Floor Operations with verbal notice of the incident by the market opening on the next business day following the system failure. The member must also provide written notice by the end of the third business day following the system failure. *See* Exchange Rule 18(a).

[7] The operation of the rule was retroactive to September 2006. *See* Securities Exchange Act Release No. 55555 (March 27, 2007), 72 FR 16841 (April 5, 2007) (SR–NYSE–2007–09).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii). Rule 19b–4(f)(6) also requires the self-regulatory organization to give the Commission notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the five-day pre-filing requirement.

[12] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2007–95 and should be submitted on or before November 26, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21636 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56717; File No. SR–Phlx–2007–73]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change and Amendment No. 1 Thereto to List and Trade Options Already Listed on Another National Securities Exchange

October 29, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by Phlx. On October 18, 2007, Phlx filed Amendment No. 1 to the proposed rule change.[3] This order provides notice of the proposal, as amended, and approves the proposal on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 1009 to enable it to list and trade equity options that are otherwise ineligible for listing and trading on the Exchange if such options are listed and traded on another national securities exchange and the security or securities underlying such options meet Phlx's continued listing requirements.

The text of the proposed rule change is available on Phlx's Web site (*http://www.phlx.com*), at Phlx'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 III below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to revise the options listing standards in Phlx Rule 1009 so that as long as the options maintenance listing standards set forth in Phlx Rule 1010 are met and the option is listed and traded on another national securities exchange, Phlx would be able to list and trade the option. Phlx Rule 1009 sets forth the requirements that an underlying equity security must meet before the Exchange may initially list options on that security. Phlx notes that these requirements are uniform among the options exchanges.

Commentary .01(4) to Phlx Rule 1009 relates to the minimum market price at which an underlying security must trade for an option to be listed on it, and applies to the listing of individual equity options on both ''covered'' and ''uncovered'' underlying securities. In the case of an underlying security that is a ''covered security'' as defined under section 18(b)(1)(A) of the Securities Act of 1933 (''1933 Act''),[4] the closing market price of the underlying security must be at least $3 per share for five previous consecutive business days prior to the date on which Phlx submits an option class certification to The Options Clearing Corporation (''OCC''). In connection with underlying securities deemed to be ''uncovered,'' Phlx's rules require that the closing price of such underlying security be at least $7.50 for the majority of business days during the three calendar months preceding the date of selection for such listing. In addition, an alternative listing procedure for ''uncovered'' securities also permits the listing of such options so long as: (1) The underlying security meets the guidelines for continued approval contained in Phlx Rule 1010; (2) options on such underlying security are traded on at least one other registered national securities exchange; and (3) the average daily trading volume (''ADTV'') for such options over the last three calendar months preceding the date of selection has been at least 5,000 contracts. Subparagraphs (1) through (4) of Commentary .01 to Phlx Rule 1009 further set forth minimum requirements for an underlying security such as shares outstanding, number of holders and trading volume.

When Phlx first commenced operations, if an option failed to meet the Exchange's original listing requirements, Phlx could not list that option, even if the option met the continued listing requirements of one or more other exchanges and traded on those exchanges. In order to somewhat remedy this situation, in 2002, the Exchange proposed, and the Commission approved, amendments to Phlx's original listing criteria that permitted Phlx to list options where the underlying ''uncovered'' security did not meet the $7.50 share price requirement so long as (i) the underlying security met Phlx's continued listing criteria, (ii) such options were traded on at least one other exchange, and (iii) during the three preceding calendar months, the

[3] Amendment No. 1 supercedes the original filing and replaces it in its entirety.

[4] Section 18(b)(1)(A) of the 1933 Act provides that '' [a] security is a covered security if such security is * * * listed, or authorized for listing, on the New York Stock Exchange or the American Stock Exchange, or listed or authorized for listing on the National Market System of the Nasdaq Stock Market (or any successor to such entities) * * *.'' *See* 15 U.S.C. 77r(b)(1)(A).

options had ADTV across all exchanges of at least 5,000 contracts.[5]

The Exchange notes that the 2002 Filing, while permitting the Phlx to list some of the more actively-traded options, does not permit the listing of non-active options that are currently trading at other options exchanges. The options exchange (or exchanges) that may be fortunate enough to list an option that at first met the original listing criteria, but subsequently fails to do so, is provided a trading monopoly inconsistent with the multiple trading of options, fostering competition and the maintenance of a national market system. Under this proposed rule change, an option may be multiply-listed and traded as long as one other options exchange is trading the particular option and such underlying security of the option meets the Exchange's continued listing requirements.

Phlx notes that the requirements for listing additional series of an existing listed option (*i.e.*, continued listing guidelines) are less stringent, largely because, in total, the Exchange's guidelines assure that options will be listed and traded on securities of companies that are financially sound and subject to adequate minimum standards.

Phlx believes that although the continued listing requirements are uniform among the other options exchanges, the application of both the original and continued listing standard in the current market environment have had an anti-competitive effect. Specifically, the Exchange notes that on several occasions it has been unable to list and trade options classes that trade elsewhere because the underlying security of such option did not at that time meet original listing standards. However, the other options exchange(s) may continue to trade such options (and list additional series) based on the lower maintenance listing standards, while Phlx may not list any options on such underlying security. The Exchange believes this clearly is anti-competitive and inconsistent with the aims and goals of a national market system in options.

To address this situation, the Exchange proposes to add new Commentary .01(6) to Phlx Rule 1009 and amend the current listing requirement adopted by the 2002 Filing. Specifically, proposed Commentary .01(6) provides that notwithstanding that a particular underlying security may not meet the requirements set forth in Paragraphs (1) through (4) of Commentary .01, the Exchange nonetheless could list and trade an option on such underlying security if (i) the underlying security meets continued listing requirements under Phlx Rule 1010; and (ii) options on such underlying security are listed and traded on at least one other registered national securities exchange. Consequently, the second half of Commentary .01(4)(ii) to Phlx Rule 1009, which references an alternative original listing requirement for ''uncovered securities,'' would be deleted. In connection with the proposed changes, the Exchange represents that the procedures currently employed to determine whether a particular underlying security meets the initial listing criteria will similarly be applied to the continued listing criteria.

Phlx believes that this proposal is narrowly tailored to address the circumstances where an options class is currently ineligible for listing on the Exchange while at the same time, such option is trading on another options exchange(s). The Exchange submits that the adoption of the proposal is essential for competitive purposes and to promote a free and open market for the benefit of investors.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5),[7] specifically, in that it is designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest and promotes just and equitable principles of trade. The proposal would achieve this by enabling Phlx to list an option that is listed and traded on another national securities exchange and the underlying security meets Phlx continued listing standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2007–73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2007–73. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2007–73 and should

[5] *See* Securities Exchange Act Release No. 46789 (November 7, 2002), 67 FR 69284 (November 15, 2002) (order granting approval of proposal relating to maintenance listing criteria in Phlx Rule 1010 and original listing criteria in Phlx Rule 1009) (the ''2002 Filing'').

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

be submitted on or before November 26, 2007.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the regulations thereunder applicable to a national securities exchange.[8] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[9] which requires that the rules of an 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 proposal is narrowly tailored to address the circumstances where an equity option class is currently ineligible for initial listing on the Exchange even though it meets the Exchange's continued listing standards and is trading on another options exchange. Allowing Phlx to list and trade options on such underlying securities should help promote competition among the exchanges that list and trade options. The Commission notes, and the Exchange represents, that the procedures that the Exchange currently employs to determine whether a particular underlying security meets the initial equity option listing criteria for the Exchange will similarly be applied when determining whether an underlying security meets the Exchange's continued listing criteria.

The Commission finds good cause, pursuant to Section 19(b)(2)(B) of the Act,[10] for approving the proposed rule change prior to the 30th day after the publication of the notice of the filing thereof in the **Federal Register**. The Commission notes that the proposed rule change is substantially identical to a proposed rule change submitted by the American Stock Exchange LLC,[11] which was previously approved by the Commission after an opportunity for notice and comment, and therefore does not raise any new regulatory issues.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–Phlx–2007–73), as amended, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–21634 Filed 11–2–07; 8:45 am]

BILLING CODE 8011–01–P

[8] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2)(B).

[11] *See* Securities Exchange Act Release No. 56598 (October 2, 2007), 72 FR 57615 (October 10, 2007) (SR-Amex-2007–48). *See also* Securities Exchange Act Release No. 56647 (October 11, 2007), 72 FR 58702 (October 16, 2007) (SR-ISE–2007–80) (substantially identical proposed rule change approved on an accelerated basis).

[12] *Id.*

[13] 17 CFR 200.30–3(a)(12).

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 emailed 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. Development for Participation in a Vocational Rehabilitation or Similar Program—20 CFR 404.316(c), 404.337(c), 404.352(d), 404.1586(g), 404.1596, 404.1597(a), 404.327, 404.328, and 416.1338(c) and (d) 416.1320(d), 416.1331(a)–(b), and 416.1338—0960–0282. SSA State Disability Determination Services (DDS) must determine if a recipient of disability benefits whose disability has ceased but who is enrolled in a vocational rehabilitation program can continue to receive SSA benefits. To do this, information is needed about the beneficiary, the type of program he/she is enrolled in, and the types of services the beneficiary is receiving under the auspices of that program. Form SSA–4290 is used to collect this information. The respondents are State Employment Networks, Vocational Rehabilitation agencies, or other providers of education/job training services.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 3,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 750 hours.

2. State Mental Institution Policy Review Booklet—20 CFR 404.2035, 404.2065, 416.635, & 416.665—0960–0110. The information collected by Form SSA–9584–BK is used by SSA to determine whether an institution's policies and practices conform with SSA's regulations in the use of benefits and whether the institution is performing other duties and responsibilities required of a representative payee. The information also provides a basis for conducting an onsite review of the institution and is used in the preparation of the subsequent report of findings. The respondents are State mental institutions which serve as representative payees for Social Security beneficiaries and Supplemental Security Income (SSI) claimants.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 95.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 95 hours.

3. RS/DI Quality Review Case Analysis: Sampled Number Holder, Auxiliaries/Survivors, Parents, and Stewardship Annual Earnings Test Workbook—0960–0189. The information on Forms SSA–2930, SSA–2931 and SSA–2932 is used by the SSA to establish a national payment accuracy rate for all cases in payment status and to serve as a source of information regarding problem areas in the Retirement and Survivors Insurance (RSI) and Disability Insurance (DI) programs. The information is also used to measure the accuracy rate for newly adjudicated RSI/DI cases. SSA uses the information on form SSA–4659 to evaluate and determine the effectiveness of the annual earnings test and to use the results in developing ongoing improvements in the process.

Type of Request: Extension of an OMB-approved information collection.

Form	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
SSA–2930	3,000	1	30	1,500
SSA–2931	1,500	1	30	750
SSA–2932	650	1	20	217
SSA–4659	325	1	10	54
Totals	5,475			2,521

4. Employee Identification Statement—20 CFR 404.702—0960–0473. The information collected by Form SSA–4156 is used in scrambled earnings situations when two or more individuals have used the same Social Security Number (SSN), or when an employer (or employers) has reported earnings for two or more employees under the same SSN. The information on the form is used to help identify the individual (and the SSN) to whom the earnings belong. The respondents are employers involved in erroneous wage reporting.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 4,750.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 792 hours.

5. Modified Benefit Formula Questionnaire-Employer—20 CFR 401 & 402—0960–0477. The information collected on Form SSA–58 is used by SSA to verify the claimant's allegations on Form SSA–150 (OMB No. 0960–0395). SSA must make a determination regarding whether the modified benefit formula is applicable and when to first apply it to a person's benefit. This form will be sent to an employer for pension related information if the claimant is unable to provide it. The respondents are people who are eligible after 1985 for both Social Security benefits and a pension based on work not covered by SSA.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 30,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Average Burden: 10,000 hours.

6. Contact with Representative Payee; Contact with Beneficiary—20 CFR 401 & 402—0960–0639. The Form SSA–L4945 is used to notify the representative payee that the case, for which they receive payment, has been randomly selected as part of the quality review procedure. The SSA–L4947 is used by SSA to notify the beneficiary that their case has been randomly selected as part of the quality review procedure. Both form letters give information relating to the claims record that should be verified and returned by mail in a self-addressed envelope. Respondents are a statistically valid sample of all RSI/DI beneficiaries in current pay status.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 50 hours.

7. Modified Benefit Formula Questionnaire —20 CFR 404.1615–20, CFR 404.1512–20 & CFR 404.1588–1599—0960–0395. The purpose of the Windfall Elimination Provision (WEP) of the Social Security Act is to remove an unintended advantage in the computation of Social Security benefits for persons who have substantial pensions from non-covered employment. The SSA–150 collects the information needed to determine the correct formula to use in computing Social Security benefits. The respondents are claimants for Social Security benefits who are entitled to both benefits.

Type of Request: Extension of OMB-approved information collection

Number of Respondents: 90,000.

Frequency of Response: 1.

Average Burden Per Response: 8 minutes.

Estimated Annual Burden: 12,000 hours.

8. Disability Determination and Transmittal—20 CFR 404.1615(e), 416.1015(f)—0960–0437. The information collected on Form SSA–831–C3/U3 is used by SSA to document the State agency determination as to whether an individual who applies for disability benefits is eligible for those benefits based on his/her alleged disability. SSA also uses the information for program management and evaluation. The respondents are State DDS adjudicating Title II and Title XVI disability determinations for SSA.

Type of Request: Extension of OMB-approved information collection

Number of Respondents: 3,079,916.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Average Burden: 769,979 hours.

9. Cessation or Continuance of Disability or Blindness Determination—20 CFR 404.1615—0960–0443. The information on Form SSA–832–U3/C3 is used by SSA to document determinations as to whether an individual's disability benefits should be terminated or continued on the basis of his/her impairment. The respondents are State disability determination service employees adjudicating Title XVI Disability claims.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 200,753.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 100,376 hours.

10. Authorization to Disclose Information to Social Security Administration—20 CFR 404.1512 & 20

CFR 416.912—0960–0623. SSA must obtain sufficient medical evidence to make eligibility determinations for Social Security disability benefits and SSI payments. For SSA to obtain medical evidence, an applicant must authorize his or her medical source(s) to release the information to SSA. The applicant may use one of the forms SSA–827, SSA–827-OP1 or SSA–827–OP2 to provide consent for the release of information. Generally, the State DDS completes the form(s) based on information provided by the applicant, and sends the form(s) to the designated medical source(s).

Type of Request: Revision of a currently approved information collection.

Number of Respondents: 3,853,928.

Frequency of Response (Average per case): 4.

Average Burden Per Response: 13 minutes to complete 4 forms.

Total Annual Responses: 15,415,712.

Estimated Annual Burden: 835,018 hours.

11. Request for Social Security Earnings Information—20 CFR 404.810 & 401.100—0960–0525. The Social Security Act provides that a wage earner, or someone authorized by a wage earner, may request Social Security earnings information from SSA using form SSA–7050. SSA uses the information collected on the form to verify that the requestor is authorized to access the earnings record and to produce the earnings statement. The respondents are wage earners and organizations and legal representatives authorized by the wage earner.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 60,000.

Frequency of Response: 1.

Average Burden Per Response: 11 minutes.

Estimated Annual Burden: 11,000 hours.

12. Employer Report of Special Wage Payments—20 CFR 404.428–404.429—0960–0565. SSA gathers the information on Form SSA–131 to prevent earnings-related overpayments to employees, and to avoid erroneous withholding of benefits. The respondents are employers who provide special wage payment verification.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 30,000.

Frequency of Response: 1.

Average Burden of Response: 20 minutes.

Estimated Average Burden: 10,000 hours.

13. Interim Assistance Reimbursement Matching Agreements—20 CFR 416–525—0960-NEW. SSA enters into Interim Assistance Reimbursement (IAR) agreements with states/counties/townships, to submit daily IAR reports either manually or electronically to SSA. The interim assistance (IA) agency provides the individual general assistance for meeting basic needs while an SSI claim is pending or SSI benefits were suspended or terminated. The IAR reports are used to reimburse participating State or local IA agency from an individual's initial retroactive SSI payment for funds it advanced to eligible individuals. These reports are compared against SSA's files to identify individuals who may become eligible to receive SSI payments, and the SSA record is updated to memorialize the agreement. If the claim is approved, SSA reimburses the state/county/township IA agency for funds it advanced to the eligible individuals. The respondents are State or local IA agencies who provide IAR reports either manually or electronically to SSA.

Type of Request: New information collection.

Collection instrument	Number of respondent	Frequency of response	Average burden per response hours)	Estimated annual burden hours)
Interim assistance reporting	300	250	1	75,000
Model Agreement	10	1	12	120
Total	310			75,120

14. Social Security Statement Survey—0960–NEW.

Background

As per 42 U.S.C. 1320b–13, SSA is required to provide benefits and earnings statements to Social Security numberholders age 25 and over who earn wages. This document, which is provided annually, is called the *Social Security Statement.* In response to a recommendation from the General Accountability Office (GAO), SSA has begun a systematic and regular evaluation of customer satisfaction with the *Statement.*

Description of Proposed Surveys

Taking the evaluation process one step further, we are now planning to conduct a national survey to monitor and improve customer satisfaction with the messages in the 2007 *Statement.* The 2007 *Statement* contains new WEP/Government Pension Offset (GPO) language as mandated by law. There are two versions of the WEP/GPO language in the *Statement* to accommodate different groups of wage-earners: those who have an earnings history with both covered and non-covered earnings under Social Security and those who have only earnings covered under Social Security. Each group will receive a *Statement* with WEP/GPO language specific to them and will be surveyed to determine their satisfaction. Information obtained through this evaluation will help SSA improve the *Statement* as a communications product that meets SSA's goals and assures that the public is aware of, understands, and can act upon the information the *Statement* provides in a timely way. The respondents are two groups of wage earners: those who have an earnings history with both covered and non-covered earnings under Social Security, and those who have only earnings covered under Social Security.

Burden Information

Type of Request: New information collection.

	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated Annual Burden (hours)
Recipients with covered and non-covered earnings history	600	1	10	100

	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated Annual Burden (hours)
Recipients with covered earnings only	600	1	10	100
Total	1200		200	

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. Sheltered Workshop Wage Reporting—0960–NEW.

Collection Background

Section 1612(1)(C) of the Social Security Act (the Act) and 42 U.S.C. 1382a define remuneration received for services performed in a sheltered workshop as earned income for the 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.

2. Request for Waiver of Special Veterans Benefits (SVB) Overpayment Recovery or Change in Repayment Rate—20 CFR 408.900–408.950, 408.923(b), 408.931(b), 408.932(c), (d) and (e), 408.941(b) and 408.942—0960–0698. Title VIII allows the payment of a monthly benefit by the Commissioner of Social Security to a qualified World War II veteran who resides outside the United States. When an overpayment in SVB occurs, the beneficiary can use this form to request waiver of recovery of the overpayment or a change in the repayment rate. The SSA–2032–BK will be used to obtain the information necessary to determine whether the provisions of the Act regarding waiver of recovery of the overpayment are met. The information on the form is needed to determine a repayment rate if repayment cannot be waived. The respondents are beneficiaries who have overpayments on their Title VIII record and wish to file a claim for waiver of recovery or change in repayment rate.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 39.

Frequency of Response: 1.

Average Burden Per Response: 120 minutes.

Estimated Annual Burden: 78 hours.

Dated: October 29, 2007.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. E7–21587 Filed 11–2–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5982]

Culturally Significant Objects Imported for Exhibition Determinations: ''Rhytons From Nysa''

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 ''Rhytons from Nysa'', 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 Metropolitan Museum of Art, New York, NY, from on or about December 17, 2007, until on or about December 3, 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 Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: October 29, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–21715 Filed 11–2–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Council Bluffs, Pottawattamie County, IA

AGENCY: Federal Highway Administration (FHWA), Iowa Department of Transportation (Iowa DOT), City of Council Bluffs and Pottawattamie County.

ACTION: Notice of intent.

SUMMARY: The FHWA and the Iowa DOT are issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed transportation project in Council Bluffs, Pottawattamie County, Iowa.

FOR FURTHER INFORMATION CONTACT: Michael LaPietra, Environment and Realty Manager, FHWA Iowa Division Office, 105 Sixth Street, Ames, IA 50010, Phone 515–233–7302; or James

P. Rost, Director, Office of Location and Environment, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, Phone 515–239–1225.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document is available for free download from the Federal Bulletin Board (FBB). The FBB is a free electronic bulletin board service of the Superintendent of Documents, U.S. Government Printing Office (GPO).

The FBB may be accessed in four ways: (1) Via telephone in dial-up mode or via the Internet through (2) telnet, (3) FTP, and (4) the World Wide Web.

For dial-in mode a user needs a personal computer, modem, telecommunications software package and telephone line. A hard disk is recommended for file transfers.

For Internet access a user needs Internet connectivity. Users can telnet or FTP to: *fedbbs.access.gpo.gov.* Users can access the FBB via the World Wide Web at *http://fedbbs.access.gpo.gov.*

User assistance for the FBB is available from 7 a.m. until 5 p.m., Eastern Standard Time (EST), Monday through Friday (except federal holidays) by calling the GPO Office of Electronic Information Dissemination Services at 202–512–1530, toll-free at 888–293–6498; sending an e-mail to *gpoaccess@gpo.gov;* or sending a fax to 202–512–1262.

Access to this notice is also available to Internet users through the **Federal Register**'s home page at *http://www.nara.gov/fedreg.*

Project Background

The FHWA, in cooperation with the Iowa Department of Transportation (Iowa DOT), the City of Council Bluffs, and Pottawattamie County, will be preparing an EIS for the proposed East Beltway. The proposed project includes roadway improvements between US 6/225th Street and IA 92/Orchard Road, and improvements on the connecting roadways of Steven Lane and Greenview Road.

Council Bluffs and Pottawattamie County have developed a joint plan (''Two Mile Limit Study'') for development and infrastructure needs east of Council Bluffs to accommodate projected development growth in the metropolitan area. From the Two Mile Limit Study, the East Beltway was identified as an infrastructure need for the development area. The proposed East Beltway will provide a north/south route east of I–80 and provide access to existing and future development within the Little Pony Creek drainage basin and parts of unincorporated Pottawattamie County. The proposed project would also provide system continuity for the Council Bluffs/Omaha area by providing a connection between US 6 and IA 92. The proposed East Beltway would relieve congestion on I–80 and the southeast I–29/I–80 systems interchange.

Potential alternatives and combinations thereof will include but are not limited to: (1) Taking no action, *i.e.*, the No-Build Alternative; (2) strategies to better manage transportation demand; (3) improving existing roadways, pedestrian walkways, and bikeways; and (4) constructing a new roadway connection.

The build alternative will include consideration of various alignments and grades in order to minimize potential environmental impacts. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in the proposed project.

The EIS will be initiated with a scoping process. The scoping process will include a program of public outreach and agency coordination that will be conducted over the next several months in order to elicit input on the project purpose and need, potential alternatives, significant and insignificant issues, and collaborative methods for analyzing transportation alternatives and environmental impacts.

As part of the scoping process, several public meetings will be held in Council Bluffs or unincorporated Pottawattamie County, to meet with federal, state, and local agencies, as well as private individuals and organizations concerned with the project. In addition, a public hearing will be held in connection with the circulation of the draft EIS (DEIS). Public notice will be given concerning the date and location of the public meeting(s) and public hearing.

The information gained during the scoping process will be widely disseminated and used to guide the development of the EIS. All comments and input received during the scoping and subsequent steps of the EIS process will be considered and documented. Beginning with scoping, continuous and regularly public involvement and agency coordination will continue throughout the preparation of the EIS.

To ensure that a full range of issues are addressed in relation to the proposed action and that all significant issues are identified, all interested parties are invited to submit comments and suggestions. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA or Iowa Department of Transportation at the address provided on page one in the section titled **FOR FURTHER INFORMATION CONTACT**.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Dated: October 29, 2007.

Philip E. Barnes,

Division Administrator, FHWA, Iowa Division.

[FR Doc. E7–21669 Filed 11–2–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID FMCSA–2007–29035]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions from the diabetes standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 48 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

DATES: Comments must be received on or before December 5, 2007.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2007–29035 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78; Apr. 11, 2000). This information is also available at *http://Docketinfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 48 individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Paul N. Abelson

Mr. Abelson, age 69, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Abelson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Illinois.

Robin R. Baumgartner

Mr. Baumgartner, 45, has had ITDM since 1994. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baumgartner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Albert W. Bayne

Mr. Bayne, 64, has had ITDM since 2005. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bayne meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A operator's license from Kansas.

Joseph K. Beasley

Mr. Beasley, 45, has had ITDM since 2005. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beasley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Philip E. Brown

Mr. Brown, 54, has had ITDM since 2005. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Toni A. Brown

Ms. Brown, 35, has had ITDM since 1976. Her endocrinologist examined her in 2007 and certified that she has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2007 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Arkansas.

Larry M. Burkett, Jr.

Mr. Burkett, 47, has had ITDM since 2004. His endocrinologist examined him in 2007 and certified that he has had no

hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burkett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Ronald J. Charette, Jr.

Mr. Charette, 41, has had ITDM since 2000. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Charette meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Charles E. Clark, II

Mr. Clark, 44, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clark meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Margaret I. Clevidence

Ms. Clevidence, 33, has had ITDM since 1983. Her endocrinologist examined her in 2007 and certified that she has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Clevidence meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2007 and certified that she has stable nonproliferative diabetic retinopathy. She holds a Class D operator's license from Ohio.

Fred J. Combs

Mr. Combs, 54, has had ITDM since 1969. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Combs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Ohio.

Douglas N. Craven

Mr. Craven, 69, has had ITDM since 2004. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Craven meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Rene A. DeLuna

Mr. DeLuna, 51, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. DeLuna meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wyoming.

Charles Demesmin

Mr. Demesmin, 45, has had ITDM since 2007. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Demesmin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Jersey.

Derek E. Dowling

Mr. Dowling, 43, has had ITDM since 1977. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dowling meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable proliferative diabetic retinopathy. He holds a Class C operator's license from Pennsylvania.

Donald E. Dupke, Jr.

Mr. Dupke, 52, has had ITDM since 1984. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dupke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable proliferative diabetic retinopathy. He holds a chauffeur's license from Indiana.

Frederick E. Dyer

Mr. Dyer, 49, has had ITDM since 2000. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dyer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Ronald S. Easter

Mr. Easter, 54, has had ITDM since 2002. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Easter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Steven W. Freeman, Sr.

Mr. Freeman, 50, has had ITDM since 2005. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Freeman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from Maine.

Robert R. Gladd

Mr. Gladd, 53, has had ITDM since 1997. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gladd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Ohio.

Tim E. Holmberg

Mr. Holmberg, 45, has had ITDM since 1976. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holmberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Russell D. Jordan

Mr. Jordan, 54, has had ITDM since 2002. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jordan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Warren D. Knabe

Mr. Knabe, 53, has had ITDM since 1969. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Knabe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Nebraska.

David J. Kreider

Mr. Kreider, 29, has had ITDM since 1992. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kreider meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Alabama.

Terry R. Leslie

Mr. Leslie, 51, has had ITDM since 2007. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leslie meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Dennis L. Lorenz

Mr. Lorenz, 57, has had ITDM since 1956. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lorenz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he has stable proliferative diabetic

retinopathy. He holds a Class A CDL from Indiana.

John N. Love

Mr. Love, 40, has had ITDM since 2007. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Love meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Ronald T. Lowery

Mr. Lowery, 33, has had ITDM since 1995. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lowery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

Charles C. Madeira, V.

Mr. Madeira, 24, has had ITDM since 1989. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Madeira meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Robert J. Malone

Mr. Malone, 37, has had ITDM since 1992. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Malone meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Jersey.

John R. Milberger

Mr. Milberger, 40, has had ITDM since 1994. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Milberger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Wisconsin.

Norman J. Millard

Mr. Millard, 52, has had ITDM since 2000. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Millard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Eric R. Nickel

Mr. Nickel, 39, has had ITDM since 2007. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nickel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Clayton A. Powers

Mr. Powers, 26, has had ITDM since 1993. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B operator's license from Nevada.

Charles R. Rafferty

Mr. Rafferty, 52, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rafferty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from California.

Curtis J. Sato

Mr. Sato, 52, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sato meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does

not have diabetic retinopathy. He holds a Class A CDL from Colorado.

William B. Schauer

Mr. Schauer, 54, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schauer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Herschel S. Sejnoha

Mr. Sejnoha, 61, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sejnoha meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Arizona.

Adam J. Sharp

Mr. Sharp, 28, has had ITDM since 2007. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sharp meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Darrol H. Sponberg

Mr. Sponberg, 74, has had ITDM since 2005. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sponberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Reese L. Sullivan

Mr. Sullivan, 37, has had ITDM since 2004. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sullivan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Texas.

Kenneth R. Tuggle

Mr. Tuggle, 61, has had ITDM since 1988. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tuggle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Robert M. Walker

Mr. Walker, 56, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

William A. Watts

Mr. Watts, 53, has had ITDM since 2001. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Watts meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana, which allows him to drive any vehicle with a gross vehicle weight rating of 16,000 pounds or more.

Robert E. Weiss

Mr. Weiss, 52, has had ITDM since 1991. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weiss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Robert A. Wild

Mr. Wild, 46, has had ITDM since 1974. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wild meets the requirements of the vision standard at 49 CFR

391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New York.

James G. Wilkerson

Mr. Wilkerson, 40, has had ITDM since 2004. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wilkerson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Randy L. Wyant

Mr. Wyant, 47, has had ITDM since 1969. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wyant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable proliferative and nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the dates section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Dated: October 26, 2007.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E7–21640 Filed 11–2–07; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 Notice as a ''final rule.'' However, the 2003 Notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 17 newly-designated entities and eight newly-designated individuals whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Director of OFAC of the 17 entities and eight individuals identified in this notice pursuant to Executive Order 13382 is effective on October 25, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701—1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of

proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On October 25, 2007, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated 17 entities and eight individuals whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees follows:

Entities:

1. BANK MELLI, Ferdowsi Avenue, P.O. Box 11365–171, Tehran, Iran; all offices worldwide [NPWMD]

2. BANK KARGOSHAEE (a.k.a. Kargosa'i Bank), 587 Mohammadiye Square, Mowlavi St., Tehran 11986, Iran [NPWMD]

3. BANK MELLI IRAN ZAO, Number 9/1, Ulitsa Mashkova, Moscow 103064, Russia [NPWMD]

4. MELLI BANK PLC, 1 London Wall, London EC2Y 5EA, United Kingdom [NPWMD]

5. ARIAN BANK (a.k.a. Aryan Bank), House 2, Street Number 13, Wazir Akbar Khan, Kabul, Afghanistan [NPWMD]

6. BANK MELLAT, 327 Taleghani Avenue, Tehran 15817, Iran; P.O. Box 11365–5964, Tehran 15817, Iran; all offices worldwide [NPWMD]

7. MELLAT BANK SB CJSC (a.k.a. Mellat Bank DB AOZT), P.O. Box 24, Yerevan 0010, Armenia [NPWMD]

8. PERSIA INTERNATIONAL BANK PLC, #6 Lothbury, London EC2R 7HH, United Kingdom [NPWMD]

9. KHATAM OL ANBIA GHARARGAH SAZANDEGI NOOH (a.k.a. GHORB KHATAM; a.k.a. KHATAM AL-ANBYA; a.k.a. KHATAM OL AMBIA), No. 221, Phase 4, North Falamak-Zarafshan Intersection, Shahrak-E-Ghods, Tehran 14678, Iran [NPWMD]

10. ORIENTAL OIL KISH, Second Floor, 96/98 East Atefi St., Africa Blvd., Tehran, Iran; Dubai, United Arab Emirates [NPWMD]

11. GHORB KARBALA (a.k.a Gharargah Karbala; a.k.a. Gharargah Sazandegi Karbala-Moasseseh Taha), No. 2 Firouzeh Alley, Shahid Hadjipour St., Resalat Highway, Tehran, Iran [NPWMD]

12. SEPASAD ENGINEERING COMPANY, No. 4 Corner of Shad St., Mollasadra Ave., Vanak Square, Tehran, Iran [NPWMD]

13. GHORB NOOH, P.O. Box 16765–3476, Tehran, Iran [NPWMD]

14. OMRAN SAHEL, Tehran, Iran [NPWMD]

15. SAHEL CONSULTANT ENGINEERS, P.O. Box 16765–34, Tehran, Iran; No. 57, Eftekhar St., Larestan St., Motahhari Ave., Tehran, Iran [NPWMD]

16. HARA COMPANY (a.k.a HARA INSTITUTE), Tehran, Iran [NPWMD]

17. GHARARGAHE SAZANDEGI GHAEM (a.k.a. GHARARGAH GHAEM), No. 25, Valiasr St., Azadi Sq., Tehran, Iran [NPWMD]

Individuals:

1. BAHMANYAR, Bahmanyar Morteza; DOB 31 Dec 1952; POB Tehran, Iran; Passport I0005159 (Iran); alt Passport 10005159 (Iran) (individual) [NPWMD]

2. DASTJERDI, Ahmad Vahid (a.k.a. VAHID, Ahmed Dastjerdi); DOB 15 Jan 1954; Diplomatic Passport A0002987 (Iran) (individual) [NPWMD]

3. ESMAELI, REZA-GHOLI; DOB 3 Apr 1961; POB Tehran, Iran; Passport A0002302 (Iran) (individual) [NPWMD]

4. AHMADIAN, ALI AKBAR (a.k.a. AHMADIYAN, Ali Akbar); DOB circa 1961; POB Kerman, Iran; citizen Iran; nationality Iran (individual) [NPWMD]

5. HEJAZI, MOHAMMAD; DOB circa 1959; citizen Iran; nationality Iran (individual) [NPWMD]

6. REZAIE, MORTEZA (a.k.a. REZAI, Morteza); DOB circa 1956; citizen Iran; nationality Iran (individual) [NPWMD]

7. SALIMI, HOSEIN (a.k.a. SALAMI, Hoseyn; a.k.a SALAMI, Hossein; a.k.a SALAMI, Hussayn); citizen Iran; nationality Iran; Passport D08531177 (Iran) (individual) [NPWMD]

8. SOLEIMANI, QASEM (a.k.a. SALIMANI, Qasem; a.k.a SOLAIMANI, Qasem; a.k.a SOLEMANI, Qasem; a.k.a SOLEYMANI Ghasem; a.k.a SOLEYMANI, Qasem; a.k.a. SULAIMANI, Qasem; a.k.a. SULAYMAN, Qasmi; a.k.a. SULEMANI, Qasem); DOB 11 Mar 1957; POB Qom, Iran; citizen Iran; nationality Iran; Diplomatic Passport 008827 (Iran) issued 1999 (individual) [NPWMD]

Dated: October 25, 2007.

Adam Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–21725 Filed 11–2–07; 8:45 am]

BILLING CODE 4811–45–P

Federal Register

Monday,
November 5, 2007

Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 742, 743, et al.

December 2006 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I, 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Statement of Understanding on Source Code; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 742, 743, 744, 772 and 774

[Docket No. 070105004–7050–01]

RIN 0694 AD95

December 2006 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I, 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Statement of Understanding on Source Code

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises the Export Administration Regulations (EAR) to implement changes made to the Wassenaar Arrangement's List of Dual Use Goods and Technologies (Wassenaar List), and Statements of Understanding maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies (Wassenaar Arrangement, or WA). The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. To harmonize with the changes to the Wassenaar List, this rule revises the EAR by amending certain entries that are controlled for national security reasons in Categories 1, 2, 3, 5 Part I (telecommunications), 6, 7, 8, and 9; and adding new entries to the Commerce Control List (CCL), amending EAR Definitions, as well as adding new definitions to the EAR, and adding a new Statement of Understanding on source code.

The purpose of this final rule is to make the necessary changes to the CCL, definitions of terms used in the EAR, and Wassenaar reporting requirements to implement Wassenaar List revisions that were agreed upon in the December 2006 Wassenaar Arrangement Plenary Meeting.

This rule also adds and expands unilateral U.S. export controls and national security export controls on certain items to make them consistent with the amendments made to implement the Wassenaar Arrangement's decisions. In addition, this rule removes the remaining references to ''Composite Theoretical Performance (CTP)'' and ''Millions of Theoretical Operations Per Second (MTOPS)'' in the EAR, which is consistent with agreements made by the Wassenaar Arrangement with regard to microprocessors.

DATES: *Effective Date:* This rule is effective November 5, 2007.

FOR FURTHER INFORMATION CONTACT: For questions of a general nature contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–2440 or E-Mail: *scook@bis.doc.gov.*

For questions of a technical nature contact:

Category 1: Bob Teer 202–482–4749.
Category 2: George Loh 202–482–3570.
Category 3: Brian Baker 202–482–5534.
Category 5 Part 1: Joe Young 202–482–4197.
Category 6: Chris Costanzo 202–482–0718.
Category 7: Mark Jaso 202–482–0987.
Categories 8 and 9: Gene Christensen 202–482–2984.

Comments regarding the collections of information associated with this rule, including suggestions for reducing the burden, should be sent to OMB Desk Officer, New Executive Office Building, Washington, DC 20503. Attention: David Rostker; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th St. and Pennsylvania Avenue, NW., Room 6883, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In July 1996, the United States and thirty-three other countries gave final approval to the establishment of a new multilateral export control arrangement, called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies (Wassenaar Arrangement or WA). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states have committed to exchange information on exports of dual use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in developing common understandings of the risks associated with the transfers of these items.

Expanded and New Export Controls

This rule imposes new controls and expands NS Column 1 controls. This rule imposes a license requirement under section 742.4(a) of the EAR for exports and reexports to all destinations, except Canada, of certain commodities (and related software and technology) described in ECCNs 1E002.g, 3E001, 7A001, 7A002.a and .c, 7A003.d, 7D001, 7D003, 7E001, 7E002, 7E004.a.7, 9D004.f and .g. These destinations have an ''X'' indicated in NS column 1 on the Commerce Country Chart of Supplement No. 1 to Part 738. The purpose of the controls is to ensure that these items do not make a contribution to the military potential of any other country or combination of countries that would prove detrimental to the national security of the United States. For designated terrorism supporting countries or embargoed countries, the applicable licensing policies are found in Parts 742 and 746 of the EAR, and Supplement No. 1 to Part 736 of the EAR for Syria.

This rule also imposes new controls and expands NS Column 2 controls. This rule imposes a license requirement under section 742.4(a) of the EAR for exports and reexports of commodities (and related software and technology) described in 1C005.a, 1C005.b.1, 1C005.b.2, 1C005.c, 1D003, 2B002.c, 2B002.d, 3A001.b.9, 3A001.e.4, 3A001.g, 3B001.f.2, 3B001.i, 3C005, 5A001.g, 6A008.a, 7A008, 8A002.a, 8A002.a.4 (components) to destinations that are not Country Group A:1 destinations, or that are not cooperating countries (see Supplement No. 1 to Part 740 of the EAR). These destinations have an ''X'' indicated in NS column 2 on the Commerce Country Chart of Supplement No. 1 to Part 738 of the EAR. The purpose of the controls is to ensure that these items do not make a contribution to the military potential of such destination countries that would prove detrimental to the national security of the United States. For designated terrorism supporting countries or embargoed countries, the applicable licensing policies are found in Parts 742 and 746 of the EAR, and Supplement No. 1 to Part 736 of the EAR for Syria.

The licensing policy for national security controlled items exported or reexported to any country except a country in Country Group D:1 (see Supplement No. 1 to Part 740 of the EAR) is to approve license applications unless there is a significant risk that the

items will be diverted to a country in Country Group D:1. The general policy for exports and reexports of items to Country Group D:1 is to approve license applications when BIS determines, on a case by case basis, that the items are for civilian use or would otherwise not make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States.

This rule imposes new controls and expands antiterrorism (AT) controls. This rule imposes a unilateral U.S. license requirement to export and reexport commodities (and related software and technology) controlled under 1C005.a, 1C005.b.1, 1C005.b.2, 1C005.c, 1D003, 1E002.g, 2B002.d.2, 2B002.d.3, 3A001.b.9, 3A001.e.4, 3A001.g, 3B001.f.2, 3B001.i, 3C005, 3E001, 5A001.g, 6A008.a, 7A001, 7A002.a and .c, 7A003.d, 7A008, 7D001, 7D003.a and .b, 7E001, 7E002, 7E004.a.7, 8A002.a, 8A002.a.4 (components), and 9D004.f and .g for AT reasons to Cuba, Iran, North Korea, Sudan and Syria, in addition to the national security controls imposed to implement the Wassenaar Arrangement's decisions. These unilateral export controls are necessary because under Section 6(j) of the Export Administration Act of 1979 a license is required for items that could make a significant contribution to the military potential of such country or that could enhance the ability of such country to support acts of international terrorism. There is a general policy of denial for applications to terrorism supporting countries, as set forth in Part 742 of the EAR. In addition, certain of these countries are also subject to embargoes, as set forth in Part 746 of the EAR and Supplement No. 1 to Part 736 of the EAR for Syria. A license is also required for the export and reexport of these items to specially designated terrorists and foreign terrorist organizations, as set forth in Part 744 of the EAR; license applications to these parties are reviewed under a general policy of denial.

Revisions to the Commerce Control List

This rule revises a number of entries on the Commerce Control List (CCL) to implement the December 2006 agreed revisions to the Wassenaar List of Dual Use Goods and Technologies. This rule also revises language to provide a complete and more accurate description of controls. A description of the specific amendments to the CCL pursuant to the December 2006 Wassenaar Agreement is provided below. Newly added ECCNS, as described below, are as follows: 1D003, 3C005, and 7A008. The affected ECCNS, as described below, are 1A002, 1B001, 1C005, 1C008, 1C010, 1C998, 1E002, 2B001, 2B002, 3A001, 3A002, 3A991, 3B001, 3B991, 3C002, 3C992, 3E001, 3E002, 5A001, 5A991, 5E001, 6A002, 6A004, 6A005, 6A006, 6A008, 6A995, 6D003, 6E201, 7A001, 7A002, 7A003, 7A101, 7B003, 7D001, 7D003, 7E001, 7E002, 7E004, 8A002, 8C001, 9D004, 9E001, and 9E002.

Category 1 Materials, Chemicals, "Microorganisms," and Toxins

ECCN 1A002 (Composite structures or laminates) is amended by:

a. Clarifying 1A002.a by adding 'consisting of' in front of the parameter and deleting 'made from';

b. Clarifying 1A002.b by adding 'consisting of' to the front and replacing 'made from' with 'any of the following' to the end of the subparagraph';

c. Clarifying the term 'aircraft' to read 'civil aircraft' in the Note to 1A002;

d. Clarifying the size of fabric made from "fibrous or filamentary materials" not controlled for repair of civil aircraft structures from '1 m^2' to '100 cm × 100 cm'.

Rationale: The previous material size limit impaired the ability of airlines to repair their airplanes successfully and in a timely manner. With each new commercial airplane design, the proportion of structure made from carbon materials is increasing.

ECCN 1A004 (Protective and detection equipment and components not specially designed for military use) is amended by revising the Related Controls paragraph in the List of Items Controlled section by redesignating note 2 as note 3 and adding a new note 2 to read "See ECCN 1D003 for "software" specially designed or modified to enable equipment to perform the functions of equipment controlled under section 1A004.c (Nuclear, biological and chemical (NBC) detection systems). See ECCN 1E002.g for control libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c (Nuclear, biological and chemical (NBC) detection systems)."

ECCN 1B001 (Equipment for the production of fibers) is amended by:

a. Adding a note to the License Requirement section under the MT control that reads "Note: MT applies to equipment in 1B001.d that meets or exceeds the parameters of 1B101." to clarify the MT license requirement, as this requirement has been particularly confusing to the public; and

b. Clarifying the text of 1B001.f., because attempts have been made to export ultrasonic equipment without license due to interpretation that the 3–D and ultrasonic tomography parameters make an empty box. The control text therefore is clarified to ensure systems with critical capability are controlled for export.

ECCN 1C005 (superconductive composite conductors) is amended by:

a. Removing the term 'multifilamentary' from 1C005.a.;

b. Replacing the 'or' with an 'and' in 1C005.a.1.;

c. Removing part of the parameter 'but less than 25 K (249.16°C)' from 1C005.b.1.;

d. Replacing 1C005.b.2 which stated, "A cross-section area less than 0.28×10^{-4} mm^2; *and*" to read "Remaining in the "superconductive" state at a temperature of 4.2 K (–268.96 °C) when exposed to a magnetic field oriented in any direction perpendicular to the longitudinal axis of conductor and corresponding to a magnetic induction of 12 T with critical current density exceeding 1750 A/mm^2 on overall cross-section of the conductor."

e. Removing 1C005.b.3; and

f. Adding 1C005.c and a new technical note, to read as follows

""'Superconductive" "composite" conductors consisting of one or more "superconductive" filaments which remain "superconductive" above 115 K (–158.16 °C).

Technical Note: For the purpose of 1C005, filaments may be in wire, cylinder, film, tape or ribbon form.; and"

Rationale: These revisions are made to align controls with current technology.

ECCN 1C008 (Non-fluorinated polymeric substances) is amended by:

a. Redesignating Note 1 as Note 2 and adding a new Note 1 to clarify the term polymeric substances;

b. Revising the test method of determination of a heat distortion temperature in 1C008.b. from 'ISO 75–3 (2004)' to 'ISO 75–2 (2004), method A'; and

c. Revising the load parameter in 1C008.b from '1.82 N/mm2' to '1.80 N/mm2';

Rationale: ISO75–3 (2004) specifies the method for determining the temperature of deflection under a load of high-strength thermosetting laminates and compression-molded long-fiber-reinforced plastics in which the fiber length is greater than 7.5 mm. The materials controlled under 1C008.b are thermoplastic liquid crystal co-polymers, and therefore ISO75–3 (2004) is not an appropriate test method for 1C008.b. materials. In accordance with

ISO75–2 (2004), method A, '1.82 N/mm2' is replaced with '1.80 N/mm2'.

d. Delete 1C008.c, which are polyarylene ether ketones, including polyether ketone ketone (PEKK), polyether ketone (PEK), and Polyether ketone ether ketone ketone (PEKEKK).

Rationale: The patent for polyarylene ether ketones has expired and China and India are now manufacturing the commodity under different trade names. The manufacturing technology and the properties for all these products are very similar. Although polyarylene ether ketones is no longer controlled under ECCN 1C008 and related technology controlled under 1E001, there remains a license requirement under ECCNs1C998 and 1E998 respectively.

ECCN 1C010 (fibrous or filamentary materials) is amended by:

a. Clarifying the term 'aircraft' to read 'civil aircraft' in the Notes to 1C010.b and 1C010.e;

b. Increasing the size of fabric made from ''fibrous or filamentary materials'' not controlled for repair of civil aircraft structures in the Notes to 1C010.b and 1C010.e from '50 cm × 90 cm' to '100 cm × 100 cm'; and

c. Adding the Celsius equivalent (2 °C) to 2K in the Technical Note that describes glass transition temperature.

Rationale: The previous material size limit impaired the ability of airlines to repair their airplanes successfully and in a timely manner. With each new commercial airplane design, the proportion of structure made from carbon materials is increasing.

ECCN 1C998 (Non-fluorinated polymeric substances) is amended by:

a. Redesignating 1C998.a to 1C998.a.1; and

b. Revising paragraph 1C998.a to add the polyarylene ether ketones deleted from 1C008.c.

Note: For equipment no longer controlled under ECCN 1C008 and related technology controlled under 1E001, there remains a license requirement under ECCNs1C998 and 1E998 respectively, for exports and reexports to designated terrorism supporting countries, as set forth in Parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

ECCN 1D003 is added to control ''software'' specially designed or modified to enable equipment to perform the functions of equipment controlled under section 1A004.c (Nuclear, biological and chemical (NBC) detection systems).

ECCN 1E001 is amended by revising the Related Controls paragraph in the List of Items Controlled section by redesignating notes 2 and 3 as notes 3 and 4, and adding a new note 2 to read ''See ECCN 1E002.g for control libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c (Nuclear, biological and chemical (NBC) detection systems).''

ECCN 1E002 is amended to add a new paragraph 1E002.g to control libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c (Nuclear, biological and chemical (NBC) detection systems).

Rationale: ECCNs 1D003 and 1E002 are revised because some non-controlled detection systems can be upgraded to become controlled nuclear, biological and chemical (NBC) detection systems by uploading software or the associated library of NBC related chemical fingerprints into the memory of the detector.

Category 2 Materials Processing

ECCN 2B001 (Machine tools) is amended by revising the Unit paragraph in the List of Items Controlled section to remove ''parts and accessories'', and adding additional parameters to the contact lens machine exception in Note to 2B001.a in order to prevent general purpose diamond turning machines from being exported as contact lens machines.

ECCN 2B002 (Numerically controlled machine tools using a magnetorheological finishing (MRF) process) is amended by:

a. Revising the heading to clarify the scope of controls from 'numerically controlled machine tools' to 'numerically controlled optical finishing machine tools'; and to revise the way the parameters are applied from ''having any of the following'' to 'having *all* of the following';

b. Adding a new definition for 'Electrorheological finishing (ERF)' to the Related Definitions paragraph in the List of Items Controlled section;

c. Removing the 'or' at the end of 2B002.a;

d. Adding new paragraphs 2B002.c to add a new parameter (Three or more axes which can be coordinated simultaneously for 'contouring control'); and

e. Adding a new paragraphs 2B002.d.1 through d.3 to list specific optical finishing processes (Magnetorheological finishing ('MRF'); Electrorheological finishing ('ERF'); and 'Energetic particle beam finishing').

Category 3 Electronics

ECCN 3A001 (Electronic components) is amended by:

a. Adding 3A001.b.9 to the License Exception LVS eligibility paragraph for $3,000, and adding 3A001.b.9 and 3A001.g to the License Exception GBS eligibility paragraph;

b. Correcting 3A001.a.5.a.1 by adding the word ''with'' to be consistent with the Wassenaar Dual-Use List (A resolution of 8 bit or more, but less than 10 bit, with an output rate greater than 500 million words per second);

c. Revising the output rate for analog-to-digital converter integrated circuits in 3A001.a.5.a.3 from 'greater than 50 million words per second' to ''greater than 105 million words per second'';

d. Revising the output rate for analog-to-digital converter integrated circuits in 3A001.a.5.a.4 from 'greater than 5 million words per second' to 'greater than 10 million words per second';

e. Revising the output rate for analog-to-digital converter integrated circuits in 3A001.a.5.a.5 from 'greater than 1 million words per second' to 'greater than 2.5 million words per second';

Rationale: These output rates are updated to keep pace with advances in analog-to-digital converter technology and growing commercial markets.

Note: For analog-to-digital converter integrated circuits no longer controlled under ECCN 3A001.a.5.a and related technology controlled under ECCN 3E001, there remains a license requirement under ECCNs 3A991.c and 3E991 respectively, as well as a software control under ECCN 3D991 for exports and reexports to designated terrorism supporting countries, as set forth in Parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

f. 3A001.b.9 is amended by adding microwave power modules (MPM), consisting of, at least, a traveling wave tube, a microwave monolithic integrated circuit and an integrated electronic power conditioner having specified parameters;

Rationale: MPMs are added to 3A001.b.9 because they are used as an efficient, compact building block in electronic warfare, radar and communication systems. The military criticality of the MPM results from the operating frequency, power (peak and/or average), instantaneous bandwidth, and the speed at which the MPM turns-on and packaging attributes. The combination of these capabilities results in a large improvement in power density (power per unit volume) over comparable solid state power amplifiers, resulting in a wide range of military applications. These include synthetic aperture radar, wideband data links, satellite communications, towed decoys and electronic warfare. Commercial applications of MPMs include satellite communications, wireless

communications, high power RF sources for laboratory use, and rapid prototyping of microwave amplifiers for various applications.

g. 3A001.e.1 is amended by replacing the term ''batteries'' with the term ''cells'';

h. 3A001.e.1.a and 3A001.e.1.b are amended by removing the phrase ''and batteries'', replacing the term ''rechargeable cells'' with the term ''secondary cells'', and changing the energy density parameter to ''550 Wh/kg at 293K (20° C)'';

i. The technical note for 3A001.e.1 is replaced with 4 new technical notes that describe ''energy density'', ''cell'', ''primary cell'', and ''secondary cell'', as well as a note that explains that ''3A001.e. does not control batteries, including single cell batteries;'' and

j. 3A001.g is added to control solid-state pulsed power switching thyristor devices and thyristor modules.

ECCN 3A002 (General purpose electronic equipment) is amended by:

a. Revising the eligibility paragraphs for License Exceptions GBS and CIV to remove 3A002.d, because all signal generators that were eligible for these license exceptions are no longer controlled under ECCN 3A002, but are now controlled under ECCN 3A992.a;

b. Removing a comma between ''Frequency synthesizer'' and ''electronic assemblies'' in 3A002.b to harmonize with the Wassenaar Dual-Use List;

c. Adding a note after 3A002.b stating ''The control status of signal analyzers, signal generators, network analyzers, and microwave test receivers as stand-alone instruments is determined by 3A002.c., 3A002.d., 3A002.e., and 3A002.f., respectively.'';

d. Revising 3A002.d (Frequency synthesized signal generators) by replacing the term ''master frequency'' with ''master reference oscillator'';

e. Revising 3A002.d.3 (''frequency switching time'') by modifying the text and adding new subparagraphs 3A002.d.3.a through 3A002.d.3.e that specify various frequency switching time parameters;

f. Redesignating Note 1 (definition of 'pulse duration') as Note 2 and adding a new Note 1 following 3A002.d.4 to clarify the term 'frequency synthesized signal generators'; and

g. Redesignating Technical Note 1 as Technical Note 2, and adding a new Technical Note 1 to explain that arbitrary waveform and function generators are normally specified by sample rate.

ECCN 3A991 (Electronic devices and components not controlled by 3A001) is amended by:

a. Revising 3A991.a.1 from ''A composite theoretical performance (CTP) of 6,500 million theoretical operations per second (MTOPS) or more and an arithmetic logic unit with an access width of 32 bit or more'' to read ''A performance speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more'' to harmonize with revisions to ECCN 3E002; and

b. Revising 3A991.j (batteries/cells) to harmonize with revisions to 3A001.e.1.

ECCN 3B001 (Equipment for the manufacturing of semiconductor devices or materials) is amended by:

a. Correcting the phrase ''3B001.a.2 and a.3, or .f'' to read ''3B001.a.2, a.3, or .f'' in the License Exception GBS eligibility paragraph in the License Exception section;

b. Redesignating 3B001.f.2 as 3B001.f.3;

c. Adding a new paragraph 3B001.f.2 to control imprint lithography equipment capable of producing features of 180 nm or less; and

d. Adding a new paragraph 3B001.i to control lithograph templates designed for integrated circuits controlled by 3A001.

Rationale: Imprint lithographic technology was added to the International Technology Roadmap for Semiconductor's (ITRS') 2003 edition. Imprint lithographic systems are currently being manufactured in the U.S., Austria, Sweden, and Germany, and have demonstrated the capability of producing features as small as 10nm. While these systems do not yet have the throughput and overlay accuracy necessary for use in major silicon integrated circuit production facilities, the technology is maturing, and is expected to be widely used at the 45nm technology node. They are currently being used in compound semiconductor manufacturing, and compound semiconductor devices have important military applications.

ECCN 3B991 (Equipment not controlled by 3B001 for the manufacture of electronic components and materials) is amended by adding ECCN 3C005 to the list of ECCNs referenced in 3B991.b.1.b in order to harmonize with the addition of this new ECCN.

ECCN 3C002 (Resist materials) is amended by revising the heading to conform to the Wassenaar Dual-Use List and the wavelength for positive resists designed for semiconductor lithography from 'below 350 nm' to 'below 245 nm' in order to match the wavelength threshold in ECCN 3B001.a (lithography equipment), which was changed in 2004.

ECCN 3C005 (Silicone carbide wafers) is added to the Commerce Control List to control silicon carbide (SiC) wafers having a resistivity of more than 10,000 ohm-cm, because it is emerging as the material of choice for high temperature devices, such as power switches, which are used in both military (e.g., military ships, vehicles, radar, communications, electromagnetic warfare and weapons systems) and commercial applications (e.g., communication systems, electric power, utilities industry, civil radar systems, cell phone base stations, and high definition television transmitters).

Note: ECCN 3C005 is controlled for NS:2 and AT:1 reasons. In addition, ECCN 3E001 controls for NS:1 and AT:1 reasons related technology for the development or production of silicon carbide (SiC) wafers classified as ECCN 3C005, and ECCN 3B991.b.1.b controls for AT:1 reasons related equipment specially designed for purifying or processing III/V and II/VI semiconductor materials controlled by ECCN 3C005.

ECCN 3C992 (positive resists) is amended by revising the heading to adjust the wavelength from 'between 370 and 350 nm' to 'between 370 and 245 nm' to harmonize with the revision to 3C002.

ECCN 3E001 is amended by:

a. Revising the NS control text in the License Requirements section to add the new ECCN 3C005;

b. Revising the Related Controls paragraph in the List of Items Controlled section to remove outdated note 2 and redesignating note 3 as note 2, because updated version of this note is already reflected in the Items paragraph of the List of Items Controlled section.

c. Redesignating Note 1 as Note 2 and Note 2 as Note 1 in the Items paragraph; and

d. Revising the citation in the technical note from 'Note b' to 'Note 2' in the Items paragraph.

ECCN 3E002 is amended by:

a. Revising the heading to remove references to 'composite theoretical performance (CTP)' and 'million theoretical operations per second (MTOPS)';

b. Revising License Exception CIV eligibility text from ''Composite Theoretical Performance (CTP) less than or equal to 40,000 MTOPS (regardless of word length or access width)'' to read ''vector processor unit with operand length of 64-bit or less, 64-bit floating operations not exceeding 32 GFLOPS, or 16-bit or more floating-point operations not exceeding 32 GMACS'' to conform to the revisions in 3A001 regarding microprocessors;

Note: The new parameter for measuring vector processor units is GMACS, which

equals billions of 16-bit fixed-point multiply-accumulate operations per second.

c. Adding subparagraphs 3E002.a, 3E002.b, and 3E002.c to specify new parameters for microprocessor technology controls related to the vector processor unit, floating-point vectors, and fixed-point multiply-accumulate results, including adding a technical note to describe ''vector processing unit''

Rationale: These changes are made to remove the remaining references to ''Composite Theoretical Performance (CTP)'' and ''Millions of Theoretical Operations Per Second (MTOPS)'' in the EAR, which is consistent with agreements made by the Wassenaar Arrangement with regard to microprocessors. Information on How to Calculate ''Composite Theoretical Performance'' (''CTP'') is removed from the end of Category 3, because CTP is no longer a parameter used to control any entry in the Commerce Control List.

Category 5 Part I Telecommunications

ECCN 5A001 (Telecommunications systems, equipment, and components) is amended by:

a. Revising the phrase 'telecommunication transmission equipment and systems' to read 'telecommunication systems and equipment' in 5A001.b, because 5A001.b controls transmission equipment, but also receivers, transmitters, and transceivers.

b. Revising the scope of parameters from 'any' to 'all' in 5A001.b.2 for radio equipment, because these features are more commonly found in radio equipment today as a result of technological advances;

c. Removing the parameter in 5A001.b.2.a 'incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal';

Rationale: These revisions are made to 5A001 because the parameter is obsolete due to technological advances in Digital Signal Processing (DSP).

d. Adding 5A001.g to the NS:2 control paragraph in the License Requirements section; and

e. Adding a new paragraph 5A001.g to control specially designed Passive Coherent Location systems or equipment.

Rationale: Revisions are made to 5A001.g because passive location systems can be used in air defense networks to detect and track aircraft without being detected themselves and have the ability to detect aircraft designed to be stealthy. These systems can also be used for civil applications, such as analog FR radio, cellular phone base stations and digital audio broadcast (DAB).

Note: Adding 5A001.g (specially designed Passive Coherent Location systems or equipment) to ECCN 5A001 consequently adds a license requirement for related development and production software in ECCN 5D001 and development, production, and use technology in ECCN 5E001, for the exports and reexports to all destinations, except Canada, under NS Column 1 of the Commerce Country Chart and for exports and reexports to designated terrorism supporting countries, as set forth in Parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

ECCN 5A991 is amended by adding 5A991.b.7.d to maintain anti-terrorism controls on radio equipment operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal, which this rule removed from 5A001.b.2.a.

Note: Adding 5A991.b.7.d to ECCN 5A991 consequently maintains a license requirement for related development, production, and use software in ECCN 5D991, for the exports and reexports to designated terrorism supporting countries, as set forth in Parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart. However, the Wassenaar Arrangement agreed to maintain national security controls for the related technology for this equipment in ECCN 5E001 by adding a new paragraph 5E001.c.4.c.

ECCN 5E001 is amended by adding a new paragraph 5E001.c.4.c to maintain national security and anti-terrorism controls on the technology for the development or production of certain shortwave radios employing adaptive interference suppression techniques, which this rule is removing from 5A001.b.2.a.

Category 6 Sensors

ECCN 6A002 (Optical Sensors) is amended by:

a. Revising the License Requirement section to add an exception note under the RS controls to exclude 6A002.a.3.d.a.2 and 6A002.a.3.e for lead selenide focal plane arrays, because these devices are not suitable for imaging applications, and no longer merit regional stability controls;

b. Revising the Unit paragraph in the List of Items Controlled section, to remove the term ''accessories'';

c. Revising the peak response in wavelength range in 6A002.a.3.d.1 from 'exceeding 1,200 nm but not exceeding 2,500 nm' to 'exceeding 1,200 nm but not exceeding 3,000 nm'; and

d. Revising the peak response in wavelength range for non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'' in 6A002.a.3.e from 'exceeding 2,500 nm but not exceeding 30,000 nm' to 'exceeding 3,000 nm but not exceeding 30,000 nm'.

Rationale: The revisions to 6A002.a.3 are made to remove national security controls on focal plane arrays that are effectively non-usable in military applications, and to simplify the control text.

ECCN 6A004 (Optics) is amended by:

a. Revising the Unit paragraph in the List of Items Controlled section to remove the reference to cable;

b. Revising the Related Controls paragraph in the List of Items Controlled section to add a reference to ECCN 3B001 for optical mirrors or aspheric optical elements specially designed for lithography equipment; and by enumerating the notes in the Related Controls paragraph;

c. Moving the definition of 'aspheric optical element' from the technical note to the Related Definitions paragraph in the List of Items Controlled section; and

d. Adding single quotes around the term 'aspheric optical elements' in 6A004.e to indicate that the definition may be found in the Related Definitions paragraph of the List of Items Controlled section of the ECCN.

ECCN 6A005 (Lasers) is amended by:

a. Revising the NP controls in the License Requirements section to conform with the revisions in the ECCN 6A005 items paragraph and the revisions to ECCN 6A205;

b. Revising the License Requirements Notes to conform to the revisions related to nuclear controls and revisions in 6A005;

c. Revising the License Exception GBS and CIV eligibility paragraphs to conform to the revisions in the items paragraph and the license requirement note that outlines NP controls;

d. Revising the Note 6 in the Related Controls paragraph in the List of Items Controlled section to add ''and ''lasers'' specifically designed, modified, or configured for military application are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls'';

e. Moving paragraph 1 in the Related Definitions paragraph in the List of Items Controlled section to Note 1 at the top of the items paragraph in the List of Items Controlled section, and removing paragraph 2 in the Related Definitions paragraph;

f. Adding a definition for 'Wall-plug efficiency' in the Related Definitions paragraph in the List of Items Controlled section;

g. Adding Notes 2 through 4 to the top of the items paragraph of the List of

Items Controlled section to clarify controls in ECCN 6A005;

h. Moving 6A005.a.1 (Excimer lasers) to 6A005.d.4;

i. Deleting 6A005.a.2 (Metal vapor lasers), as they are now controlled under 6A005.b, although they are not specifically cited as before;

j. Moving 6A005.a.3 (Carbon monoxide (CO) lasers) to 6A005.d.2;

k. Moving 6A005.a.4 (Carbon dioxide (CO_2) lasers) to 6A005.d.3;

l. Moving 6A005.a.5 (Chemical lasers) to 6A005.d.5;

m. Deleting 6A005.a.6 (Krypton ion or argon ion lasers), as pursuant to Note 5.a, Krypton lasers are no longer controlled, and Argon lasers are now controlled under 6A005.a, with the exception of Argon lasers below 50W, pursuant to the Note to 6A005.a.2;

n. Moving 6A005.b (Semiconductor lasers) to 6A005.d.1;

o. Moving 6A005.c.2 (non-tunable lasers) to 6A005.a and .b, with the exception of Neodymium glass lasers, and modifying the parameters;

p. Moving 6A005.c.2.a (Neodymium glass lasers) to 6A005.d.6; and

q. Moving 6A005.d (dye and other liquid lasers) to 6A005.c (tunable lasers), see Note to 6A005.c.

Rationale: The changes in ECCN 6A005 are made to move the laser controls from technology based categories to performance based criteria. The categories are restructured, where possible, to remove specific references to types of lasers and characterize the laser on the basis of wavelength, power, mode, energy, pulse length, mass, and efficiency.

ECCN 6A006 is amended by adding quotes around the term ''compensation systems'' in the heading and in 6A006.d, because it has become a defined term in Part 772.

ECCN 6A008 (Radar) is amended by:

a. Adding a Note to explain that 6A008 does not control: secondary surveillance radar (SSR), car radar designed for collision prevention, displays or monitors used for air traffic control (ATC), and meteorological (weather) radar.

b. Revising the parameters in 6A008.a to avoid overlapping controls between 6A008.a and 6A008.m.1.

ECCN 6A205 is amended by:

a. Revising the heading to simplify it and place the referenced ECCNs in order;

b. Removing the reference to ''parts and accessories'' in the unit paragraph of the List of Items Controlled section, because these are not controlled by this entry;

c. Adding a reference to 6A005.a.2 for additional controls on argon ion lasers and a reference to 6A005.b.6.b for additional neodymium-doped lasers in the Related Controls paragraph of the List of Items Controlled section;

d. Revising 6A005.b.1 for ''operating at wavelengths for tunable pulsed single-mode dye laser oscillators'' from ''Operating at wavelengths between 300 nm and 800 nm'' to ''Operating at wavelengths between 600 nm and 800 nm'';

e. Removing 6A205.c (Tunable pulsed dye laser amplifiers and oscillators), because these paragraphs are entirely controlled by ECCN 6A005.c.1.b;

f. Revising 6A205.f to maintain NP controls on Neodymium-doped (other than glass) lasers that are not controlled by ECCN 6A005.

Rationale: This change is made to split control of Neodymium-doped lasers between ECCN 6A005.b.6 and 6A205.f, with no intended overlap.

ECCN 6A995 is amended by:

a. Revising 6A995.c, so that it controls ''Ruby 'lasers' having an output energy exceeding 20 J per pulse'';

b. Redesignating paragraph 6A995.d (Free electron lasers) as paragraph g., and adding three new paragraphs to maintain anti-terrorism (AT) controls for certain lasers no longer controlled by ECCN 6A005: 6A995.d (Non-''tunable'' ''pulsed lasers''), 6A995.e (Non-''tunable'' continuous wave ''(CW) lasers''), and 6A995.f (Non-''tunable'' ''lasers'').

ECCN 6D003 is amended by adding quotes around the term ''compensation systems'' in the in 6D003.f.1, because it has become a defined term in Part 772.

6E201 is amended by revising the heading to harmonize with revisions made to ECCNs 6A005 and 6A205, and adding the phrase ''not controlled by 6E001 or 6E002''.

Category 7 Navigation and Avionics

ECCN 7A001 (Accelerometers) is amended by:

a. Revising the heading from ''Linear accelerometers designed for use in inertial navigation or guidance systems and having any of the following characteristics (see List of Items Controlled), and specially designed components therefor.'' to read ''Accelerometers as follows (see List of Items Controlled), and specially designed components therefor'' in order to change the scope of control from including end-use and type to a strictly technical control, as set forth in the List of Items Controlled section;

b. Revising the MT controls in the License Requirements section from ''MT applies to entire entry'' to ''MT applies to commodities that meet or exceed the parameters of 7A101'' to clarify items controlled for MT reasons based on the Missile Technology Control Regime Annex;

c. Differentiating between linear accelerometers designed to operate at high g values and linear accelerometers designed to operate at low g levels; and

d. Moving the controls for angular and rotational accelerometers from the gyro controls in 7A002 to the accelerometer controls in 7A001.

Rationale: With the constant development of accelerometers, there are now products on the market which can be used for inertial navigation and guidance, but that were not necessarily designed for that purpose. Therefore, these changes are being made to 7A001 to control these new products.

ECCN 7A002 (Gyros or angular rate sensors) is amended by:

a. Revising text in the heading from 'and angular or rotational accelerometers' to read 'or angular rate sensors';

Rationale: The heading is clarified to delete ''angular or rotational accelerometers'' because angular accelerometers do not measure angular rate. (These devices are more appropriately addressed in ECCN 7A001.) Also, the term angular rate sensor is added. With the emergence of new gyro technology, the term ''angular rate sensor'' is interchangeable with ''gyro''.

b. Revising the Missile Technology (MT) reason for control in the License Requirements section to read ''MT applies to 7A002 items that meet or exceed the parameters of 7A102'' because some items identified in 7A002.a and 7A002.b are national security controlled items and not MT controlled items;

c. Adding a License Requirement Note to the License Requirements section to add the Missile Technology Control Regime's definition for 'stability', which should only be used for the purposes of MT controls. (The Wassenaar Arrangement definition for 'stability' is found in Part 772);

d. Revising the drift rate in from 'less (better) than 0.1 degree per hour when specified to function at acceleration levels below 12 g' to read ' less (better) than 0.5 degree per hour when specified to function at linear acceleration levels up to and including 100.g' combining paragraphs 7A002.a, 7A002.a.1 and 7A002.a.2;

e. Adding double quotes around the term ''angle random walk'' in 7A002.b;

f. Removing the technical note defining ''angle random walk'', as the definition was moved to Part 772;

g. Redesignating paragraph 7A002.c as paragraph 7A002.d; and

h. Adding a new paragraph 7A002.c to incorporate three critical parameters for controlling gyros.

Rationale: With new gyro technology, *e.g.* Fiber Optic Gyros (FOG) and MicroElectroMechanical System (MEMS) gyros, the current 7A002.a. and b. language does not adequately control gyros required for very short-term applications and having high rate range, such as those used in tactical missiles and smart munitions. The former 7A002.c addressed gyros with a high linear acceleration capability. The new paragraph 7A002.c includes three critical parameters: drift rate stability, input rate range and angle random walk (ARW). To be controlled, the gyro must meet the drift rate stability and either the input rate range or ARW parameter. The input rate range of 500 degrees per second and the ARW parameter of 0.2 degrees per square root hour were selected because they are consistent with tactical missile and howitzer requirements. The 40 degrees per hour drift rate stability was selected because it would control gyros used for guidance in very short mission tactical weapons and smart munitions, but would avoid the control of gyros used in automobiles. This revision will control the most critical gyros, while allowing wide commercial-use of these new gyro technologies.

ECCN 7A003 (Inertial systems) is amended by:

a. Adding 7A003.d to control Inertial measurement equipment, including Inertial Measurement Units (IMU) and Inertial Reference Systems (IRS), which was added to clarify 7A003.c; and

b. Replacing a reference in Note 2 that stated ''civil authorities of a country in Country Group A:1'' with ''civil authorities of a Wassenaar Arrangement Participating State, see Supplement No. 1 to Part 743 for a list of these countries.''

ECCN 7A008 is added to control underwater sonar navigation systems for NS:2 and AT:1 reasons, because underwater navigation systems pose significant military and terrorism concerns because of their potential use for coastal reconnaissance and infiltration.

ECCN 7A101 is amended by revising the Heading and the Items paragraph in the List of Items Controlled section to add a new paragraph 7A101.b for ''continuous output accelerometers of any type, specified to function at acceleration levels greater than 100 g, and specially designed components therefor'' and to expand the scope of the heading to include this new paragraph.

Rationale: These accelerometers were previously controlled under ECCN 7A001, but are no longer controlled under this ECCN because of the Wassenaar Arrangement's agreement to add the words ''designed for use in inertial navigation or guidance systems.'' This revision was necessary in order to maintain the MT controls on these accelerometers as specified by 9.A.5 of the Missile Technology Control Regime Annex.

ECCN 7B003 is amended by revising the Related Controls paragraph in the List of Items Controlled section to clarify that 7B003 controls include fiber optic gyro coil winding machines.

ECCN 7D003 is amended by:

a. Adding software controls for ECCN 7A008 in 7D003.a and .b;

b. Replacing the term 'inertial data' with 'heading data' in 7D003.b; and

c. Revising 7D003.b.1 by adding 'or sonar'.

Rationale: The revisions to 7D003.a address software that improves navigation performance of equipment controlled by ECCN 7A008. The revisions to 7D003.b address source code for a hybrid underwater navigation system that combines a heading source (inertial or non-inertial, such as a fluxgate compass) with Doppler sonar to provide positioning data to the level specified in ECCN 7A008.

ECCNs 7D001, 7E001, and 7E002 are amended to revise the License Requirement section to include ECCN 7A008 in the NS:1 control and to exclude ECCN 7A008 from the MT:1 control.

Rationale: This revision necessary in order to add NS:1 controls for the related technology and software for the new ECCN 7A008, but to exclude it from MT:1 controls, as equipment controlled by ECCN 7A008 does not appear on the MTCR Annex.

ECCN 7E004 is amended by adding 7E004.a.7 to control development and production technology for Data Based Referenced Navigation (DBRN) systems designed to navigate underwater using sonar or gravity databases that provide a positioning accuracy equal to or less (better) than 0.4 nautical miles.

Rationale: The addition of ECCN 7A008 and 7E004.a.7 addresses two new commercial capabilities under the title of Underwater Sonar Navigation Systems: (1) underwater sonar navigation systems and (2) technology for underwater Data Based Referenced Navigation (DBRN) (e.g. sonar imaging). These capabilities pose significant military and terrorism concerns because of their potential use for coastal reconnaissance and infiltration. These systems are also used for commercial surveying applications. The Munitions List ML11 controls navigation and guidance systems specially designed for military use, but ML11 does not control underwater sonar navigation systems designed for commercial use.

Category 8 Marine

ECCN 8A002 (Systems, equipment and components for submersible vehicles) is amended by:

a. Adding 'and components' to the heading;

b. Revising the unit paragraph to add 'systems' and 'components in $ value';

c. Adding 'and components' to 8A002.a;

d. Adding a new paragraph 8A002.a.4 to control 'Components manufactured from material specified in ECCN 8C001.' and adding a technical note to explain that this control includes components in any stage of manufacture, i.e., not in final form.

Rationale: The completed foam blocks, which are components manufactured from material specified in ECCN 8C001, are ready to use, and therefore it is sensible to control these 'components,' as well as the raw material that is already controlled, thus blocking a current loophole in the control text.

ECCN 8C001 (Syntactic foam designed for underwater use) is amended to add a reference to 8A002.a.4 in the Related Control paragraph of the List of Items Controlled section.

Category 9 Propulsion Systems, Space Vehicles and Related Equipment

Category 9 is amended by revising the title of Category 9 to read ''Aerospace and Propulsion,'' because this Category contains a significant amount of aerospace items.

ECCN 9D004 is amended by:

a. Revising the License Requirement section to exclude the newly added paragraphs 9D004.f and .g;

b. Adding a new paragraph 9D004.f to control software specially designed to design the internal cooling passages of aero gas turbine engine blades, vanes, and tip shrouds; and

c. Adding a new paragraph 9D004.g to control software having all of the following characteristics: Being specially designed to predict aero thermal, aeromechanical and combustion conditions in gas turbine engines; and having theoretical modeling predictions of the aero thermal, aeromechanical and combustion conditions, which have been validated with actual turbine engine (experimental or production) performance data.

Rationale: ECCN 9D004 is amended because this type of software is used in

highly advanced research domains and is not part of the ''off the shelf'' market. Rather, it is developed, and daily improved, by aircraft engine manufacturers. The software is used in the setting of new engines, and the quality is crucial for improving the performances of aircraft engines.

ECCN 9E001 is amended by revising the heading and the national security controls to correct the citation 9A001.c to read 9A001.b.

ECCN 9E002 is amended by revising the heading to correct the citation 9A001.c to read 9A001.b.

Part 742 ''Control Policy—CCL Based Controls''

This rule amends section 742.19 by revising paragraph (b)(1)(xix) from stating ''Microprocessors with a CTP of 550 or above'' to read ''Microprocessors with a processing speed of 0.5 GFLOPS or above'' In addition, this rule amends Supplement No. 2 ''Anti-terrorism Controls: Iran, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies'' by revising paragraph (26)(ii) from stating ''With a CTP of 550 MTOPS or above'' to read ''With a processing speed of 0.5 GFLOPS or above.''

Retiring Composite Theoretical Performance/Millions of Theoretical Operations Per Second (CTP/MTOPS) Metric

The CTP/MTOPS metric was used in measuring computer and microprocessor performance. The usefulness of the CTP/MTOPS metric in defining computer and microprocessor performance has been overtaken by advances in technology. The U.S. Government, in a final rule published in April 2006 (71 FR 20876), replaced the CTP/MTOPS metric with the APP/WT metric for measuring computer performance. The CTP/MTOPS reference was retained in certain parts of the EAR for measuring microprocessor performance because it was still used by the Wassenaar Arrangement (WA) in defining the control level for microprocessor technology. In the WA 2006 list review, the WA revised its microprocessor technology control and discontinued all uses of the CTP/MTOPS metric in the WA List of Dual-use Goods and Technologies. The U.S. Government is also discontinuing all uses of CTP/MTOPS in the EAR with this implementation of the results of the WA 2006 list review.

Deviating From Parallel Control Parameters by Not Using Adjusted Peak Performance/Weighted TeraFLOPS (APP/WT) Metric (Used To Measure Computer Performance) To Measure Microprocessor Performance

With the use of the APP/WT metric for measuring computer performance, there is the temptation, following tradition, to use the APP/WT metric to measure microprocessor performance. However, the GFLOPS metric (billions of 64-bit floating-point operations per second) is preferable to the APP/WT metric because:

(a) The GFLOPS value is published by the manufacturer in its product literature.

(b) The additional complexities introduced by the APP/WT metric are unnecessary because there is a direct linear relationship between the proposed GFLOPS metric and the APP/WT metric (1 GFLOPS = 0.001*0.3 WT = 0.0003 WT).

(c) The translation from GFLOPS to WT provides no additional value.

(d) In the 1990s, the Wassenaar Arrangement (WA) controlled microprocessors with a wide range of operand lengths (8-bit, 16-bit, 32-bit, 64-bit). Today, the WA is only interested in processors with 32- and 64-bit operands. GFLOPS standardizes the measurement on 64-bit floating-point multiply and add. In short, technology has moved forward.

(e) A large part of the CTP formula deals with computer architecture and the rules of aggregation that have absolutely no meaning for microprocessors. Exporters have expressed concern about the need to deal with a complex formula when all they really need is a small part of the CTP formula to calculate the speed of a microprocessor, i.e., GFLOPS.

Section 743.1 ''Wassenaar Arrangement''

Section 743.1 is amended by:

- Inserting ''6A001'' before ''a.2.d'' for clarification in paragraph (c)(1)(vi);
- Adding ECCN 6A006.a.1 to paragraph (c)(1)(vi);
- Adding clarification notes in parentheticals after: 6A002.c, 6A003.b.3, and 6A003.b.4 in paragraph (c)(1)(vi);
- Replacing the text in the parentheticals after 6A006.d in paragraph (c)(1)(vi) with the reference ''certain items only; see Note to this paragraph''; and
- Revising the Notes to paragraph (c)(1)(vi) to add another type of focal plane array excluded from reporting under 6A002.a.3, namely, microbolometer focal plane arrays having less than 8,000 elements. Also, adding a new Note 2 to describe which items in 6A006.d are subject to the Wassenaar special reporting requirement.

Rationale: All of the revisions to 743.1(c)(1)(vi) are made to conform to the Wassenaar Sensitive List and will also affect Wassenaar reporting requirements for ECCNS 6E001 and 6E002.

Section 744.17 ''Restrictions on certain exports and reexports of general purpose microprocessors for 'military end-uses' and to 'military end-users' '' is amended by revising the parameter in the first sentence of paragraph (a) that stated ''a composite theoretical performance'' (''CTP'') of 6,500 million theoretical operations per second (MTOPS)'' to read ''a processing speed of 5 GFLOPS''.

Definitions in Part 772

Section 772.1 is amended by:

a. Removing the terms ''Composite theoretical performance (CTP)'' and ''CTP'';

b. Revising the definition of the terms ''Drift rate'' and ''Peak power''; and

c. Adding in alphabetical order the definitions for ''Angle random walk'', ''Average Output Power'', ''Compensation Systems'', ''CW Laser'', ''Pulsed Laser'', and ''Repeatability''.

Supplement No. 3 to Part 774—Statements of Understanding

This rule adds a Statement of Understanding (SOU) addressing source code. The SOU explains that source code may be controlled in either a software or technology entry. The rationale for adding this SOU was to allow flexibility to control source code in either a software or a technology entry, where the definitions for ''software'' and ''technology'' didn't seem to allow for such flexibility. This SOU only applies to national security controlled items, as no such SOU has been agreed to in other multinational regimes. However, this does not preclude other regimes or BIS from controlling source code in whatever manner is best suited for the situation. For the purposes of applying this SOU to source code subject to the EAR, source code should be considered ''software,'' unless otherwise stated.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 15, 2007, 72 FR 46137 (August 16, 2007), has continued the Export Administration Regulations in

effect under the International Emergency Economic Powers Act.

Saving Clause

Shipments of items removed from license exception eligibility or eligibility for export without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on November 5, 2007, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported from the United States before December 5, 2007. Any such items not actually exported before midnight, on December 5, 2007, require a license in accordance with this regulation.

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves two collections of information subject to the PRA. One of the collections has been approved by OMB under control number 0694 0088, ''Multi Purpose Application,'' and carries a burden hour estimate of 58 minutes for a manual or electronic submission. The other of the collections has been approved by OMB under control number 0694 0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement,'' and carries a burden hour estimate of 21 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 6622, Washington, DC 20230.

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

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

List of Subjects

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

■ Accordingly, parts 742, 743, 744, 772 and 774 of the Export Administration Regulations (15 CFR parts 730 799) are amended as follows:

PART 742—[AMENDED]

■ 1. The authority citation for part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; Sec 1503, Pub.L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of October 27, 2006, 71 FR 64109 (October 31, 2006); Notice of August 15, 2007, 72 FR 46137 (August 16, 2007).

■ 2. Section 742.19 is amended by revising paragraph (b)(1)(xix) to read ''Microprocessors with a processing speed of 0.5 GFLOPS or above.''

■ 3. Supplement No. 2 to Part 742 is amended by revising paragraph (c)(26)(ii) introductory text to read as follows:

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

* * * * *

(c) * * *

(26) * * *

(ii) With a processing speed of 0.5 GFLOPS or above.''

* * * * *

PART 743—[AMENDED]

■ 4. The authority citation for part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq;* Pub.L. 106–508; 50 U.S.C. 1701 *et seq;* Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of August 15, 2007, 72 FR 46137 (August 16, 2007).

■ 5 . Section 743.1 is amended by revising paragraph (c)(1)(vi), revising the Note to this paragraph, as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(c) * * *

(1) * * *

(vi) *Category 6:* 6A001.a.1.b (changing 10 kHz to 5 kHz and adding the text ''or a sound pressure level exceeding 224 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 5kHz to 10 kHz inclusive'' to the existing text in 6A001.a.1.b.1), and 6A001.a.2.d; 6A002.a.1.a, 6A002.a.1.b, 6A002.a.2.a (changing 350 uA/Im to 700 uA/Im in 6A002.a.2.a.3.a), 6A002.a.3, 6A002.b, 6A002.c (incorporating 6A002.a.2.a or 6A002.a.3 having characteristics described in this paragraph), 6A002.e; 6A003.b.3 (incorporating 6A002.a.2.a having characteristics described in this paragraph), 6A003.b.4 (incorporating 6A002.a.3 having characteristics described in this paragraph); 6A004.c and d; 6A006.a.1, 6A006.a.2 (having a ''noise level'' (sensitivity) lower (better) than 2pT rms per square root Hz),6A006.d (certain items only; see Note to this paragraph); 6A008.d, .h, and .k; 6D001 (for 6A004.c and .d and 6A008.d, .h, and .k); 6E001 (for

equipment and software listed in this paragraph); and 6E002 (for equipment listed in this paragraph);

Notes to paragraph (c)(1)(vi):

Note 1: Reports for 6A002.a.3 exclude the following ''focal plane arrays'':

a. Platinum Silicide having less than 10,000 elements;

b. Iridium Silicide;

c. Indium Antimonide or Lead Selenide having less than 256 elements;

d. Indium Arsenide;

e. Lead Sulphide;

f. Indium Gallium Arsenide;

g. Mercury Cadmium Telluride, as follows:

1. 'Scanning Arrays' having any of the following:

a. 30 elements or less; or

b. Incorporating time delay-and-integration within the element and having 2 elements or less;

2. 'Staring Arrays' less than 256 elements;

Technical Notes:

'Scanning Arrays' are defined as ''focal plane arrays'' designed for use with a scanning optical system that images a scene in a sequential manner to produce an image.

'Staring Arrays' are defined as ''focal plane arrays'' unfortunately designed for use with a non-scanning optical system that images a scene.

h. Gallium Arsenide or Gallium Aluminum Arsenide quantum well having less than 256 elements; and

i. Microbolometer having less than 8,000 elements.

Note 2: *Reports for 6A006.d,* are for ''compensation systems'' for the following:

a. Magnetic sensors controlled in 6A006.a.2. using optically pumped or nuclear precession (proton/Overhauser) ''technology'' that will permit these sensors to realize a ''noise level'' (sensitivity) lower (better) than 2 pT rms per square root Hz.

b. Underwater electric field sensors controlled in 6A006.b.

c. Magnetic gradiometers controlled in 6A006.c. that will permit these sensors to realize a ''noise level'' (sensitivity) lower (better) than 3 pT/m rms per square root Hz.

* * * * *

PART 744—[AMENDED]

■ 6. The authority citation for part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of October 27, 2006, 71 FR 64109 (October 31, 2006); Notice of August 15, 2007, 72 FR 46137 (August 16, 2007).

■ 7. Section 744.17 is amended by revising paragraph (a) to read as follows:

§ 744.17 Restrictions on Certain Exports and Reexports of General Purpose Microprocessors for 'Military End-uses' and to 'Military End-users.'

(a) *General prohibition.* In addition to the license requirements for anti-terrorism reasons set forth in Part 42 of the EAR, you may not export or reexport commodities described in ECCN 3A991.a.1 on the CCL (''microprocessor microcircuits'', ''microcomputer microcircuits'', and microcontroller microcircuits having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more), without a license if, at the time of the export or reexport, you know, have reason to know, or are informed by BIS that the item will be or is intended to be used for a 'military end-use,' as defined in paragraph (d) of this section, in Country Group D:1 (see Supplement No. 1 to Part 740 of the EAR); or by a 'military end-user,' as defined in paragraph (e) of this section, in Country Group D:1. This license requirement does not apply to exports or reexports of items for the official use by personnel and agencies of the U.S. Government or agencies of a cooperating government. See § 740.11(b)(3) of the EAR for definitions of ''agency of the U.S. Government'' and ''agency of a cooperating government''.

* * * * *

PART 772—[AMENDED]

■ 8. The authority citation for part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of August 15, 2007, 72 FR 46137 (August 16, 2007).

■ 9. Section 772.1 is amended by:

■ a. Removing the definitions of the terms ''Composite theoretical performance'' and ''CTP'';

■ b. Revising the definition of the terms ''Drift rate'' and ''Peak power'', as set forth below;

■ c. Adding in alphabetical order the definitions for ''Angle random walk'', ''Average Output Power'', ''Compensation systems'', ''CW Laser'', ''Pulsed Laser'', and ''Repeatability'' to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

* * * * *

''*Angle random walk*''. (Cat 7) The angular error buildup with time that is due to white noise in angular rate. (IEEE STD 528–2001)

* * * * *

''*Average Output Power*''. (Cat 6) The average output power is the total ''laser'' output energy in joules divided by the ''laser duration'' in seconds.

* * * * *

''*Compensation systems*''. (Cat 6) Consist of the primary scalar sensor, one or more reference sensors (*e.g.*, vector magnetometers) together with software that permit reduction of rigid body rotation noise of the platform.

* * * * *

''*CW Laser*''. (Cat 6) A CW (Continuous Wave) laser is defined as a laser that produces a nominally constant output energy for greater than 0.25 seconds.

* * * * *

''*Drift rate*''. (gyro) (Cat 7)—The component of gyro output that is functionally independent of input rotation. It is expressed as an angular rate. (IEEE STD 528–2001)

* * * * *

''*Peak power*''. (Cat 6)—The highest level of power attained in the ''laser duration''.

Note: ''*Laser Duration*'' is the time over which a ''laser'' emits ''laser'' radiation, which for ''pulsed lasers'' corresponds to the time over which a single pulse or series of consecutive pulses is emitted.

* * * * *

''*Pulsed Laser*''. (Cat 6)—A pulsed ''laser'' is defined as having a ''pulse duration'' that is less than or equal to 0.25 seconds.

* * * * *

''*Repeatability*''. (Cat 7)—The closeness of agreement among repeated measurements of the same variable under the same operating conditions when changes in conditions or non-operating periods occur between measurements. (Reference: IEEE STD 528–2001 (one sigma standard deviation))

PART 774—[AMENDED]

■ 10. The authority citation for part 774 continues to read as follows:

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

of August 15, 2007, 72 FR 46137 (August 16, 2007).

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

■ 11. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1A002 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

1A002 ''Composite'' structures or laminates, having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Consisting of an organic ''matrix'' and materials controlled by 1C010.c 1C010.d, or 1C010.e or

Note: 1A002.a does not control finished or semifinished items specially designed for purely civilian applications as follows:

a. Sporting goods;

b. Automotive industry;

c. Machine tool industry; and

d. Medical applications.

b. Consisting of a metal or carbon ''matrix'' and any of the following:

b.1. Carbon ''fibrous or filamentary materials'' with:

b.1.a. A ''specific modulus'' exceeding 10.15×10^6 m; and

b.1.b. A ''specific tensile strength'' exceeding 17.7×10^4 m; or

b.2. Materials controlled by 1C010.c.

Note: 1A002.b does not control finished or semifinished items specially designed for purely civilian applications as follows:

a. Sporting goods;

b. Automotive industry;

c. Machine tool industry; and

d. Medical applications.

Technical Notes:

1. Specific modulus: Young's modulus in pascals, equivalent to N/m^2, divided by specific weight in N/m^3, measured at a temperature of (296 ± 2) K ((23 ± 2) °C) and a relative humidity of (50 ± 5)%.

2. Specific tensile strength: ultimate tensile strength in pascals, equivalent to N/m^2 divided by specific weight in N/m^3, measured at a temperature of (296 ± 2) K ((23 ± 2) °C) and a relative humidity of (50 ± 5) %.

Note: 1A002 does not control composite structures or laminates made from epoxy resin impregnated carbon ''fibrous or filamentary materials'' for the repair of ''civil aircraft'' structures of laminates, provided that the size does not exceed 100 cm × 100 cm.

■ 12. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1A004 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section, to read as follows:

1A004 Protective and detection equipment and components not specially designed for military use as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See ECCNs 1A995, 2B351, and 2B352. (2) See ECCN 1D003 for ''software'' specially designed or modified to enable equipment to perform the functions of equipment controlled under section 1A004.c (Nuclear, biological and chemical (NBC) detection systems). (3) See ECCN 1E002.g for control libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c (Nuclear, biological and chemical (NBC) detection systems).(4) Chemical and biological protective and detection equipment specifically designed, developed, modified, configured, or adapted for military applications is subject to the export licensing jurisdiction of the Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121, category XIV(f)), as is commercial equipment that incorporates components or parts controlled under that category unless those components or parts are: (1) Integral to the device; (2) inseparable from the device; and (3) incapable of replacement without compromising the effectiveness of the device, in which case the equipment is subject to the export licensing jurisdiction of the Department of Commerce under ECCN 1A004.

Related Definitions: * * *

Items: * * *

■ 13. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1B001 is amended by revising the ''heading,'' the License Requirement section, and paragraph (f) in the ''items'' paragraph of the List of Items Controlled section, to read as follows:

1B001 Equipment for the production of fibers, prepregs, preforms or ''composites'' controlled by 1A002 or 1C010, as follows (see List of Items Controlled), and specially designed components and accessories therefor.

License Requirements

Reason for Control: NS, MT, NP, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
MT applies to entire entry, except 1B001.d.4 and .f	MT Column 1.
NOTE: MT applies to equipment in 1B001.d that meet or exceed the parameters of 1B101.	
NP applies to filament winding machines described in 1B001.a that are capable of winding cylindrical rotors having a diameter between 75 mm (3 in) and 400 mm (16 in) and lengths of 600 mm (24 in) or greater; AND coordinating and programming controls and precision mandrels for these filament winding machines.	NP Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

* * * * *

f. Non-destructive inspection equipment specially designed for ''composite'' materials, as follows:

f.1. X-ray tomography systems for three dimensional defect inspection;

f.2. Numerically controlled ultrasonic testing machines of which the motions for positioning transmitters and/or receivers are simultaneously coordinated and programmed in four or more axes to follow the three dimensional contours of the component under inspection.

■ 14. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1C005 is amended by revising the List of Items Controlled section, to read as follows:

1C005 ''Superconductive'' ''composite'' conductors in lengths exceeding 100 m or with a mass exceeding 100 g, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: Kilograms

Related Controls: N/A

Related Definitions: N/A

Items:

a. ''Superconductive'' ''composite'' conductors containing one or more niobium-titanium filaments, having all of the following:

a.1. Embedded in a ''matrix'' other than a copper or copper-based mixed ''matrix''; and

a.2. Having a cross-section area less than 0.28×10^{-4} mm² (6 μm in diameter for circular filaments);

b. ''Superconductive'' ''composite'' conductors consisting of one or more ''superconductive'' filaments other than niobium-titanium, having all of the following:

b.1. A ''critical temperature'' at zero magnetic induction exceeding 9.85 K (−263.31 °C); and

b.2. Remaining in the ''superconductive'' state at a temperature of 4.2 K (−268.96 °C) when exposed to a magnetic field oriented in any direction perpendicular to the longitudinal axis of conductor and corresponding to a magnetic induction of 12 T with critical current density exceeding 1750 A/mm² on overall cross-section of the conductor.

c. ''Superconductive'' ''composite'' conductors consisting of one or more ''superconductive'' filaments which remain ''superconductive'' above 115 K (−158.16 °C).

Technical Note: For the purpose of 1C005, filaments may be in wire, cylinder, film, tape or ribbon form.

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1C008 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

1C008 Non fluorinated polymeric substances, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Non-fluorinated polymeric substances, as follows:

a.1. Bismaleimides;

a.2. Aromatic polyamide-imides;

a.3. Aromatic polyimides;

a.4. Aromatic polyetherimides having a glass transition temperature (Tg) exceeding 513K (240 °C).

Notes:

1. 1C008.a controls the substances in liquid or solid form, including resin, powder, pellet, film, sheet, tape, or ribbon.

2. 1C008.a does not control non-fusible compression molding powders or molded forms.

b. Thermoplastic liquid crystal copolymers having a heat distortion temperature exceeding 523 K (250 °C) measured according to ISO 75–2 (2004), method A, or national equivalents, with a load of 1.80 N/mm² and composed of:

b.1. Any of the following:

b.1.a. Phenylene, biphenylene or naphthalene; or

b.1.b. Methyl, tertiary-butyl or phenyl substituted phenylene, biphenylene or naphthalene; and

b.2. Any of the following acids:

b.2.a. Terephthalic acid;

b.2.b. 6-hydroxy-2 naphthoic acid; or

b.2.c. 4-hydroxybenzoic acid;

c. [RESERVED]

d. Polyarylene ketones;

e. Polyarylene sulphides, where the arylene group is biphenylene, triphenylene or combinations thereof;

f. Polybiphenylenethersulphone having a glass transition temperature (Tg) exceeding 513 K (240 °C).

Technical Note: The glass transition temperature (Tg) for 1C008 materials is determined using the method described in ISO 11357–2 (1999) or national equivalents.

■ 16 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1C010, the ''items'' paragraph in the List of Items Controlled section is amended by:

■ a. Revising the Note for 1C010.b that follows the technical note following paragraph b.2. to read as set forth below; and

■ b. Revising the Notes and Technical Note following paragraph e.2.d., to read as follows:

1C010 ''Fibrous or filamentary materials'' which may be used in organic ''matrix'', metallic ''matrix'' or carbon ''matrix'' ''composite'' structures or laminates, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

* * * * *

b. * * *

b.2. * * *

Technical Note: * * *

Note: 1C010.b does not control fabric made from ''fibrous or filamentary materials'' for the repair of ''civil aircraft'' structures or laminates, in which the size of individual sheets does not exceed 100 cm x 100 cm.

* * * * *

e. * * *

e.2. * * *

e.2.d. * * *

Notes: 1C010.e does not control:

1. Epoxy resin ''matrix'' impregnated carbon ''fibrous or filamentary materials'' (prepregs) for the repair of ''civil aircraft'' structures or laminates, in which the size of individual sheets of prepreg does not exceed 100 cm x 100 cm;

2. Prepregs when impregnated with phenolic or epoxy resins having a glass transition temperature (T_g) less than 433 K (160 °C) and a cure temperature lower than the glass transition temperature.

Technical Note: The glass transition temperature (T_g) for 1C010.e materials is determined using the method described in ASTM D 3418 using the dry method. The glass transition temperature for phenolic and epoxy resins is determined using the method described in ASTM D 4065 at a frequency of 1 Hz and a heating rate of 2 K (2 °C) per minute using the dry method.

■ 17 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1C998 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

1C998 Non fluorinated polymeric substances, not controlled by 1C008, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Polyarylene ether ketones, as follows:

a.1 Polyether ether ketone (PEEK);

a.2. Polyether ketone ketone (PEKK);

a.3. Polyether ketone (PEK);

a.4. Polyether ketone ether ketone ketone (PEKEKK);

b. [RESERVED].

■ 18 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins is amended by adding Export Control Classification Number (ECCN) 1D003, to read as follows:

1D003 ''Software'' specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c.

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
AT applies to entire entry	AT Column 1.

License Exceptions

CIV: N/A
TSR: N/A

List of Items Controlled

Unit: $ value
Related Controls: N/A
Related Definitions: N/A
Items:
The list of items controlled is contained in the ECCN heading.

■ 19. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1E001 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section, to read as follows:

1E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A004, 1A005, 1A101, 1B (except 1B999), or 1C (except 1C355, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C992, 1C995 to 1C999).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) Also see ECCNs 1E101, 1E201, and 1E202. (2) See ECCN 1E002.g for control libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c (Nuclear, biological and chemical (NBC) detection systems). (3) ''Technology'' for lithium isotope separation (see related ECCN 1B233) and ''technology'' for items described in ECCN 1C012 are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). (4) ''Technology'' for items described in ECCN 1A102 is subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).
Related Definitions: * * *
Items: * * *

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1E002 is amended by:

■ a. Revising the License Requirements section to read as set forth below; and

■ b. Add a new paragraph g to the items paragraph in the List of Items Controlled section, to read as follows:

1E002 Other ''technology'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry, except 1E002.g	NS Column 1.
NS applies to 1E002.g	NS Column 2.
MT applies to 1E002.e	MT Column 1.
AT applies to entire entry	AT Column 1.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

* * * * *

Items:
g. Libraries (parametric technical databases) specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c.
Technical Note: For the purpose of 1E002.g, the term 'library' (parametric technical database) means a collection of technical information, reference to which may enhance the performance of relevant equipment or systems.

* * * * *

■ 21. Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, Export Control Classification Number (ECCN) 2B001 is amended by revising the Unit paragraph in the List of Items Controlled section and the Note following paragraph 2B001.a.2 in the Items paragraph of the List of Items Controlled section to read as follows:

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for ''numerical control''; and specially designed components (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: Equipment in number; components in $ value

* * * * *

Items:

* * * * *

a. * * *
a.2. * * *

Note: 2B001.a does not control turning machines specially designed for the production of contact lenses, having all of the following characteristics:

1. Machine controller limited to using ophthalmic based software for part programming data input; *and*
2. No vacuum chucking.

* * * * *

■ 22 . Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, Export Control Classification Number (ECCN) 2B002 is amended by revising the heading and the List of Items Controlled section to read as follows:

2B002 Numerically controlled optical finishing machine tools equipped to produce non-spherical optical surfaces, having all of the following characteristics (See List of Items Controlled).

* * * * *

List of Items Controlled

Unit: Equipment in number
Related Controls: See also 2B001.
Related Definitions: For the purposes of 2B002, 'MRF' is a material removal process using an abrasive magnetic fluid whose viscosity is controlled by a magnetic field. 'ERF' is removal process using an abrasive fluid whose viscosity is controlled by an electric field. 'Energetic particle beam finishing' uses Reactive Atom Plasmas (RAP) or ion-beams to selectively remove material.
Items:
a. Finishing the form to less (better) than 1.0 μm;
b. Finishing to a roughness less (better) than 100 nm rms;
c. Three or more axes which can be coordinated simultaneously for ''contouring control''; and
d. Using any of the following processes;
d.1. Magnetorheological finishing ('MRF');
d.2. Electrorheological finishing ('ERF'); or
d.3. 'Energetic particle beam finishing'.

■ 23 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3A001 is amended revising the License Exceptions section and ''items'' paragraph in the List of Items Controlled section, to read as follows:

3A001 Electronic components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: N/A for MT or NP
Yes for:
$1500: 3A001.c
$3000: 3A001.b.1, b.2, b.3, b.9, .d, .e, .f, and .g
$5000: 3A001.a (except a.1.a and a.5.a when controlled for MT), and .b.4 to b.7
GBS: Yes for 3A001.a.1.b, a.2 to a.12 (except .a.5.a when controlled for MT), b.2, b.8 (except for TWAS exceeding 18 GHz), b.9., and .g
CIV: Yes for 3A001.a.3, a.4, a.7, and a.11

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. General purpose integrated circuits, as follows:

Note 1: The control status of wafers (finished or unfinished), in which the function has been determined, is to be evaluated against the parameters of 3A001.a.

Note 2: Integrated circuits include the following types:

- ''Monolithic integrated circuits'';
- ''Hybrid integrated circuits'';
- ''Multichip integrated circuits'';
- ''Film type integrated circuits'', including silicon-on-sapphire integrated circuits;
- ''Optical integrated circuits''.

a.1. Integrated circuits, designed or rated as radiation hardened to withstand any of the following:

a.1.a. A total dose of 5×10^3 Gy (Si), or higher;

a.1.b. A dose rate upset of 5×10^6 Gy (Si)/s, or higher; or

a.1.c. A fluence (integrated flux) of neutrons (1 MeV equivalent) of 5×10^{13} n/cm^2 or higher on silicon, or its equivalent for other materials;

Note: 3A001.a.1.c does not apply to Metal Insulator Semiconductors (MIS).

a.2. ''Microprocessor microcircuits'', ''microcomputer microcircuits'', microcontroller microcircuits, storage integrated circuits manufactured from a compound semiconductor, analog-to-digital converters, digital-to-analog converters, electro-optical or ''optical integrated circuits'' designed for ''signal processing'', field programmable logic devices, neural network integrated circuits, custom integrated circuits for which either the function is unknown or the control status of the equipment in which the integrated circuit will be used in unknown, Fast Fourier Transform (FFT) processors, electrical erasable programmable read-only memories (EEPROMs), flash memories or static random-access memories (SRAMs), having any of the following:

a.2.a. Rated for operation at an ambient temperature above 398 K (125 °C);

a.2.b. Rated for operation at an ambient temperature below 218 K (–55 °C); or

a.2.c. Rated for operation over the entire ambient temperature range from 218 K (–55 °C) to 398 K (125 °C);

Note: 3A001.a.2 does not apply to integrated circuits for civil automobile or railway train applications.

a.3. ''Microprocessor microcircuits'', ''micro-computer microcircuits'' and microcontroller microcircuits, manufactured from a compound semiconductor and operating at a clock frequency exceeding 40 MHz;

Note: 3A001.a.3 includes digital signal processors, digital array processors and digital coprocessors.

a.4. Storage integrated circuits manufactured from a compound semiconductor;

a.5. Analog-to-digital and digital-to-analog converter integrated circuits, as follows:

a.5.a. Analog-to-digital converters having any of the following:

a.5.a.1. A resolution of 8 bit or more, but less than 10 bit, with an output rate greater than 500 million words per second;

a.5.a.2 A resolution of 10 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;

a.5.a.3. A resolution of 12 bit with an output rate greater than 105 million words per second;

a.5.a.4. A resolution of more than 12 bit but equal to or less than 14 bit with an output rate greater than 10 million words per second; or

a.5.a.5. A resolution of more than 14 bit with an output rate greater than 2.5 million words per second.

a.5.b. Digital-to-analog converters with a resolution of 12 bit or more, and a ''settling time'' of less than 10 ns;

Technical Notes:

1. A resolution of n bit corresponds to a quantization of 2n levels.

2. The number of bits in the output word is equal to the resolution of the analogue-to-digital converter.

3. The output rate is the maximum output rate of the converter, regardless of architecture or oversampling. Vendors may also refer to the output rate as sampling rate, conversion rate or throughput rate. It is often specified in megahertz (MHz) or mega samples per second (MSPS).

4. For the purpose of measuring output rate, one output word per second is equivalent to one Hertz or one sample per second.

a.6. Electro-optical and ''optical integrated circuits'' designed for ''signal processing'' having all of the following:

a.6.a. One or more than one internal ''laser'' diode;

a.6.b. One or more than one internal light detecting element; and

a.6.c. Optical waveguides;

a.7. Field programmable logic devices having any of the following:

a.7.a. An equivalent usable gate count of more than 30,000 (2 input gates);

a.7.b. A typical ''basic gate propagation delay time'' of less than 0.1 ns; or

a.7.c. A toggle frequency exceeding 133 MHz;

Note: 3A001.a.7 includes: Simple Programmable Logic Devices (SPLDs), Complex Programmable Logic Devices (CPLDs), Field Programmable Gate Arrays (FPGAs), Field Programmable Logic Arrays (FPLAs), and Field Programmable Interconnects (FPICs).

N.B.: Field programmable logic devices are also known as field programmable gate or field programmable logic arrays.

a.8. [RESERVED]

a.9. Neural network integrated circuits;

a.10. Custom integrated circuits for which the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

a.10.a. More than 1,000 terminals;

a.10.b. A typical ''basic gate propagation delay time'' of less than 0.1 ns; or

a.10.c. An operating frequency exceeding 3 GHz;

a.11. Digital integrated circuits, other than those described in 3A001.a.3 to 3A001.a.10 and 3A001.a.12, based upon any compound semiconductor and having any of the following:

a.11.a. An equivalent gate count of more than 3,000 (2 input gates); or

a.11.b. A toggle frequency exceeding 1.2 GHz;

a.12. Fast Fourier Transform (FFT) processors having a rated execution time for an N-point complex FFT of less than (N $\log_2$ N)/20,480 ms, where N is the number of points;

Technical Note: When N is equal to 1,024 points, the formula in 3A001.a.12 gives an execution time of 500 μs.

b. Microwave or millimeter wave components, as follows:

b.1. Electronic vacuum tubes and cathodes, as follows:

Note 1: 3A001.b.1 does not control tubes designed or rated for operation in any frequency band which meets all of the following characteristics:

(a) Does not exceed 31.8 GHz; and

(b) Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

Note 2: 3A001.b.1 does not control non-''space-qualified'' tubes which meet all the following characteristics:

(a) An average output power equal to or less than 50 W; and

(b) Designed or rated for operation in any frequency band which meets all of the following characteristics:

(1) Exceeds 31.8 GHz but does not exceed 43.5 GHz; and

(2) Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

b.1.a. Traveling wave tubes, pulsed or continuous wave, as follows:

b.1.a.1. Operating at frequencies exceeding 31.8 GHz;

b.1.a.2. Having a cathode heater element with a turn on time to rated RF power of less than 3 seconds;

b.1.a.3. Coupled cavity tubes, or derivatives thereof, with a ''fractional bandwidth'' of more than 7% or a peak power exceeding 2.5 kW;

b.1.a.4. Helix tubes, or derivatives thereof, with any of the following characteristics:

b.1.a.4.a. An ''instantaneous bandwidth'' of more than one octave, and average power (expressed in kW) times frequency (expressed in GHz) of more than 0.5;

b.1.a.4.b. An ''instantaneous bandwidth'' of one octave or less, and average power (expressed in kW) times frequency (expressed in GHz) of more than 1; or

b.1.a.4.c. Being ''space qualified'';

b.1.b. Crossed-field amplifier tubes with a gain of more than 17 dB;

b.1.c. Impregnated cathodes designed for electronic tubes producing a continuous emission current density at rated operating conditions exceeding 5 A/cm^2;

b.2. Microwave monolithic integrated circuits (MMIC) power amplifiers having any of the following:

b.2.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and with an average output power greater than 4W (36 dBm) with a ''fractional bandwidth'' greater than 15%;

b.2.b. Rated for operation at frequencies exceeding 6 GHz up to and including 16 GHz and with an average output power greater than 1W (30 dBm) with a ''fractional bandwidth'' greater than 10%;

b.2.c. Rated for operation at frequencies exceeding 16 GHz up to and including 31.8 GHz and with an average output power greater than 0.8W (29 dBm) with a ''fractional bandwidth'' greater than 10%;

b.2.d. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz;

b.2.e. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 0.25W (24 dBm) with a ''fractional bandwidth'' greater than 10%; or

b.2.f. Rated for operation at frequencies exceeding 43.5 GHz.

Note 1: 3A001.b.2 does not control broadcast satellite equipment designed or rated to operate in the frequency range of 40.5 to 42.5 GHz.

Note 2: The control status of the MMIC whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.2.a through 3A001.b.2.f, is determined by the lowest average output power control threshold.

Note 3: Notes 1 and 2 following the Category 3 heading for A. Systems, Equipment, and Components mean that 3A001.b.2. does not control MMICs if they are specially designed for other applications, e.g., telecommunications, radar, automobiles.

b.3. Discrete microwave transistors having any of the following:

b.3.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and having an average output power greater than 60W (47.8 dBm);

b.3.b. Rated for operation at frequencies exceeding 6 GHz up to and including 31.8 GHz and having an average output power greater than 20W (43 dBm);

b.3.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz and having an average output power greater than 0.5W (27 dBm);

b.3.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and having an average output power greater than 1W (30 dBm); or

b.3.e. Rated for operation at frequencies exceeding 43.5 GHz.

Note: The control status of a transistor whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.3.a through 3A001.b.3.e, is determined by the lowest average output power control threshold.

b.4. Microwave solid state amplifiers and microwave assemblies/modules containing microwave amplifiers having any of the following:

b.4.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and with an average output power greater than 60W (47.8 dBm) with a ''fractional bandwidth'' greater than 15%;

b.4.b. Rated for operation at frequencies exceeding 6 GHz up to and including 31.8 GHz and with an average output power greater than 15W (42 dBm) with a ''fractional bandwidth'' greater than 10%;

b.4.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz;

b.4.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 1W (30 dBm) with a ''fractional bandwidth'' greater than 10%;

b.4.e. Rated for operation at frequencies exceeding 43.5 GHz; or

b.4.f. Rated for operation at frequencies above 3.2 GHz and all of the following:

b.4.f.1. An average output power (in watts), P, greater than 150 divided by the maximum operating frequency (in GHz) squared [$P > 150\ W*GHz^2/f_{GHz}^2$];

b.4.f.2. A fractional bandwidth of 5% or greater; and

b.4.f.3. Any two sides perpendicular to one another with length d (in cm) equal to or less than 15 divided by the lowest operating frequency in GHz [$d \leq 15\ cm*GHz/\ f_{GHz}$].

Technical Note: 3.2 GHz should be used as the lowest operating frequency (f_{GHz}) in the formula in 3A001.b.4.f.3., for amplifiers that have a rated operation range extending downward to 3.2 GHz and below [$d \leq 15cm*GHz/3.2\ f_{GHz}$].

N.B.: MMIC power amplifiers should be evaluated against the criteria in 3A001.b.2.

Note 1: 3A001.b.4. does not control broadcast satellite equipment designed or rated to operate in the frequency range of 40.5 to 42.5 GHz.

Note 2: The control status of an item whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.4.a through 3A001.b.4.e, is determined by the lowest average output power control threshold.

b.5. Electronically or magnetically tunable band-pass or band-stop filters having more than 5 tunable resonators capable of tuning across a 1.5:1 frequency band (f_{max}/f_{min}) in less than 10 μs having any of the following:

b.5.a. A band-pass bandwidth of more than 0.5% of center frequency; or

b.5.b. A band-stop bandwidth of less than 0.5% of center frequency;

b.6. [RESERVED]

b.7. Mixers and converters designed to extend the frequency range of equipment described in 3A002.c, 3A002.e or 3A002.f beyond the limits stated therein;

b.8. Microwave power amplifiers containing tubes controlled by 3A001.b and having all of the following:

b.8.a. Operating frequencies above 3 GHz;

b.8.b. An average output power density exceeding 80 W/kg; and

b.8.c. A volume of less than 400 cm^3;

Note: 3A001.b.8 does not control equipment designed or rated for operation in any frequency band which is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

b.9. Microwave power modules (MPM), consisting of, at least, a traveling wave tube, a microwave monolithic integrated circuit and an integrated electronic power conditioner, having all of the following characteristics:

b.9.a. A turn-on time from off to fully operational in less than 10 seconds;

b.9.b. A volume less than the maximum rated power in Watts multiplied by 10 cm^3/W; and

b.9.c. An ''instantaneous bandwidth'' greater than 1 octave ($f_{max.} > 2f_{min,}$) and any of the following:

b.9.c.1. For frequencies equal to or less than 18 GHz, an RF output power greater than 100 W; or

b.9.c.2. Having a frequency greater than 18 GHz.

Technical Notes:

1. To calculate the control volume in 3A001.b.9.b., the following example is provided: for a maximum rated power of 20 W, the volume would be: $20\ W \times 10\ cm^3/W = 200\ cm^3$.

2. The turn-on time in 3A001.b.9.a. refers to the time from fully-off to fully operational; i.e., it includes the warm-up time of the MPM.

c. Acoustic wave devices, as follows, and specially designed components therefor:

c.1. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (i.e., ''signal processing'' devices employing elastic waves in materials), having any of the following:

c.1.a. A carrier frequency exceeding 2.5 GHz;

c.1.b. A carrier frequency exceeding 1 GHz, but not exceeding 2.5 GHz, and having any of the following:

c.1.b.1. A frequency side-lobe rejection exceeding 55 dB;

c.1.b.2. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.b.3. A bandwidth greater than 250 MHz; or

c.1.b.4. A dispersive delay of more than 10 μs; or

c.1.c. A carrier frequency of 1 GHz or less, having any of the following:

c.1.c.1. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.c.2. A dispersive delay of more than 10 μs; or

c.1.c.3. A frequency side-lobe rejection exceeding 55 dB and a bandwidth greater than 50 MHz;

c.2. Bulk (volume) acoustic wave devices (i.e., ''signal processing'' devices employing elastic waves) that permit the direct processing of signals at frequencies exceeding 1 GHz;

c.3. Acoustic-optic ''signal processing'' devices employing interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals or images, including spectral analysis, correlation or convolution;

d. Electronic devices and circuits containing components, manufactured from ''superconductive'' materials specially designed for operation at temperatures below the ''critical temperature'' of at least one of

the ''superconductive'' constituents, with any of the following:

d.1. Current switching for digital circuits using ''superconductive'' gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10–14 J; or

d.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000;

e. High energy devices, as follows:

e.1. Cells and photovoltaic arrays, as follows:

e.1.a. Primary cells having an energy density exceeding 550 Wh/kg at 293 K (20 °C); e.1.b. Secondary cells having an energy density exceeding 250 Wh/kg at 293 K (20 °C);

Technical Notes:

1. For the purpose of 3A001.e.1., energy density (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purpose of 3A001.e.1., a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, and electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purpose of 3A001.e.1.a., a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purpose of 3A001.e.1.b., a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

Note: 3A001.e. does not control batteries, including single cell batteries.

e.1.c. ''Space qualified'' and radiation hardened photovoltaic arrays with a specific power exceeding 160 W/m^2 at an operating temperature of 301 K (28 °C) under a tungsten illumination of 1 kW/m^2 at 2,800 K (2,527 °C);

e.2. High energy storage capacitors, as follows:

e.2.a. Capacitors with a repetition rate of less than 10 Hz (single shot capacitors) having all of the following:

e.2.a.1. A voltage rating equal to or more than 5 kV;

e.2.a.2. An energy density equal to or more than 250 J/kg; and

e.2.a.3. A total energy equal to or more than 25 kJ;

e.2.b. Capacitors with a repetition rate of 10 Hz or more (repetition rated capacitors) having all of the following:

e.2.b.1. A voltage rating equal to or more than 5 kV;

e.2.b.2. An energy density equal to or more than 50 J/kg;

e.2.b.3. A total energy equal to or more than 100 J; and

e.2.b.4. A charge/discharge cycle life equal to or more than 10,000;

e.3. ''Superconductive'' electromagnets and solenoids specially designed to be fully charged or discharged in less than one second, having all of the following:

Note: 3A001.e.3 does not control ''superconductive'' electromagnets or solenoids specially designed for Magnetic Resonance Imaging (MRI) medical equipment.

e.3.a. Energy delivered during the discharge exceeding 10 kJ in the first second;

e.3.b. Inner diameter of the current carrying windings of more than 250 mm; and

e.3.c. Rated for a magnetic induction of more than 8 T or ''overall current density'' in the winding of more than 300 A/mm^2;

f. Rotary input type shaft absolute position encoders having any of the following:

f.1. A resolution of better than 1 part in 265,000 (18 bit resolution) of full scale; or

f.2. An accuracy better than ±2.5 seconds of arc.

g. Solid-state pulsed power switching thyristor devices and thyristor modules using either electrically, optically, or electron radiation controlled switch methods, having any of the following:

1. A maximum turn-on current rate of rise (di/dt) greater than 30,000 A/µs and off-state voltage greater than 1,100 V; or

2. A maximum turn-on current rate of rise (di/dt) greater than 2,000 A/µs and all of the following:

a. An off-state peak voltage equal to or greater than 3,000 V; and

b. A peak (surge) current equal to or greater than 3,000 A.

Note 1: 3A001.g. includes:

__Silicon Controlled Rectifiers (SCRs)
__Electrical Triggering Thyristors (ETTs)
__Light Triggering Thyristors (LTTs)
__Integrated Gate Commutated Thyristors (IGCTs)
__Gate Turn-off Thyristors (GTOs)
__MOS Controlled Thyristors (MCTs)
__Solidtrons

Note 2: 3A001.g. does not control thyristor devices and thyristor modules incorporated into equipment designed for civil railway or ''civil aircraft'' applications.

Technical Note: For the purposes of 3A001.g., a 'thyristor module' contains one or more thyristor devices.

■ 24 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3A002 is amended revising the License Exception section and the List of Items Controlled section, to read as follows:

3A002 General purpose electronic equipment, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: * * *

GBS: Yes for 3A002.a.1.; and 3A002.b (synthesized output frequency of 2.6 GHz or less and a ''frequency switching time'' of 0.3 ms or more).

CIV: Yes for 3A002.a.1 (provided all of the following conditions are met: (1) Bandwidths do not exceed: 4 MHz per track and have up to 28 tracks or 2 MHz per track and have up to 42 tracks; (2) Tape speed does not exceed 6.1 m/s; (3) They are not designed for underwater use; (4) They are not ruggedized for military use; and (5) Recording density does not exceed 653.2 magnetic flux sine waves per mm); and 3A002.b (synthesized output frequency of 2.6 GHz or less; and a ''frequency switching time'' of 0.3 ms or more).

List of Items Controlled

Unit: Number

Related Controls: ''Space qualified'' atomic frequency standards defined in 3A002.g.2 are subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). See also 3A292 and 3A992.

Related Definitions: Constant percentage bandwidth filters are also known as octave or fractional octave filters.

Items:

a. Recording equipment, as follows, and specially designed test tape therefor:

a.1. Analog instrumentation magnetic tape recorders, including those permitting the recording of digital signals (e.g., using a high density digital recording (HDDR) module), having any of the following:

a.1.a. A bandwidth exceeding 4 MHz per electronic channel or track;

a.1.b. A bandwidth exceeding 2 MHz per electronic channel or track and having more than 42 tracks; or

a.1.c. A time displacement (base) error, measured in accordance with applicable IRIG or EIA documents, of less than ±0.1 µs;

Note: Analog magnetic tape recorders specially designed for civilian video purposes are not considered to be instrumentation tape recorders.

a.2. Digital video magnetic tape recorders having a maximum digital interface transfer rate exceeding 360 Mbit/s;

Note: 3A002.a.2 does not control digital video magnetic tape recorders specially designed for television recording using a signal format, which may include a compressed signal format, standardized or recommended by the ITU, the IEC, the SMPTE, the EBU, the ETSI, or the IEEE for civil television applications.

a.3. Digital instrumentation magnetic tape data recorders employing helical scan techniques or fixed head techniques, having any of the following:

a.3.a. A maximum digital interface transfer rate exceeding 175 Mbit/s; or

a.3.b. Being ''space qualified'';

Note: 3A002.a.3 does not control analog magnetic tape recorders equipped with HDDR conversion electronics and configured to record only digital data.

a.4. Equipment, having a maximum digital interface transfer rate exceeding 175 Mbit/s, designed to convert digital video magnetic tape recorders for use as digital instrumentation data recorders;

a.5. Waveform digitizers and transient recorders having all of the following:

N.B.: See also 3A292.

a.5.a. Digitizing rates equal to or more than 200 million samples per second and a resolution of 10 bits or more; and

a.5.b. A continuous throughput of 2 Gbit/s or more;

Technical Note: For those instruments with a parallel bus architecture, the continuous

throughput rate is the highest word rate multiplied by the number of bits in a word. Continuous throughput is the fastest data rate the instrument can output to mass storage without the loss of any information while sustaining the sampling rate and analog-to-digital conversion.

a.6. Digital instrumentation data recorders, using magnetic disk storage technique, having all of the following:

a.6.a. Digitizing rate equal to or more than 100 million samples per second and a resolution of 8 bits or more; and

a.6.b. A continuous throughput of 1 Gbit/s or more;

b. ''Frequency synthesizer'' ''electronic assemblies'' having a ''frequency switching time'' from one selected frequency to another of less than 1 ms;

Note: The control status of signal analyzers, signal generators, network analyzers, and microwave test receivers as stand-alone instruments is determined by 3A002.c., 3A002.d., 3A002.e., and 3A002.f., respectively.

c. Radio frequency ''signal analyzers'', as follows:

c.1. ''Signal analyzers'' capable of analyzing any frequencies exceeding 31.8 GHz but not exceeding 37.5 GHz and having a 3 dB resolution bandwidth (RBW) exceeding 10 MHz;

c.2. ''Signal analyzers'' capable of analyzing frequencies exceeding 43.5 GHz;

c.3. ''Dynamic signal analyzers'' having a ''real-time bandwidth'' exceeding 500 kHz;

Note: 3A002.c.3 does not control those ''dynamic signal analyzers'' using only constant percentage bandwidth filters (also known as octave or fractional octave filters).

d. Frequency synthesized signal generators producing output frequencies, the accuracy and short term and long term stability of which are controlled, derived from or disciplined by the internal master reference oscillator, and having any of the following:

d.1. A maximum synthesized frequency exceeding 31.8 GHz, but not exceeding 43.5 GHz and rated to generate a pulse duration of less than 100 ns;

d.2. A maximum synthesized frequency exceeding 43.5 GHz;

d.3. A ''frequency switching time'' from one selected frequency to another as specified by any of the following:

d.3.a. Less than 10 ns;

d.3.b. Less than 100 µs for any frequency change exceeding 1.6 GHz within the synthesized frequency range exceeding 3.2 GHz but not exceeding 10.6 GHz;

d.3.c. Less than 250 µs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 10.6 GHz but not exceeding 31.8 GHz;

d.3.d. Less than 500 µs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 31.8 GHz but not exceeding 43.5 GHz; or

d.3.e. Less than 1 ms within the synthesized frequency range exceeding 43.5 GHz; or

d.4. A single sideband (SSB) phase noise better than $-(126 + 20 \log_{10}F—20 \log_{10}f)$ in dBc/Hz, where F is the off-set from the operating frequency in Hz and f is the operating frequency in MHz;

Note 1: For the purpose of 3A002.d., the term frequency synthesized signal generators includes arbitrary waveform and function generators.

Note 2: 3A002.d. does not control equipment in which the output frequency is either produced by the addition or subtraction of two or more crystal oscillator frequencies, or by an addition or subtraction followed by a multiplication of the result.

Technical Notes: 1. Arbitrary waveform and function generators are normally specified by sample rate (e.g., GSample/s), which is converted to the RF domain by the Nyquist factor of two. Thus, a 1 GSample/s arbitrary waveform has a direct output capability of 500 MHz. Or, when oversampling is used, the maximum direct output capability is proportionately lower.

2. For the purposes of 3A002.d.1., 'pulse duration' is defined as the time interval between the leading edge of the pulse achieving 90% of the peak and the trailing edge of the pulse achieving 10% of the peak.

Note: 3A002.d does not control equipment in which the output frequency is either produced by the addition or subtraction of two or more crystal oscillator frequencies, or by an addition or subtraction followed by a multiplication of the result.

e. Network analyzers with a maximum operating frequency exceeding 43.5 GHz;

f. Microwave test receivers having all of the following:

f.1. A maximum operating frequency exceeding 43.5 GHz; and

f.2. Being capable of measuring amplitude and phase simultaneously;

g. Atomic frequency standards having any of the following:

g.1. Long-term stability (aging) less (better) than 1×10^{-11}/month; or

g.2. Being ''space qualified''.

Note: 3A002.g.1 does not control non-''space qualified'' rubidium standards.

■ 25. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3A991 is amended by revising paragraphs a.1. and j in the ''items'' paragraph of the List of Items Controlled section, as set forth below, to read as follows:

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

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.1. A performance speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more;

* * * * *

j. Cells as follows:

j.1. Primary cells having an energy density of 550 Wh/kg or less at 293 K (20°C);

j.2. Secondary cells having an energy density of 250 Wh/kg or less at 293 K (20°C).

Note: 3A991.j. does not control batteries, including single cell batteries.

Technical Notes:

1. For the purpose of 3A991.j energy density (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purpose of 3A991.j, a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, and electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purpose of 3A991.j.1, a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purpose of 3A991.j.2., a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

* * * * *

■ 26 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3B001 is amended by:

■ a. Revising the GBS paragraph in the License Exception section as set forth below; and

■ b. Revising paragraph f in the ''items'' paragraph of the List of Items Controlled section, as set forth below; and

■ c. Adding a new paragraph i in the ''items'' paragraph of the List of Items Controlled section, to read as follows:

3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled), and specially designed components and accessories therefor.

* * * * *

License Exceptions

LVS: * * *

GBS: Yes, except 3B001.a.2 (metal organic chemical vapor deposition reactors), a.3 (molecular beam epitaxial growth equipment using gas sources), .e (automatic loading multi-chamber central wafer handling systems only if connected to equipment controlled by 3B001.a.2, a.3, or .f), and .f (lithography equipment).

CIV: * * *

List of Items Controlled

* * * * *

Items:

* * * * *

f. Lithography equipment, as follows:

f.1. Align and expose step and repeat (direct step on wafer) or step and scan (scanner) equipment for wafer processing using photo-optical or X-ray methods, having any of the following:

f.1.a. A light source wavelength shorter than 245 nm; or

f.1.b. Capable of producing a pattern with a minimum resolvable feature size of 180 nm or less;

Technical Note: The minimum resolvable feature size is calculated by the following formula:

$$\text{MRF} = \frac{(\text{an exposure light source wavelength in nm}) \times (\text{K factor})}{\text{numerical aperture}}$$

Where the K factor = 0.45
MRF = minimum resolvable feature size.

f.2 Imprint lithography equipment capable of production features of 180 nm or less.

Note: 3B001.f.2 includes:

—Micro contact printing tools
—Hot embossing tools
—Nano-imprint lithography tools
—Step and flash imprint lithography (S–FIL) tools

f.3. Equipment specially designed for mask making or semiconductor device processing using deflected focused electron beam, ion beam or ''laser'' beam, having any of the following:

f.3.a. A spot size smaller than 0.2 μm;

f.3.b. Being capable of producing a pattern with a feature size of less than 1 μm; or

f.3.c. An overlay accuracy of better than ± 0.20 μm (3 sigma);

* * * * *

i. Imprint lithography templates designed for integrated circuits by 3A001.

* * * * *

■ 27. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3B991 is amended revising paragraph b.1.b in the Items paragraph of the List of Items Controlled section, to read as follows:

3B991 Equipment not controlled by 3B001 for the manufacture of electronic components and materials, and specially designed components and accessories therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.1. * * *

b.1.b. Equipment specially designed for purifying or processing III/V and II/VI semiconductor materials controlled by 3C001, 3C002, 3C003, 3C004, or 3C005 except crystal pullers, for which see 3B991.b.1.c below;

* * * * *

■ 28. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3C002 is amended revising the Heading and paragraph a in the Items paragraph of the List of Items Controlled section, to read as follows:

3C002 Resist materials, as follows (see List of Items Controlled), and ''substrates'' coated with controlled resists.

* * * * *

List of Items Controlled

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Items:

a. Positive resists designed for semiconductor lithography specially adjusted (optimized) for use at wavelengths below 245 nm;

* * * * *

■ 29. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3C005 is added after ECCN 3C004, to read as follows:

3C005 Silicon carbide (SiC) wafers having a resistivity of more than 10,000 ohm-cm.

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
AT applies to entire entry	AT Column 1.

License Exceptions

LVS: $3000
GBS: Yes
CIV: Yes

List of Items Controlled

Unit: $ value

Related Controls: See ECCN 3E001 for related development and production technology, and ECCN 3B991.b.1.b for related production equipment.

Related Definition: N/A

Items:

The list of items controlled is contained in the ECCN heading.

■ 30. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3C992 is amended by revising the ''heading'', to read as follows:

3C992 Positive resists designed for semiconductor lithography specially adjusted (optimized) for use at wavelengths between 370 and 245 nm.

* * * * *

■ 31. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3E001 is amended revising the License Requirements section and the related controls and items paragraphs in the List of Items Controlled section, to read as follows:

3E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 or 3A992), 3B (except 3B991 or 3B992) or 3C (except 3C992).

License Requirements

Reason for Control: NS, MT, NP, AT

Control(s)	Country chart
NS applies to ''technology'' for items controlled by 3A001, 3A002, 3B001, 3B002, or 3C001 to 3C005	NS Column 1.
MT applies to ''technology'' for equipment controlled by 3A001 or 3A101 for MT reasons	MT Column 1.
NP applies to ''technology'' for equipment controlled by 3A001, 3A201, or 3A225 to 3A233 for NP reasons	NP Column 1.
AT applies to entire entry	AT Column 1.

License Requirement Note: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1.) See also 3E101 and 3E201. (2.) ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of the following commodities is under the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121): (a) When operating at frequencies higher than 31 GHz and ''space qualified'': helix tubes (traveling wave tubes (TWT)) defined in 3A001.b.1.a.4.c; microwave solid state amplifiers defined in 3A001.b.4.b; microwave ''assemblies'' defined in 3A001.b.6; or traveling wave tube amplifiers (TWTA) defined in 3A001.b.8; (b) ''Space qualified'' and radiation hardened photovoltaic arrays defined in 3A001.e.1.c (i.e., not having silicon cells or single, dual or triple junction solar cells that have gallium arsenide as one of the junctions), and spacecraft/satellite solar concentrators and batteries; and (c) ''Space qualified'' atomic frequency standards defined in 3A002.g.2.

Related Definition: * * *

Items:

The list of items controlled is contained in the ECCN heading.

Note 1: 3E001 does not control ''technology'' for the ''production'' of equipment or components controlled by 3A003.

Note 2: 3E001 does not control ''technology'' for the ''development'' or ''production'' of integrated circuits controlled by 3A001.a.3 to a.12, having all of the following:

(a) Using ''technology'' of 0.5 μm or more; and

(b) Not incorporating multi-layer structures.

Technical Note: The term multi-layer structures in Note 2 of 3E001 does not include devices incorporating a maximum of three metal layers and three polysilicon layers.

■ 32. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Export Control Classification Number (ECCN) 3E002 is amended by revising the ''Heading'' and the License Requirements section, the License Exceptions section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

3E002 ''Technology'' according to the General Technology Note other than that controlled in 3E001 for the ''development'' or ''production'' of a ''microprocessor microcircuit'', ''micro-computer microcircuit'' and microcontroller microcircuit core, having an arithmetic logic unit with an access width of 32 bits or more and any of the following features or characteristics (see List of Items Controlled).

* * * * *

License Exceptions

CIV: Yes, for deemed exports, as described in § 734.2(b)(2)(ii) of the EAR, of ''technology'' for the ''development'' or ''production'' of general purpose microprocessors with a vector processor unit with operand length of 64-bit or less, 64-bit floating operations not exceeding 32 GFLOPS, or 16-bit or more floating-point operations not exceeding 32 GMACS (billions of 16-bit fixed-point multiply-accumulate operations per second). Deemed exports under License Exception CIV are subject to a Foreign National Review (FNR) requirement, see § 740.5 of the EAR for more information about the FNR. License Exception CIV does not apply to ECCN 3E002 technology also required for the development or production of items controlled under ECCNs beginning with 3A, 3B, or 3C, or to ECCN 3E002 technology also controlled under ECCN 3E003.

TSR: Yes

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. A vector processor unit designed to perform more than two calculations on floating-point vectors (one dimensional arrays of 32-bit or larger numbers) simultaneously;

Technical Note: A vector processing unit is a processor element with built-in instructions that perform multiple calculations on floating-point vectors (one-dimensional arrays of 32-bit or larger numbers) simultaneously, having at least one vector arithmetic logic unit.

b. Designed to perform more than two 64-bit or larger floating-point operation results per cycle; or

c. Designed to perform more than four 16-bit fixed-point multiply-accumulate results per cycle (e.g., digital manipulation of analog information that has been previously converted into digital form, also known as digital signal processing).

Note: 3E002.c does not control technology for multimedia extensions.

Notes:

1. 3E002 does not control ''technology'' for the ''development'' or ''production'' of microprocessor cores, having all of the following:

a. Using ''technology'' at or above 0.130 μm; *and*

b. Incorporating multi-layer structures with five or fewer metal layers.

2. 3E002 includes ''technology'' for digital signal processors and digital array processors.

■ 33. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics is amended by removing the section entitled ''Information on How to Calculate ''composite Theoretical Performance (''CTP'')'' that follows EAR99.

■ 34. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and ''Information Security'', Part I Telecommunications, Export Control Classification Number (ECCN) 5A001 is amended by

■ a. Revising the License Requirements section, to read as set forth below;

■ b. Revising the introductory text to paragraph b in the ''items'' paragraph of the List of Items Controlled section, as set forth below; and

■ c. Revising paragraphs b.2 and g in the ''items'' paragraph of the List of Items Controlled section, to read as follows:

5A001 Telecommunications systems, equipment, and components, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to 5A001.a, and .e	NS Column 1.
NS applies to 5A001.b, .c, .d, .f, .g	NS Column 2.
AT applies to entire entry	AT Column 1.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Telecommunication systems and equipment, and specially designed components and accessories therefor, having any of the following characteristics, functions or features:

b.1 * * *

b.2. Being radio equipment operating in the 1.5 MHz to 87.5 MHz band and having all of the following characteristics:

b.2.a. Automatically predicting and selecting frequencies and ''total digital transfer rates'' per channel to optimize the transmission; and

b.2.b. Incorporating a linear power amplifier configuration having a capability to support multiple signals simultaneously at an output power of 1 kW or more in the frequency range of 1.5 MHz or more but less than 30 MHz, or 250 W or more in the

frequency range of 30 MHz or more but not exceeding 87.5 MHz, over an ''instantaneous bandwidth'' of one octave or more and with an output harmonic and distortion content of better than −80 dB;

* * * * *

g. Passive Coherent Location systems or equipment specially designed for detecting and tracking moving objects by measuring reflections of ambient radio frequency emissions, supplied by non-radar transmitters.

Technical Note: Non-radar transmitters may include commercial radio, television or cellular telecommunications base stations.

Note: 5A001.g. does not control:

a. Radio-astronomical equipment;

b. Systems or equipment that require any radio transmission from the target.

* * * * *

■ 35. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and ''Information Security'', Part 1 Telecommunications, Export Control Classification Number (ECCN) 5A991 is amended by revising paragraph b.7. in the ''items'' paragraph of the List of Items Controlled section, to read as follows:

5A991 Telecommunication equipment, not controlled by 5A001.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.7. Being radio equipment employing any of the following:

b.7.a. Quadrature-amplitude-modulation (QAM) techniques above level 4 if the ''total digital transfer rate'' exceeds 8.5 Mbit/s;

b.7.b. QAM techniques above level 16 if the ''total digital transfer rate'' is equal to or less than 8.5 Mbit/s;

b.7.c. Other digital modulation techniques and having a ''spectral efficiency'' exceeding 3 bit/s/Hz; or

b.7.d. Operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal.

Notes: 1. 5A991.b.7 does not control equipment specially designed to be integrated and operated in any satellite system for civil use.

2. 5A991.b.7 does not control radio relay equipment for operation in an ITU allocated band:

a. Having any of the following:

a.1. Not exceeding 960 MHz; or

a.2. With a ''total digital transfer rate'' not exceeding 8.5 Mbit/s; and

b. Having a ''spectral efficiency'' not exceeding 4 bit/s/Hz.

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■ 36. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and ''Information Security'', Part 2 Information Security, Export Control Classification Number (ECCN) 5E001 is amended by adding a new paragraph c.4.c in the Items paragraph of the List of Items Controlled section, to read as follows:

5E001 ''Technology'', (see List of Items Controlled).

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List of Items Controlled

* * * * *

Items:

* * * * *

c. * * *

c.4. * * *

Note: * * *

c.4.c. Operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal; or

* * * * *

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A002 is amended by revising the License Requirements section, the Unit paragraph in the List of Items Controlled section, and paragraphs a.3.d.1 and a.3.e in the Items paragraph of the List of Items Controlled section, to read as follows:

6A002 Optical sensors.

License Requirements

Reason for Control: NS, MT, CC, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
MT applies to optical detectors in 6A002.a.1, a.3, or .e that are specially designed or modified to protect ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles''.	MT Column 1.
RS applies to 6A002.a.1, a.2, a.3 (except a.3.d.2.a and a.3.e for lead selenide based focal plane arrays (FPAs)), .c, and .e	RS Column 1.
CC applies to police-model infrared viewers in 6A002.c	CC Column 1.
AT applies to entire entry	AT Column 1.
UN applies to 6A002.a.1, a.2, a.3 and c	Iraq, North Korea, and Rwanda.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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List of Items Controlled

Unit: Equipment in number; components in $ value

* * * * *

Items:

a. * * *

a.3. * * *

a.3.d. * * *

a.3.d.1. Individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 3,000 nm; and

* * * * *

a.3.e. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'', having individual elements with a peak response in the wavelength range exceeding 3,000 nm but not exceeding 30,000 nm.

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■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A004 is amended by:

■ a. Revising the Units, Related Controls and Related Definition paragraphs in the List of Items Controlled section, as set forth below;

■ b. Adding single quotes around the term ''Aspheric optical elements'' in paragraph e in the Items paragraph of the List of Items Controlled section;

■ c. Removing and reserving Technical Note 1 that appears after paragraph e.3 in the Items paragraph of the List of Items Controlled section; and

■ d. Removing the Note Bene that reads ''N.B.: For aspheric optical elements specially designed for lithographic equipment, see 3B001.'', which appears at the end of the Items paragraph in the List of Items Controlled section.

6A004 Optics.

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List of Items Controlled

Unit: Equipment in number; components in $ value.

Related Controls: (1) For optical mirrors or ''aspheric optical elements'' specially designed for lithography equipment, see ECCN 3B001. (2) ''Space qualified'' components for optical systems defined in 6A004.c and optical control equipment defined in 6A004.d.1 are subject to the export licensing authority of the Department of

State, Directorate of Defense Trade Controls (22 CFR part 121). (3) See also 6A994.

Related Definitions: An ''aspheric optical element'' is any element used in an optical system whose imaging surface or surfaces are designed to depart from the shape of an ideal sphere.

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■ 39 . In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A005 is revised, to read as follows:

6A005 ''Lasers'' (other than those described in 0B001.g.5 or .h.6), components and optical equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
NP applies to ''lasers'' controlled by 6A005.a.2, a.4, b.2.b, b.3.a, b.4.b, b.6.b., c.1.b, c.2.b, d.3.c, and d.4.c, as described in the following License Requirements Note.	NP Column 1.
AT applies to entire entry	AT Column 1.

License Requirements Note: NP controls apply to the following ''lasers'' controlled by 6A005:

(a) Pulsed excimer ''lasers'' controlled by 6A005.d.4.c having all of the following characteristics:

(1) Operating at wavelengths between 240 and 360 nm;

(2) A repetition rate > 250 Hz; and

(3) An average output power > 500 W;

(b) Copper vapor ''lasers'' controlled by 6A005.b.4.b having all of the following characteristics:

(1) Operating at wavelengths between 500 and 600 nm; and

(2) An average output power ≥ 40 W;

(c) Pulsed carbon dioxide ''lasers'' controlled by 6A005.d.3.c (except industrial CO_2 lasers used in applications such as cutting and welding), having all of the following characteristics:

(1) Operating at wavelengths between 9,000 and 11,000 nm;

(2)A repetition rate > 250 Hz;

(3) An average output power > 2.5kW; and

(4) A pulse width < 200ns;

(d) Argon ion ''lasers'' controlled by 6A005.a.2 having all of the following characteristics:

(1) Operating at wavelengths between 400 and 515 nm; and

(2) An average output power ≥ 50 W;

(e) Alexandrite ''lasers'' controlled by 6A005.c.2.b having all of the following characteristics:

(1) Operating at wavelengths between 720 and 800 nm;

(2) A bandwidth ≤ 0.005 nm;

(3) A repetition rate > 125 Hz; and

(4) Average output power > 30 W;

(f) Pulse-excited, Q-switched neodymium-doped (other than glass) ''lasers'' controlled by 6A005.b.6.b having all of the following characteristics:

(1) An output wavelength exceeding 1,000 nm, but not exceeding 1,100 nm;

(2) A pulse duration equal to or more than 1 ns; and

(3) A single-transverse mode output having an average power exceeding 40 W or a multiple-transverse mode output having an average power exceeding 50 W;

(g) Neodymium-doped (other than glass) ''lasers'' controlled by 6A005.b.2, b.3, or b.4, having all of the following characteristics:

(1) Incorporating frequency doubling for output wavelength between 500 and 550 nm; and

(2) Average output power > 40 W;

(h) Tunable pulsed single-mode dye laser oscillators controlled by 6A005.c.1.b and 6A005.c.2.b having all of the following characteristics:

(1) Operating at wavelengths between 300 nm and 800 nm;

(2) An average output power greater than 1 W;

(3) A repetition rate greater than 1 kHz; and

(4) Pulse width less than 100 ns;

(i) Tunable pulsed dye laser amplifiers and oscillators controlled by 6A005.c.1.b and 6A005.c.2.b having all of the following characteristics:

(1) Operating at wavelengths between 300 nm and 800 nm;

(2) An average output power greater than 30 W;

(3) A repetition rate greater than 1 kHz; and

(4) Pulse width less than 100 ns;

Note: NP controls do not apply to single mode oscillators.

License Exceptions

LVS: N/A for NP items $3000 for all other items

GBS: Yes, except 6A005.a.2, a.4, b.2.b, b.3.a, b.4.b, b.6.b, c.1.b, c.2.b, d.3.c, and d.4.c, which meets the parameters for NP controls set forth in the License Requirements Note.

CIV: Yes, except 6A005.a.2, a.4, b.3.a, b.2.b, b.3.a, b.4.b, b.6.b, c.1.b, c.2.b, d.3.c, and d.4.c, which meets the parameters for NP controls set forth in the License Requirements Note.

List of Items Controlled

Unit: Equipment in number; components and accessories in $ value

Related Controls: (1) See ECCN 6D001 for ''software'' for items controlled under this entry. (2) See ECCNs 6E001 (''development''), 6E002 (''production''), and 6E201 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 6A205 and 6A995. (4) See ECCN 3B001 for excimer ''lasers'' specially designed for lithography equipment. (5) ''Lasers'' specially designed or prepared for use in isotope separation are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). (6) Shared aperture optical elements, capable of operating in ''super-high power laser'' applications, and ''lasers'' specifically designed, modified, or configured for military application are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).

Related Definitions: 'Wall-plug efficiency' is defined as the ratio of laser output power (or ''average output power'') to total electrical input power required to operate the ''laser'', including the power supply/conditioning and thermal conditioning/heat exchanger.

Items:

Notes:

1. Pulsed ''lasers'' include those that run in a continuous wave (CW) mode with pulses superimposed.

2. Eximer, semiconductor, chemical, CO, CO_2, and non-repetitive pulsed Nd:glass ''lasers'' are only specified in 6A005.d.

3. 6A005 includes fiber ''lasers''.

4. The control status of ''lasers'' incorporating frequency conversion (i.e., wavelength change) by means other than one ''laser'' pumping another ''laser'' is determined by applying the control parameters for both the output of the source ''laser'' and the frequency-converted optical output.

5. 6A005 does not control the following ''lasers'':

a. Ruby with output energy below 20 J;

b. Nitrogen;

c. Krypton.

a. Non-''tunable'' continuous wave ''(CW) lasers'', having any of the following:

a.1. An output wavelength less than 150 nm with an output power exceeding 1W;

a.2. An output wavelength of 150 nm or more but not exceeding 520 nm and having an output power exceeding 30 W;

Note: 6A005.a.2 does not control Argon ''lasers'' having an output power equal to or less than 50 W.

a.3. An output wavelength exceeding 520 nm but not exceeding 540 nm and having any of the following:

a.3.a. A single transverse mode output having an output power exceeding 50 W; or

a.3.b. A multiple transverse mode output having an output power exceeding 150 W;

a.4. An output wavelength exceeding 540 nm but not exceeding 800 nm and having an output power exceeding 30 W;

a.5. An output wavelength exceeding 800 nm but not exceeding 975 nm and having any of the following:

a.5.a. A single transverse mode output having an output power exceeding 50 W; or

a.5.b. A multiple transverse mode output having an output power exceeding 80 W;

a.6. An output wavelength exceeding 975 nm but not exceeding 1,150 nm and having any of the following;

a.6.a. A single transverse mode output having any of the following:

a.6.a.1. A ''wall-plug efficiency'' exceeding 12% and an output power exceeding 100 W; or

a.6.a.2. An output power exceeding 150 W; or

a.6.b. A multiple transverse mode output having any of the following:

a.6.b.1. A ''wall-plug efficiency'' exceeding 18% and an output power exceeding 500 W; or

a.6.b.2. An output power exceeding 2 kW;

Note: 6A005.a.6.b does not control multiple transverse mode, industrial ''lasers'' with output power exceeding 2 kW and not exceeding 6 kW with a total mass greater than 1,200 kg. For the purpose of this note, total mass includes all components required to operate the ''laser'', e.g., ''laser'', power supply, heat exchanger, but excludes external optics for beam conditioning and/or delivery.

a.7. An output wavelength exceeding 1,150 nm but not exceeding 1,555 nm and having any of the following:

a.7.a. A single transverse mode having an output power exceeding 50 W; or

a.7.b. A multiple transverse mode having an output power exceeding 80 W; or

a.8. An output wavelength exceeding 1,555 nm and having an output power exceeding 1 W.

b. Non-''tunable'' ''pulsed lasers'', having any of the following;

b.1. An output wavelength less than 150 nm and having any of the following:

b.1.a. An output energy exceeding 50 mJ per pulse and a ''peak power'' exceeding 1 W; or

b.1.b. An ''average output power'' exceeding 1 W;

b.2. An output wavelength of 150 nm or more but not exceeding 520 nm and having any of the following:

b.2.a. An output energy exceeding 1.5 J per pulse and a ''peak power'' exceeding 30 W; or

b.2.b. An ''average output power'' exceeding 30 W;

Note: 6A005.b.2.b does not control Argon ''lasers'' having an ''average output power'' equal to or less than 50 W.

b.3. An output wavelength exceeding 520 nm, but not exceeding 540 nm and having any of the following:

b.3.a. A single transverse mode output having any of the following:

b.3.a.1. An output energy exceeding 1.5 J per pulse and a ''peak power'' exceeding 50 W; or

b.3.a.2. An ''average output power'' exceeding 50 W; or

b.3.b. A multiple transverse mode output having any of the following:

b.3.b.1. An output energy exceeding 1.5 J per pulse and a ''peak power'' exceeding 150 W; or

b.3.b.2. An ''average output power'' exceeding 150 W;

b.4. An output wavelength exceeding 540 nm but not exceeding 800 nm and having any of the following:

b.4.a. An output energy exceeding 1.5 J per pulse and a ''peak power'' exceeding 30 W; or

b.4.b. An ''average output power'' exceeding 30 W;

b.5. An output wavelength exceeding 800 nm but not exceeding 975 nm and having any of the following:

b.5.a. A ''pulse duration'' not exceeding 1 μs and having any of the following:

b.5.a.1. An output energy exceeding 0.5 J per pulse and a ''peak power'' exceeding 50 W;

b.5.a.2. A single transverse mode output having an ''average output power'' exceeding 20 W; or

b.5.a.3. A multiple transverse mode output having an ''average output power'' exceeding 50 W; or

b.5.b. A ''pulse duration'' exceeding 1 μs and having any of the following:

b.5.b.1. An output energy exceeding 2 J per pulse and a ''peak power'' exceeding 50 W;

b.5.b.2. A single transverse mode output having an ''average output power'' exceeding 50 W; or

b.5.b.3. A multiple transverse mode output having an ''average output power'' exceeding 80 W.

b.6. An output wavelength exceeding 975 nm but not exceeding 1,150 nm and having any of the following:

b.6.a. A ''pulse duration'' of less than 1 μs and having any of the following:

b.6.a.1. An output ''peak power'' exceeding 5 GW per pulse;

b.6.a.2. An ''average output power'' exceeding 10 W; or

b.6.a.3. An output energy exceeding 0.1 J per pulse;

b.6.b. A ''pulse duration'' exceeding 1 ns but not exceeding 1 μs, and having any of the following:

b.6.b.1. A single transverse mode output having any of the following:

b.6.b.1.a. A ''peak power'' exceeding 100 MW;

b.6.b.1.b. An ''average output power'' exceeding 20 W limited by design to a maximum pulse repetition frequency less than or equal to 1 kHz;

b.6.b.1.c. A 'wall-plug efficiency' exceeding 12% and an ''average output power'' exceeding 100 W and capable of operating at a pulse repetition frequency greater than 1 kHz;

b.6.b.1.d. An ''average output power'' exceeding 150 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or

b.6.b.1.e. An output energy exceeding 2 J per pulse;

b.6.b.2. A multiple transverse mode output having any of the following:

b.6.b.2.a. A ''peak power'' exceeding 400 MW;

b.6.b.2.b. A 'wall-plug efficiency' exceeding 18% and an ''average output power'' exceeding 500 W;

b.6.b.2.c. An ''average output power'' exceeding 2 kW; or

b.6.b.2.d. An output energy exceeding 4 J per pulse; or

b.6.c. A ''pulse duration'' exceeding 1 μs and having any of the following:

b.6.c.1. A single transverse mode output having any of the following:

b.6.c.1.a. A ''peak power'' exceeding 500 kW;

b.6.c.1.b. A 'wall-plug efficiency' exceeding 12% and an ''average output power'' exceeding 100 W; or

b.6.c.1.c. An ''average output power'' exceeding 150 W; or

b.6.c.2. A multiple transverse mode output having any of the following:

b.6.c.2.a. A ''peak power'' exceeding 1 MW;

b.6.c.2.b. A 'wall-plug efficiency' exceeding 18% and an ''average output power'' exceeding 500 W; or

b.6.c.2.c. An ''average output power'' exceeding 2 kW;

b.7. An output wavelength exceeding 1,150 nm but not exceeding 1,555 nm and having any of the following:

b.7.a. A ''pulse duration'' not exceeding 1 μs and having any of the following:

b.7.a.1. An output energy exceeding 0.5 J per pulse and a ''peak power'' exceeding 50 W;

b.7.a.2. A single transverse mode output having an ''average output power'' exceeding 20 W; or

b.7.a.3. A multiple transverse mode output having an ''average output power'' exceeding 50 W; or

b.7.b. A ''pulse duration'' exceeding 1 μs and having any of the following:

b.7.b.1. An output energy exceeding 2 J per pulse and a ''peak power'' exceeding 50 W;

b.7.b.2. A single transverse mode output having an ''average output power'' exceeding 50 W; or

b.7.b.3. A multiple transverse mode output having an ''average output power'' exceeding 80 W; or

b.8. An output wavelength exceeding 1,555 nm and having any of the following:

b.8.a. An output energy exceeding 100 mJ per pulse and a ''peak power'' exceeding 1 W; or

b.8.b. An ''average output power'' exceeding 1 W;

c. ''Tunable'' lasers, having any of the following:

Note: 6A005.c includes titanium-sapphire (Ti: Al_2O_3), thulium-YAG (Tm: YAG), thulium-YSGG (Tm:YSGG), alexandrite (Cr:$BeAl_2O_4$), color center ''lasers'', dye ''lasers'', and liquid ''lasers''.

c.1. An output wavelength less than 600 nm and having any of the following:

c.1.a. An output energy exceeding 50 mJ per pulse and a ''peak power'' exceeding 1 W; or

c.1.b. An average or CW output power exceeding 1W;

c.2. An output wavelength of 600 nm or more but not exceeding 1,400 nm and having any of the following:

c.2.a. An output energy exceeding 1 J per pulse and a ''peak power'' exceeding 20 W; or

c.2.b. An average or CW output power exceeding 20 W; or

c.3. An output wavelength exceeding 1,400 nm and having any of the following:

c.3.a. An output energy exceeding 50 mJ per pulse and a ''peak power'' exceeding 1 W; or

c.3.b. An average or CW output power exceeding 1 W;

d. Other ''lasers'', not controlled in 6A005.a., 6A005.b, or 6A005.c, as follows:

d.1. Semiconductor ''lasers'', as follows:

Notes:

1. 6A005.d.1 includes semiconductor ''lasers'' having optical output connectors (e.g., fiber optic pigtails).

2. The control status of semiconductor ''lasers'' specially designed for other equipment is determined by the control status of the other equipment.

d.1.a. Individual single-transverse mode semiconductor ''lasers'', having any of the following:

d.1.a.1. A wavelength equal to or less than 1,510 nm and having an average or CW output power exceeding 1.5 W; or

d.1.a.2. A wavelength greater than 1,510 nm, and having an average or CW output power exceeding 500 mW;

d.1.b. Individual, multiple-transverse mode semiconductor ''lasers'', having any of the following:

d.1.b.1. A wavelength of less than 1,400 nm and having an average or CW output power exceeding 10W;

d.1.b.2. A wavelength equal to or greater than 1,400 nm and less than 1,900 nm, and having an average or CW output power exceeding 2.5 W; or

d.1.b.3. A wavelength equal to or greater than 1,900 nm and having an average or CW output power exceeding 1 W.

d.1.c. Individual semiconductor ''laser'' arrays, having any of the following:

d.1.c.1. A wavelength of less than 1,400 nm and having an average or CW output power exceeding 80 W;

d.1.c.2. A wavelength equal to or greater than 1,400 nm and less than 1,900 nm and having an average or CW output power exceeding 25 W; or

d.1.c.3. A wavelength equal to or greater than 1,900 nm and having an average or CW output power exceeding 10 W.

d.1.d. Array stacks of semiconductor ''lasers'' containing at least one array that is controlled under 6A005.d.1.c.

Technical Notes:

1. Semiconductor ''lasers'' are commonly called ''laser'' diodes.

2. An ''array'' consists of multiple semiconductor ''laser'' emitters fabricated as a single chip so that the centers of the emitted light beams are on parallel paths.

3. An ''array stack'' is fabricated by stacking, or otherwise assembling, ''arrays'' so that the centers of the emitted light beams are on parallel paths.

d.2. Carbon monoxide (CO) ''lasers'' having any of the following:

d.2.a. An output energy exceeding 2 J per pulse and a ''peak power'' exceeding 5 kW; or

d.2.b. An average or CW output power exceeding 5 kW;

d.3. Carbon dioxide (CO_2) ''lasers'' having any of the following:

d.3.a. A CW output power exceeding 15 kW;

d.3.b. A pulsed output having a ''pulse duration'' exceeding 10 μs and having any of the following:

d.3.b.1. An ''average output power'' exceeding 10 kW; or

d.3.b.2. A ''peak power'' exceeding 100 kW; or

d.3.c. A pulsed output having a ''pulse duration'' equal to or less than 10 μs and having any of the following:

d.3.c.1. A pulse energy exceeding 5 J per pulse; or

d.3.c.2. An ''average output power'' exceeding 2.5 kW;

d.4. Excimer ''lasers'', having any of the following:

d.4.a. An output wavelength not exceeding 150 nm and having any of the following:

d.4.a.1. An output energy exceeding 50 mJ per pulse; or

d.4.a.2. An ''average output power'' exceeding 1 W;

d.4.b. An output wavelength exceeding 150 nm but not exceeding 190 nm and having any of the following:

d.4.b.1. An output energy exceeding 1.5 J per pulse; or

d.4.b.2. An ''average output power'' exceeding 120 W;

d.4.c. An output wavelength exceeding 190 nm but not exceeding 360 nm and having any of the following:

d.4.c.1. An output energy exceeding 10 J per pulse; or

d.4.c.2. An ''average output power'' exceeding 500 W; or

d.4.d. An output wavelength exceeding 360 nm and having any of the following:

d.4.d.1. An output energy exceeding 1.5 J per pulse; or

d.4.d.2. An ''average output power'' exceeding 30 W;

Note: For excimer ''lasers'' specially designed for lithography equipment, see 3B001.

d.5. ''Chemical lasers'', as follows:

d.5.a. Hydrogen Fluoride (HF) ''lasers'';

d.5.b. Deuterium Fluoride (DF) ''lasers'';

d.5.c. ''Transfer lasers'', as follows:

d.5.c.1. Oxygen Iodine (O_2–I) ''lasers'';

d.5.c.2. Deuterium Fluoride-Carbon dioxide (DF–CO_2) ''lasers'';

d.6. ''Non-repetitive pulsed'' Neodymium (Nd) glass ''lasers'', having any of the following:

d.6.a. A ''pulse duration'' not exceeding 1 μs and an output energy exceeding 50 J per pulse; or

d.6.b. A ''pulse duration'' exceeding 1 μs and an output energy exceeding 100 J per pulse;

Note: ''Non-repetitive pulsed'' refers to ''lasers'' that produce either a single output pulse or that have a time interval between pulses exceeding one minute.

e. Components, as follows:

e.1. Mirrors cooled either by active cooling or by heat pipe cooling;

Technical Note: Active cooling is a cooling technique for optical components using flowing fluids within the subsurface (nominally less than 1 mm below the optical surface) of the optical component to remove heat from the optic.

e.2. Optical mirrors or transmissive or partially transmissive optical or electro-optical components specially designed for use with controlled ''lasers'';

f. Optical equipment, as follows:

N.B.: For shared aperture optical elements, capable of operating in ''Super-High Power Laser'' (''SHPL'') applications, see the U.S. Munitions List (22 CFR part 121).

f.1. Dynamic wavefront (phase) measuring equipment capable of mapping at least 50 positions on a beam wavefront having any the following:

f.1.a. Frame rates equal to or more than 100 Hz and phase discrimination of at least 5% of the beam's wavelength; or

f.1.b. Frame rates equal to or more than 1,000 Hz and phase discrimination of at least 20% of the beam's wavelength;

f.2. ''Laser'' diagnostic equipment capable of measuring ''SHPL'' system angular beam steering errors of equal to or less than 10 μrad;

f.3. Optical equipment and components specially designed for a phased-array ''SHPL'' system for coherent beam combination to an accuracy of lambda/10 at the designed wavelength, or 0.1 μm, whichever is the smaller;

f.4. Projection telescopes specially designed for use with ''SHPL'' systems.

■ 40. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A006 is amended by adding quotes around the term ''Compensation systems'' as it appears in the Heading and in paragraph d in the Items paragraph of the List of Items Controlled section.

■ 41. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A008 is amended by adding a note to the beginning of the Items paragraph of the List of Items Controlled section, and revising paragraph a in the Items paragraph of the List of Items Controlled section, to read as follows:

6A008 Radar systems, equipment and assemblies having any of the following characteristics (see List of Items Controlled), and specially designed components therefor.

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List of Items Controlled

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Items:

Note: 6A008 does not control:

a. Secondary surveillance radar (SSR);

b. Civil Automotive Radar;

c. Displays or monitors used for air traffic control (ATC) having no more than 12 resolvable elements per mm;

d. Meteorological (weather) radar.

a. Operating at frequencies from 40 GHz to 230 GHz and having any of the following:

a.1. An ''average output power'' exceeding 100 mW; or

a.2. Locating accuracy of 1 m or less (better) in range and 0.2 degree or less (better) in azimuth;

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■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A205 is amended by:

■ a. Revising the heading;

■ b. Revising the Units paragraph in the List of Items Controlled section, as set forth below;
■ c. Revising the ''Related Controls'' paragraph of the List of Items Controlled section; as set forth below and
■ d. Revising the Items paragraph of the List of Items Controlled section, to read as follows:

6A205 ''Lasers'', ''laser'' amplifiers and oscillators, other than those controlled by 0B001.g.5, 0B001.h.6, or 6A005, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: Equipment in number

Related Controls: (1) See ECCNs 6E001 (''development''), 6E002 (''production''), and 6E201 (''use'') for technology for items controlled under this entry. (2) Also see ECCNs 6A005 and 6A995. (3) See ECCN 6A005.a.2 for additional controls on argon ion lasers; See ECCN 6A005.b.6.b for additional controls on neodymium-doped lasers. (4) ''Lasers'' specially designed or prepared for use in isotope separation are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

Related Definitions: * * *

Items:

a. Argon ion ''lasers'' having both of the following characteristics:

a.1. Operating at wavelengths between 400 nm and 515 nm; and

a.2. An average output power greater than 40 W;

b. Tunable pulsed single-mode dye laser oscillators having all of the following characteristics:

b.1. Operating at wavelengths between 600 nm and 800 nm;

b.2. Having an average output greater than 1 W;

b.3 A repetition rate greater than 1 kHz; and

b.4. Pulse width less than 100 ns;

c. [RESERVED]

d. Pulsed carbon dioxide ''lasers'' having all of the following characteristics:

d.1. Operating at wavelengths between 9,000 nm and 11,000 nm;

d.2. A repetition rate greater than 250 Hz;

d.3. An average output power greater than 500 W; and

d.4. Pulse width of less than 200 ns;

e. Para-hydrogen Raman shifters designed to operate at 16 micrometer output wavelength and at a repetition rate greater than 250 Hz.;

f. Neodymium-doped (other than glass) lasers with an output wavelength between 1000 and 1100 nm having either of the following:

f.1. Pulse-excited and Q-switched with a pulse duration equal to or greater than 1 ns, and having either of the following:

f.1.a. A single-transverse mode output with an average output power greater than 40 W; or

f.1.b. A multiple-transverse mode output with an average output power greater than 50 W; or

f.2. Incorporating frequency doubling to give an output wavelength between 500 and 550 nm with an average output power of greater than 40 W.

■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6A995 is amended by:
■ a. Revising the ''heading'' and paragraph c;
■ b. Redesignating paragraphs d and g from the items paragraph of the List of Items Controlled section; and
■ c. Adding three new paragraphs d, e, and f to the Items paragraph of the List of Items Controlled section, to read as follows:

6A995 ''Lasers'', not controlled by 0B001.g.5, 0B001.h.6, 6A005 or 6A205.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. Ruby ''lasers'' having an output energy exceeding 20 J per pulse;

d. Non-''tunable'' ''pulsed lasers'' having an output wavelength exceeding 975 nm but not exceeding 1,150 nm and having any of the following:

d.1. A ''pulse duration'' equal to or exceeding 1 ns but not exceeding 1 μs, and having any of the following:

d.1.a. A single transverse mode output and having any of the following:

d.1.a. A 'wall-plug efficiency' exceeding 12% and an ''average output power'' exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or

d.1.a.2.1. An ''average output power'' exceeding 20 W; or

d.1.b. A multiple transverse mode output and having any of the following:

d.1.b.1. A 'wall-plug efficiency' exceeding 18% and an ''average output power'' exceeding 30 W;

d.1.b.2. A ''peak power'' exceeding 200 MW; or

d.1.b.3. An ''average output power'' exceeding 50 W; or

d.2. A ''pulse duration'' exceeding 1 μs and having any of the following:

d.2.a. A single transverse mode output and having any of the following:

d.2.a.1. A 'wall-plug efficiency' exceeding 12% and an ''average output power'' exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or

d.2.a.2. An ''average output power'' exceeding 20 W; or

d.2.b. A multiple transverse mode output and having any of the following:

d.2.b.1. A 'wall-plug efficiency' exceeding 18% and an ''average output power'' exceeding 30 W; or

d.2.b.2. An ''average output power'' exceeding 500 W;

e. Non-''tunable'' continuous wave ''(CW) lasers'', having an output wavelength exceeding 975 nm but not exceeding 1,150 nm and having any of the following:

e.1. A single transverse mode output and having any of the following:

e.1.a. A 'wall-plug efficiency' exceeding 12% and an ''average output power'' exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or

e.1.b. An ''average output power'' exceeding 500 W; or

e.2. A multiple transverse mode output and having any of the following:

e.2.a. A 'wall-plug efficiency' exceeding 18% and an ''average output power'' exceeding 30 W; or

e.2.b. An ''average output power'' exceeding 500 W;

Note: 6A995.e.1.b does not control multiple transverse mode, industrial ''lasers'' with output power less than o equal to 2kW with a total mass greater than 1,200kg. For the purpose of this note, total mass includes all components required to operate the ''laser'', e.g., ''laser'', power supply, heat exchanger, but excludes external optics for beam conditioning and/or delivery.

f. Non-''tunable'' ''lasers'', having a wavelength exceeding 1,400 nm, but not exceeding 1555 nm and having any of the following:

f.1. An output energy exceeding 100 mJ per pulse and a pulsed ''peak power'' exceeding 1 W; or

f.2. An average or CW output power exceeding 1 W.

* * * * *

■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6D003 is amended by adding quotes around the term ''compensation systems'' in the in paragraph f.1 in the Items paragraph of the List of Items Controlled section.

■ 45. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6E201 is amended by revising the heading to read as follows:

6E201 ''Technology'', not controlled by 6E001 or 6E002, according to the General Technology Note for the ''use'' of equipment controlled by 6A003.a.2. 6A003.a.3, 6A003.a.4; 6A005.a.2, 6A005.a.4, 6A005.b.2.b, 6A005.b.3.a, 6A005.b.4.b, 6A005.b.6.b, 6A005.c.1.b, 6A005.c.2.b, 6A005.d.3.c, or 6A005.d.4.c (as described in the license requirement note to 6A005); 6A202, 6A203, 6A205, 6A225 or 6A226.

* * * * *

■ 46. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7A001 is amended by revising the heading, and the License Requirements and List of Items Controlled sections, to read as follows:

7A001 Accelerometers as follows (see List of Items Controlled), and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to commodities that meet or exceed the parameters of 7A101	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

Unit: $ value

Related Controls: See also 7A101 and 7A994. For angular or rotational accelerometers, see 7A001.b. MT controls do not apply to accelerometers that are specially designed and developed as Measurement While Drilling (MWD) sensors for use in downhole well service applications.

Related Definitions: N/A

Items:

a. Linear accelerometers having any of the following:

a.1. Specified to function at linear acceleration levels less than or equal to 15 g, and having any of the following:

a.1.a. A ''bias'' ''stability'' of less (better) than 130 micro g with respect to a fixed calibration value over a period of one year; or

a.1.b. A ''scale factor'' ''stability'' of less (better) than 130 ppm with respect to a fixed calibration value over a period of one year;

a.2. Specified to function at linear acceleration levels exceeding 15 g, and having all of the following:

a.2.a. A ''bias'' ''repeatability'' of less (better) than 5,000 micro g over a period of one year; and

a.2.b. A ''scale factor'' ''repeatability'' of less (better) than 2,500 ppm over a period of one year; or

a.3. Designed for use in inertial navigation or guidance systems and specified to function at linear acceleration levels exceeding 100 g.

b. Angular or rotational accelerometers specified to function at linear acceleration levels exceeding 100 g.

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7A002 is amended by revising the heading and the License Requirements and List of Items Controlled sections to read as follows:

7A002 Gyros or angular rate sensors, having any of the following characteristics (see List of Items Controlled), and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to commodities that meet or exceed the parameters of 7A102	MT Column 1.
AT applies to entire entry	AT Column 1.

License Requirement Note: For the purpose of MT controls only, the term 'stability' is defined as a measure of the ability of a specific mechanism or performance coefficient to remain invariant when continuously exposed to a fixed operating condition. (This definition does not refer to dynamic or servo stability.) (IEEE STD 528–2001 paragraph 2.247)

* * * * *

List of Items Controlled

Unit: $ value

Related Controls: See also 7A102 and 7A994. For angular or rotational accelerometers, see 7A001.b.

Related Definitions: N/A

Items:

a. A ''drift rate'' ''stability'', when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value, of less (better) than 0.5 degree per hour when specified to function at linear acceleration levels up to and including 100 g;

b. An ''angle random walk'' of less (better) than or equal to 0.0035 degree per square root hour; or

Note: 7A002.b does not control spinning mass gyros (spinning mass gyros are gyros which use a continually rotating mass to sense angular motion).

c. A rate range greater than or equal to 500 degrees per second and having any of the following:

c.1. A ''drift rate'' ''stability'', when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value of less (better) than 40 degrees per hour; or

c.2 An ''angle random walk'' of less (better) than or equal to 0.2 degree per square root hour; or

d. Specified to function at linear acceleration levels exceeding 100 g.

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7A003 is amended by:

■ a. Revising the License Requirements section, as set forth below;

■ b. Adding paragraph (d) in the Items paragraph of the List of Items Controlled section, as set forth below; and

■ c. Revising Note 2 in the Items paragraph of the List of Items Controlled section, to read as follows:

7A003 Inertial Systems and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to commodities that meet or exceed the parameters of 7A103	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. Inertial measurement equipment including Inertial Measurement Units (IMU) and Inertial Reference Systems (IRS), incorporating accelerometers or gyros controlled by 7A001 or 7A002, and specially designed components therefor.

Note 1: * * *

Note 2: 7A003 does not control inertial navigation systems that are certified for use on ''civil aircraft'' by civil authorities of a Wassenaar Arrangement Participating State, see Supplement No. 1 to Part 743 for a list of these countries.

* * * * *

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics is amended by adding Export Control Classification Number (ECCN) 7A008 to read as follows:

7A008 Underwater sonar navigation systems, using Doppler velocity or correlation velocity logs integrated with a heading source, having a positioning accuracy of equal to or less (better) than 3% of distance traveled Circular Error Probable (CEP), and specially designed components therefore.

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
AT applies to entire entry	AT Column 1.

License Exceptions

CIV: N/A
TSR: N/A

List of Items Controlled

Unit: $ value
Related Controls: 7A008 does not control systems specially designed for installation on surface vessels or systems requiring acoustic beacons or buoys to provide positioning data. See 6A001.a for acoustic systems, and 6A001.b for correlation-velocity sonar log equipment. See 8A002 for other marine systems.
Related Definitions: N/A
Items:
The list of items controlled is contained in the ECCN heading.

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7A101 is amended by revising the Heading and the Items paragraph of the List of Items Controlled section, to read as follows:

7A101 Accelerometers, other than those controlled by 7A001 (see List of Items Controlled), and specially designed components therefore.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:
a. Linear accelerometers designed for use in inertial navigation systems or in guidance systems of all types, usable in ''missiles'' having all of the following characteristics, and specially designed components therefore:
1. 'Scale factor' ''repeatability'' less (better) than 1250 ppm; and
2. 'Bias' ''repeatability'' less (better) than 1250 micro g.

Note: The measurement of 'bias' and 'scale factor' refers to one sigma standard deviation with respect to a fixed calibration over a period of one year.

b. Continuous output accelerometers of any type, specified to function at acceleration levels greater than 100 g, and specially designed components therefor.

■ 51. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7B003 is amended by revising the Related Controls paragraph in the List of Items Controlled section, to read as follows:

7B003 Equipment specially designed for the ''production'' of equipment controlled by 7A (except 7A994).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) See also 7B103, (this entry is subject to the licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121)) and 7B994. (2) This entry includes: Inertial Measurement Unit (IMU module) tester; IMU platform tester; IMU stable element handling fixture; IMU platform balance fixture; gyro tuning test station; gyro dynamic balance station; gyro run-in/motor test station; gyro evacuation and fill station; centrifuge fixtures for gyro bearings; accelerometer axis align stations; accelerometer test station; and fiber optic gyro coil winding machines.
Related Definitions: * * *
Items: * * *

■ 52. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7D001 is amended by revising the License Requirements section, to read as follows:

7D001 ''Software'' specially designed or modified for the ''development'' or ''production'' of equipment controlled by 7A (except 7A994) or 7B (except 7B994).

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	Country chart
NS applies to ''software'' for equipment controlled by 7A001 to 7A004, 7A006, 7A008, 7B001, 7B002 or 7B003	NS Column 1.
MT applies to entire entry except 7A008	MT Column 1.
RS applies to ''software'' for inertial navigation systems inertial equipment, and specially designed components therefor, for ''civil aircraft''.	RS Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

■ 53. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7D003 is amended by revising the License Requirements section, and revising paragraphs a and b in the Items paragraph of the List of Items Controlled section, to read as follows:

7D003 Other ''software'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to entire entry, except software for 7A008	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

* * * * *

Items:

a. ''Software'' specially designed or modified to improve the operational performance or reduce the navigational error of systems to the levels controlled by 7A003, 7A004 or 7A008;

b. ''Source code'' for hybrid integrated systems that improves the operational performance or reduces the navigational error of systems to the level controlled by 7A003 or 7A008 by continuously combining heading data with any of the following:

b.1. Doppler radar or sonar velocity data;

b.2. Global navigation satellite systems (*i.e.*, GPS or GLONASS) reference data; or

b.3. Data from 'Data-Based Referenced Navigation' ('DBRN'') systems;

* * * * *

■ 54. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7E001 is amended by revising the License Requirements section, to read as follows:

7E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 7A (except 7A994), 7B (except 7B994) or 7D (except 7D994).

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	Country chart
NS applies to ''technology'' for items controlled by 7A001 to 7A004, 7A006, 7A008, 7B001 to 7B003, 7D001 to 7D003	NS Column 1.
MT applies to entire entry except 7A008	MT Column 1.
RS applies to ''technology'' for inertial navigation systems, inertial equipment and specially designed components therefor, for civil aircraft.	RS Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

■ 55. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7E002 is amended by revising the License Requirements section, to read as follows:

7E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 7A (except 7A994) or 7B (except 7B994).

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	Country chart
NS applies to ''technology'' for equipment controlled by 7A001 to 7A004, 7A006, 7A008 or 7B001 to 7B003	NS Column 1.
MT applies to entire entry, except 7A008	MT Column 1.
RS applies to ''technology'' for inertial navigation systems, inertial equipment and specially designed components therefor, for civil aircraft.	RS Column 1.
AT applies to entire entry	AT Column 1.

■ 56. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, Export Control Classification Number (ECCN) 7E004 is amended by revising the License Requirements section, and adding a new paragraph adding a.7 in the Items paragraph of the List of Items Controlled sections, to read as follows:

7E004 Other ''technology'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to entire entry, except 7E004.a.7	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

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Items:

a. * * *

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a.7. ''DBRN'' systems designed to navigate underwater using sonar or gravity databases that provide a positioning accuracy equal to or less (better) than 0.4 nautical miles.

* * * * *

■ 57. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8 Marine, Export Control Classification Number (ECCN) 8A002 is amended by:

■ a. Revising the ''heading'', as set forth below;

■ b. Revising the ''unit'' paragraph of the List of Items Controlled section, as set forth below; and

■ c. Revising paragraph a in the Items paragraph of the List of Items Controlled section, to read as follows:

8A002 Systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: Systems and equipment in number, components in $ value

Related Controls: * * *

Related Definitions: * * *

Items:

a. Systems, equipment and components, specially designed or modified for submersible vehicles, designed to operate at depths exceeding 1,000 m, as follows:

a.1. Pressure housings or pressure hulls with a maximum inside chamber diameter exceeding 1.5 m;

a.2. Direct current propulsion motors or thrusters;

a.3. Umbilical cables, and connectors therefor, using optical fiber and having synthetic strength members;

a.4. Components manufactured from material specified in ECCN 8C001.

Technical Note: The object of this control should not be defeated by the export of syntactic foam controlled by 8C001 when an intermediate stage of manufacture has been performed and it is not yet in its final component form.

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■ 58. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8 Marine, Export Control Classification Number (ECCN) 8C001 is amended by revising the 'Related Controls' paragraph in the List of Items Controlled section, to read as follows:

8C001 Syntactic foam designed for underwater use, having all of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: See also 8A002.a.4.

Related Definition: * * *

Items: * * *

■ 59. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9 Propulsion Systems, Space Vehicles and Related Equipment is amended by revising the title of Category 9, to read as follows:

Category 9—Aerospace and Propulsion

* * * * *

■ 60. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9 Aerospace and Propulsion, Export Control Classification Number 9D004 is amended by revising the License Requirements section, and adding two new paragraphs f and g to the Items paragraph of the List of Items Controlled section, to read as follows:

9D004 Other ''software'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to entire entry, except 9D004.g and .f	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

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Items:

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f. ''Software'' specially designed to design the internal cooling passages of aero gas turbine engine blades, vanes and tip shrouds;

g. ''Software'' having all of the following characteristics:

g.1. Being specially designed to predict aero thermal, aeromechanical and combustion conditions in aero gas turbine engines; and

g.2. Having theoretical modeling predictions of the aero thermal, aeromechanical and combustion conditions which have been validated with actual turbine engine (experimental or production) performance data.

* * * * *

■ 61. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9 Aerospace and Propulsion, Export Control Classification Number 9E001 is amended by revising the Heading and the License Requirements section, to read as follows:

9E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 9A001.b, 9A004 to 9A012, 9B (except 9B990 or 9B991), or 9D (except 9D990 or 9D991).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to ''technology'' for items controlled by 9A001.b., 9A012, 9B001 to 9B010, 9D001 to 9D004 for NS reasons	NS Column 1.
MT applies to ''technology'' for items controlled by 9B001, 9B002, 9B003, 9B004, 9B005, 9B007, 9B105, 9B106, 9B116, 9B117, 9D001, 9D002, 9D003, and 9D004 for MT reasons.	MT Column 1.
AT applies to entire entry	AT Column 1.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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■ 62. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9 Aerospace and Propulsion, Export Control Classification Number 9E002 is amended by revising the Heading, to read as follows:

9E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 9A001.b, 9A004 to 9A011 or 9B (except 9B990 or 9B991).

* * * * *

■ 63. Supplement No. 3 to Part 774 (the Commerce Control List) is amended to add a new Statement of Understanding after the existing Statement of Understanding—Medical equipment, to read as follows:

Supplement No. 3 to Part 774—Statements of Understanding

* * * * *

Statement of Understanding—Source Code

For the purpose of national security controlled items, ''source code'' items are controlled either by ''software'' or by ''software'' and ''technology'' controls, except when such ''source code'' items are explicitly decontrolled.

Dated: October 23, 2007.

Christopher A. Padilla,

Assistant Secretary for Export Administration.

[FR Doc. E7–21247 Filed 11–2–07; 8:45 am]

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Federal Register

Monday,
November 5, 2007

Part III

The President

Proclamation 8200—National Alzheimer's Disease Awareness Month, 2007

Proclamation 8201—National Diabetes Month, 2007

Federal Register
Vol. 72, No. 213
Monday, November 5, 2007

Presidential Documents

Title 3—

The President

Proclamation 8200 of October 31, 2007

National Alzheimer's Disease Awareness Month, 2007

By the President of the United States of America

A Proclamation

National Alzheimer's Disease Awareness Month is an opportunity to honor and support those living with Alzheimer's disease. During this month, we also seek to express our gratitude to the family members and caretakers who love and comfort those afflicted, and we renew our commitment to finding a cure to this devastating disease.

The greatest risk factor for Alzheimer's disease is age. Scientists are studying how other factors such as family history, nutrition, environment, and education, also affect an individual's risk for Alzheimer's disease. The National Institutes of Health and the Department of Veterans Affairs continue to conduct research to better prevent, detect, and treat Alzheimer's disease and provide information and support to caretakers and families.

During National Alzheimer's Disease Awareness Month, we recognize the millions of Americans affected by this tragic disease and honor those who have lost their lives to Alzheimer's. Americans are grateful for the resolve and dedication of medical professionals, scientific researchers, family members, and caregivers who give their time and talents and help provide hope to many.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 2007 as National Alzheimer's Disease Awareness Month. I call upon the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

[FR Doc. 07–5547
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Presidential Documents

Proclamation 8201 of October 31, 2007

National Diabetes Month, 2007

By the President of the United States of America

A Proclamation

Diabetes is a debilitating disease that affects millions of Americans of all ages and all walks of life. National Diabetes Month is an opportunity to raise awareness about risk factors, prevention, and treatment of this serious disease.

Diabetes is a chronic illness that leaves the body unable to produce or properly use insulin to maintain healthy blood glucose levels. The two most common forms of the disease that affect our citizens are Type 1 and Type 2 diabetes. Type 1 diabetes, once known as juvenile diabetes, is usually diagnosed in children and young adults who are unable to produce insulin and require daily medication. Type 2 diabetes, the most common form of the disease, is often attributed to lifestyle risk factors and can be controlled by a modified diet, regular physical activity, and medication. Americans can take steps to control the disease and lower the risk of complications such as heart disease, stroke, and kidney disease by maintaining healthy eating and exercise habits, and consulting with a doctor about diabetes testing.

My Administration is committed to providing better care for people living with diabetes and furthering efforts to find a cure. We have supported research initiatives and education programs that encourage healthy living, and we have also modified Medicare coverage to include diabetes screenings. This year, the National Institutes of Health estimates that more than $1 billion will be spent on diabetes research. By working together, we can help identify problems early, manage them before they grow worse, and help ensure more Americans live longer, healthier lives.

Throughout National Diabetes Month, we recognize the medical professionals, scientists, researchers, and all those whose efforts have made a positive difference in the fight against diabetes. By raising public awareness, we can help combat the effects of diabetes in our society and bring hope to children and families living with this disease.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 2007 as National Diabetes Month. I call upon all Americans to learn more about the risk factors and symptoms associated with diabetes and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

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Federal Register

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Monday, November 5, 2007

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28 Parts:			
0–42	(869–062–00103–7)	61.00	July 1, 2007
43–End	(869–062–00104–5)	60.00	July 1, 2007
29 Parts:			
0–99	(869–062–00105–3)	50.00	[9] July 1, 2007
100–499	(869–062–00106–1)	23.00	July 1, 2007
500–899	(869–062–00107–0)	61.00	[9] July 1, 2007
900–1899	(869–062–00108–8)	36.00	July 1, 2007
1900–1910 (§§ 1900 to 1910.999)	(869–062–00109–6)	61.00	July 1, 2007
1910 (§§ 1910.1000 to end)	(869–062–00110–0)	46.00	July 1, 2007
1911–1925	(869–062–00111–8)	30.00	July 1, 2007
1926	(869–062–00112–6)	50.00	July 1, 2007
1927–End	(869–062–00113–4)	62.00	July 1, 2007
30 Parts:			
1–199	(869–062–00114–2)	57.00	July 1, 2007
200–699	(869–062–00115–1)	50.00	July 1, 2007
700–End	(869–062–00116–9)	58.00	July 1, 2007
31 Parts:			
0–199	(869–062–00117–7)	41.00	July 1, 2007
200–499	(869–062–00118–5)	46.00	July 1, 2007
500–End	(869–060–00118–2)	62.00	July 1, 2006
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–062–00120–7)	61.00	July 1, 2007
191–399	(869–060–00120–4)	63.00	July 1, 2006
400–629	(869–060–00121–2)	50.00	July 1, 2006
630–699	(869–062–00123–1)	37.00	July 1, 2007
700–799	(869–062–00124–0)	46.00	July 1, 2007
800–End	(869–062–00125–8)	47.00	July 1, 2007
33 Parts:			
1–124	(869–060–00125–5)	57.00	July 1, 2006
125–199	(869–060–00126–3)	61.00	July 1, 2006
200–End	(869–062–00128–2)	57.00	July 1, 2007
34 Parts:			
1–299	(869–062–00129–1)	50.00	July 1, 2007
300–399	(869–062–00130–4)	40.00	July 1, 2007
400–End & 35	(869–060–00130–1)	61.00	[8] July 1, 2006
36 Parts:			
1–199	(869–062–00132–1)	37.00	July 1, 2007
200–299	(869–062–00133–9)	37.00	July 1, 2007
300–End	(869–060–00133–6)	61.00	July 1, 2006
37	(869–062–00135–5)	58.00	July 1, 2007
38 Parts:			
0–17	(869–062–00136–3)	60.00	July 1, 2007
18–End	(869–060–00136–1)	62.00	July 1, 2006
39	(869–062–00138–0)	42.00	July 1, 2007
40 Parts:			
1–49	(869–060–00138–7)	60.00	July 1, 2006
50–51	(869–062–00140–1)	45.00	July 1, 2007
52 (52.01–52.1018)	(869–062–00141–0)	60.00	July 1, 2007
52 (52.1019–End)	(869–062–00142–8)	64.00	July 1, 2007
53–59	(869–060–00142–5)	31.00	July 1, 2006
60 (60.1–End)	(869–062–00144–4)	58.00	July 1, 2007
60 (Apps)	(869–062–00145–2)	57.00	July 1, 2007
61–62	(869–062–00146–1)	45.00	July 1, 2007
63 (63.1–63.599)	(869–060–00146–8)	58.00	July 1, 2006
63 (63.600–63.1199)	(869–060–00147–6)	50.00	July 1, 2006
63 (63.1200–63.1439)	(869–060–00148–4)	50.00	July 1, 2006
63 (63.1440–63.6175)	(869–060–00149–2)	32.00	July 1, 2006
63 (63.6580–63.8830)	(869–060–00150–6)	32.00	July 1, 2006
63 (63.8980–End)	(869–060–00151–4)	35.00	July 1, 2006
64–71	(869–062–00153–3)	29.00	July 1, 2007
72–80	(869–060–00153–1)	62.00	July 1, 2006
81–84	(869–062–00155–0)	50.00	July 1, 2007
85–86 (85–86.599–99)	(869–062–00156–8)	61.00	July 1, 2007
86 (86.600–1–End)	(869–060–00156–5)	50.00	July 1, 2006
87–99	(869–060–00157–3)	60.00	July 1, 2006
100–135	(869–062–00159–2)	45.00	July 1, 2007
136–149	(869–060–00159–0)	61.00	July 1, 2006
150–189	(869–060–00160–3)	50.00	July 1, 2006
190–259	(869–062–00162–2)	39.00	[9] July 1, 2007
260–265	(869–060–00162–0)	50.00	July 1, 2006
266–299	(869–060–00163–8)	50.00	July 1, 2006
300–399	(869–060–00164–6)	42.00	July 1, 2006
400–424	(869–062–00166–5)	56.00	[9] July 1, 2007
425–699	(869–060–00166–2)	61.00	July 1, 2006
700–789	(869–062–00168–1)	61.00	July 1, 2007
790–End	(869–060–00168–9)	61.00	July 1, 2006
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–060–00169–7)	24.00	July 1, 2006
101	(869–062–00171–1)	21.00	July 1, 2007
102–200	(869–062–00172–0)	56.00	July 1, 2007
201–End	(869–060–00172–7)	24.00	July 1, 2006
42 Parts:			
1–399	(869–060–00173–5)	61.00	Oct. 1, 2006
400–413	(869–060–00174–3)	32.00	Oct. 1, 2006
414–429	(869–060–00175–1)	32.00	Oct. 1, 2006
430–End	(869–060–00176–0)	64.00	Oct. 1, 2006
43 Parts:			
1–999	(869–060–00177–8)	56.00	Oct. 1, 2006
1000–end	(869–060–00178–6)	62.00	Oct. 1, 2006
44	(869–060–00179–4)	50.00	Oct. 1, 2006
45 Parts:			
1–199	(869–060–00180–8)	60.00	Oct. 1, 2006
200–499	(869–060–00181–6)	34.00	Oct. 1, 2006
500–1199	(869–060–00182–4)	56.00	Oct. 1, 2006
1200–End	(869–060–00183–2)	61.00	Oct. 1, 2006
46 Parts:			
1–40	(869–060–00184–1)	46.00	Oct. 1, 2006
41–69	(869–060–00185–9)	39.00	Oct. 1, 2006
70–89	(869–060–00186–7)	14.00	Oct. 1, 2006
90–139	(869–060–00187–5)	44.00	Oct. 1, 2006
140–155	(869–060–00188–3)	25.00	Oct. 1, 2006
156–165	(869–060–00189–1)	34.00	Oct. 1, 2006
166–199	(869–060–00190–5)	46.00	Oct. 1, 2006
200–499	(869–060–00191–3)	40.00	Oct. 1, 2006
500–End	(869–060–00192–1)	25.00	Oct. 1, 2006
47 Parts:			
0–19	(869–060–00193–0)	61.00	Oct. 1, 2006
20–39	(869–060–00194–8)	46.00	Oct. 1, 2006
40–69	(869–060–00195–6)	40.00	Oct. 1, 2006
70–79	(869–060–00196–4)	61.00	Oct. 1, 2006
80–End	(869–060–00197–2)	61.00	Oct. 1, 2006
48 Chapters:			
1 (Parts 1–51)	(869–060–00198–1)	63.00	Oct. 1, 2006
1 (Parts 52–99)	(869–060–00199–9)	49.00	Oct. 1, 2006
2 (Parts 201–299)	(869–060–00200–6)	50.00	Oct. 1, 2006
3–6	(869–060–00201–4)	34.00	Oct. 1, 2006

Title	Stock Number	Price	Revision Date
7–14	(869–060–00202–2)	56.00	Oct. 1, 2006
15–28	(869–060–00203–1)	47.00	Oct. 1, 2006
29–End	(869–060–00204–9)	47.00	Oct. 1, 2006
49 Parts:			
1–99	(869–060–00205–7)	60.00	Oct. 1, 2006
100–185	(869–060–00206–5)	63.00	Oct. 1, 2006
186–199	(869–060–00207–3)	23.00	Oct. 1, 2006
200–299	(869–060–00208–1)	32.00	Oct. 1, 2006
300–399	(869–060–00209–0)	32.00	Oct. 1, 2006
400–599	(869–060–00210–3)	64.00	Oct. 1, 2006
600–999	(869–060–00211–1)	19.00	Oct. 1, 2006
1000–1199	(869–060–00212–0)	28.00	Oct. 1, 2006
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50 Parts:			
1–16	(869–060–00214–6)	11.00	[10] Oct. 1, 2006
17.1–17.95(b)	(869–060–00215–4)	32.00	Oct. 1, 2006
17.95(c)–end	(869–060–00216–2)	32.00	Oct. 1, 2006
17.96–17.99(h)	(869–060–00217–1)	61.00	Oct. 1, 2006
17.99(i)–end and 17.100–end	(869–060–00218–9)	47.00	[10] Oct. 1, 2006
18–199	(869–060–00219–7)	50.00	Oct. 1, 2006
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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.

[6] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

[9] No amendments to this volume were promulgated during the period July 1, 2006, through July 1, 2007. The CFR volume issued as of July 1, 2006 should be retained.

[10] No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2006. The CFR volume issued as of October 1, 2005 should be retained.