2–15–08 Friday
Vol. 73 No. 32 Feb. 15, 2008

Pages 8787–8994

Federal Register

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9:00 a.m.–Noon

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Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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

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

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1308]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors (Board) is amending appendix A of Regulation CC to delete the reference to the head office of the Federal Reserve Bank of Kansas City and reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Dallas, and is amending appendix B of Regulation CC to delete the reference to the Kansas City head office.

DATES: The final rule will become effective on April 19, 2008.

FOR FURTHER INFORMATION CONTACT: Jeffrey S.H. Yeganeh, Financial Services Manager (202/728–5801), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Heatherun Sophia Allison, Senior Counsel (202/452–3565), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION:

Background

Regulation CC establishes the maximum period a depositary bank may wait between receiving a deposit and making the deposited funds available for withdrawal.[1] A depositary bank generally must provide faster availability for funds deposited by a ''local check'' than by a ''nonlocal check.'' A check drawn on a bank is considered local if it is payable by or at a bank located in the same Federal Reserve check-processing region as the depositary bank. A check drawn on a nonbank is considered local if it is payable through a bank located in the same Federal Reserve check-processing region as the depositary bank. Checks that do not meet the requirements for ''local'' checks are considered ''nonlocal.''

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check-processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check-processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check-processing region and thus are local to one another. Appendix B to Regulation CC reduces the generally permissible hold times for nonlocal check deposits collected between certain check-processing regions from 5 days to 3 days due to generally faster collection times between these regions.

On April 19, 2008, the Reserve Banks will transfer the check-processing operations of the head office of the Federal Reserve Bank of Kansas City to the head office of the Federal Reserve Bank of Dallas.[2] To assist banks in identifying local and nonlocal checks and making funds availability decisions, the Board is amending the lists of routing symbols in appendix A associated with the Federal Reserve Banks of Kansas City and Dallas to reflect the transfer of check-processing operations from the head office of the Federal Reserve Bank of Kansas City to the head office of the Federal Reserve Bank of Dallas. In addition, because the Kansas City check-processing region will no longer exist, the Board is deleting the appendix B reference to the Kansas City office, and, as a result of this change, there will be no offices listed in that appendix.

To coincide with the effective date of the underlying check-processing changes, the amendments to appendix A and appendix B are effective April 19, 2008. The Board is providing notice of the amendments at this time to give affected banks ample time to make any needed processing changes. Early notice also will enable affected banks to amend their availability schedules and related disclosures if necessary and provide their customers with notice of these changes.[3]

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of the final rule. The revisions to appendix A and appendix B are technical in nature and are required by the statutory and regulatory definitions of ''check-processing region.'' Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check-processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. The technical amendment to appendix A of Regulation CC will delete the reference to the head office of the Federal Reserve Bank of Kansas City and reassign the routing symbols listed under that office to the head office of the Federal Reserve Bank of Dallas. The technical amendment to appendix B of Regulation CC will delete the reference to the Kansas City head office. The depository

[1] For purposes of Regulation CC, the term ''bank'' refers to any depository institution, including commercial banks, savings institutions, and credit unions.

[2] The Reserve Banks announced in May 2006 that the check-processing operations of the head office of the Federal Reserve Bank of Kansas City would be transferred to the head office of the Federal Reserve Bank of St. Louis in the first half of 2008. See *http://www.federalreserve.gov/newsevents/press/other/20060531a.htm.* The Board provided notice earlier this year, however, that the Kansas City check-processing operations instead would be transferred to the head office of the Federal Reserve Bank of Dallas. See 73 FR 1267, January 8, 2008.

[3] Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

institutions that are located in the affected check-processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, all paperwork collection procedures associated with Regulation CC already are in place, and the Board accordingly anticipates that no additional burden will be imposed as a result of this rulemaking.

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Tenth and Eleventh District routing symbol lists in appendix A are revised to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and local checks

* * * * *

Tenth Federal Reserve District

[Federal Reserve Bank of Kansas City]

Denver Branch

0920	2920
0921	2921
0929	2929
1020	3020
1021	3021
1022	3022
1023	3023
1070	3070
1240	3240
1241	3241
1242	3242
1243	3243

Eleventh Federal Reserve District

[Federal Reserve Bank of Dallas]

Head Office

1010	3010
1011	3011
1012	3012
1019	3019
1030	3030
1031	3031
1039	3039
1110	3110
1111	3111
1113	3113
1119	3119
1120	3120
1122	3122
1123	3123
1130	3130
1131	3131
1140	3140
1149	3149
1163	3163

* * * * *

Appendix B to Part 229—[Removed]

■ 3. Remove and reserve Appendix B.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, February 12, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–2869 Filed 2–14–08; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM382; Notice No. 25–369–SC]

Special Conditions: Boeing Model 767 Series Airplanes; Seats with Non-Traditional, Large, Non-Metallic Panels

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are for Boeing Model 767 series airplanes. These airplanes will have a novel or unusual design feature(s) associated with seats that include non-traditional, large, non-metallic panels that would affect survivability during a post-crash fire event. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2195; facsimile (425) 227–1232; electronic mail *alan.sinclair@faa.gov.*

SUPPLEMENTARY INFORMATION:

Change to Special Condition Number 4

The FAA previously notified the public of our intent to issue special conditions for seats with non-traditional, large, non-metallic panels on various airplane makes and models. Notice of Proposed Special Conditions No. 25–06–13–SC, applicable to Boeing Model 737 series airplanes, was published in the **Federal Register** on November 9, 2006 (71 FR 65761). The special conditions were issued on June 29, 2007 (Docket No. NM 359, Special Conditions No. 25–358–SC), published in the **Federal Register** on July 10, 2007 (72 FR 37425), and became effective on August 9, 2007. Both the Notice and the Final Special Conditions contained these words:

> We anticipate that seats with non-traditional, large, non-metallic panels will be installed in other makes and models of airplanes. We have made the determination to require special conditions for all applications requesting the installation of seats with non-traditional, large, non-metallic panels until the airworthiness requirements can be revised to address this issue. Having the same standards across the range of airplane makes and models will ensure a level playing field for the aviation industry.

Special condition number 4 in the 737 special conditions limits the applicability of the special conditions to new seat certification programs *applied* for after the effective date of the special conditions. In these special conditions the FAA changed the applicability to make the special conditions applicable to new seat certification programs that are *approved* after the effective date of the special conditions. This change could affect pending as well as future project applications. The rationale behind this change is that these seat installations affect survivability during a post-crash fire event and should be implemented as soon as possible. Additionally, the public has been previously notified of the FAA's intent to issue similar special conditions on other airplane makes and models.

Background

On August 8, 2005, Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124, applied for a design change to Type Certificate No. A1NM for installation of seats that include non-traditional, large, non-metallic panels in Boeing Model 767 series airplanes. The Boeing Model 767 series airplanes, currently approved under Type Certificate No. A1NM, are swept-wing, conventional tail, twin-engine, turbofan-powered, dual aisle, medium-sized transport category airplanes.

The applicable regulations to airplanes currently approved under Type Certificate No. A1NM do not require seats to meet the more stringent

flammability standards required of large, non-metallic panels in the cabin interior. At the time the applicable rules were written, seats were designed with a metal frame covered by fabric, not with large, non-metallic panels. Seats also met the then recently adopted standards for flammability of seat cushions. With the seat design being mostly fabric and metal, the contribution to a fire in the cabin had been minimized and was not considered a threat. For these reasons, seats did not need to be tested to heat release and smoke emission requirements.

Seat designs have now evolved to occasionally include non-traditional, large, non-metallic panels. Taken in total, the surface area of these panels is on the same order as the sidewall and overhead stowage bin interior panels. To provide the level of passenger protection intended by the airworthiness standards, these non-traditional, large, non-metallic panels in the cabin must meet the standards of Title 14 Code of Federal Regulations (CFR), part 25, Appendix F, parts IV and V, heat release and smoke emission requirements.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 767 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1NM, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in Type Certificate No. A1NM are as follows:

- For Model 767–200 and –300 airplanes—Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–37.
- For Model 767–400ER airplanes—Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–37 with the exception listed: Section 25.853(d)(3), Compartment interiors, at Amendment 25–72.

In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 767 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 767 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The Boeing Model 767 series airplanes will incorporate the following novel or unusual design features: These models offer interior arrangements that include passenger seats that incorporate non-traditional, large, non-metallic panels in lieu of the traditional metal frame covered by fabric. The flammability properties of these panels have been shown to significantly affect the survivability of the cabin in the case of fire. These seats are considered a novel design for transport category airplanes that include Amendment 25–61 and Amendment 25–66 in the certification basis, and were not considered when those airworthiness standards were established.

The existing regulations do not provide adequate or appropriate safety standards for seat designs that incorporate non-traditional, large, non-metallic panels in their designs. In order to provide a level of safety that is equivalent to that afforded to the balance of the cabin, additional airworthiness standards, in the form of special conditions, are necessary. These special conditions supplement § 25.853. The requirements contained in these special conditions consist of applying the identical test conditions required of all other large panels in the cabin, to seats with non-traditional, large, non-metallic panels.

Definition of ''Non-Traditional, Large, Non-Metallic Panel''

A non-traditional, large, non-metallic panel, in this case, is defined as a panel with exposed-surface areas greater than 1.5 square feet installed per seat place. The panel may consist of either a single component or multiple components in a concentrated area. Examples of parts of the seat where these non-traditional panels are installed include, but are not limited to: Seat backs, bottoms and leg/foot rests, kick panels, back shells, credenzas and associated furniture. Examples of traditional exempted parts of the seat include: Arm caps, armrest close-outs such as end bays and armrest-styled center consoles, food trays, video monitors, and shrouds.

Clarification of ''Exposed''

''Exposed'' is considered to include panels that are directly exposed to the passenger cabin in the traditional sense, and panels that are enveloped, such as by a dress cover. Traditional fabrics or leathers currently used on seats are excluded from these special conditions. These materials must still comply with § 25.853(a) and § 25.853(c) if used as a covering for a seat cushion, or § 25.853(a) if installed elsewhere on the seat. Non-traditional, large, non-metallic panels covered with traditional fabrics or leathers will be tested without their coverings or covering attachments.

Discussion

In the early 1980s the FAA conducted extensive research on the effects of post-crash flammability in the passenger cabin. As a result of this research and service experience, we adopted new standards for interior surfaces associated with large surface area parts. Specifically, the rules require measurement of heat release and smoke emission (part 25, Appendix F, parts IV and V) for the affected parts. Heat release has been shown to have a direct correlation with post-crash fire survival time. Materials that comply with the standards (i.e., § 25.853 entitled ''Compartment interiors'' as amended by Amendment 25–61 and Amendment 25–66) extend survival time by approximately 2 minutes over materials that do not comply.

At the time these standards were written the potential application of the requirements of heat release and smoke emission to seats was explored. The seat frame itself was not a concern because it was primarily made of aluminum and there were only small amounts of non-metallic materials. It was determined that the overall effect on survivability was negligible, whether or not the food

trays met the heat release and smoke requirements. The requirements therefore did not address seats. The preambles to both the Notice of Proposed Rule Making (NPRM), Notice No. 85–10 (50 FR 15038, April 16, 1985) and the Final Rule at Amendment 25–61 (51 FR 26206, July 21, 1986), specifically note that seats were excluded ''because the recently-adopted standards for flammability of seat cushions will greatly inhibit involvement of the seats.''

Subsequently, the Final Rule at Amendment 25–83 (60 FR 6615, March 6, 1995) clarified the definition of minimum panel size: ''It is not possible to cite a specific size that will apply in all installations; however, as a general rule, components with exposed-surface areas of one square foot or less may be considered small enough that they do not have to meet the new standards. Components with exposed-surface areas greater than two square feet may be considered large enough that they do have to meet the new standards. Those with exposed-surface areas greater than one square foot, but less than two square feet, must be considered in conjunction with the areas of the cabin in which they are installed before a determination could be made.''

In the late 1990s, the FAA issued Policy Memorandum 97–112–39, *Guidance for Flammability Testing of Seat/Console Installations,* October 17, 1997 (*http://rgl.faa.gov*). That memo was issued when it became clear that seat designs were evolving to include large, non-metallic panels with surface areas that would impact survivability during a cabin fire event, comparable to partitions or galleys. The memo noted that large surface area panels must comply with heat release and smoke emission requirements, even if they were attached to a seat. If the FAA had not issued such policy, seat designs could have been viewed as a loophole to the airworthiness standards that would result in an unacceptable decrease in survivability during a cabin fire event.

In October of 2004, an issue was raised regarding the appropriate flammability standards for passenger seats that incorporated non-traditional, large, non-metallic panels in lieu of the traditional metal covered by fabric. The Seattle Aircraft Certification Office and Transport Standards Staff reviewed this design and determined that it represented the kind and quantity of material that should be required to pass the heat release and smoke emissions requirements. We have determined that special conditions would be promulgated to apply the standards defined in 14 CFR 25.853(d) to seats with large, non-metallic panels in their design.

Discussion of Comments

Notice of proposed special conditions No. 25–07–14–SC, pertaining to Boeing Model 767 series airplanes, was published in the **Federal Register** on October 29, 2007 (72 FR 61079). We only received comments from Boeing.

Change ''Approved'' to ''Applied for'' in Special Condition Number 4

Boeing requested that the word ''approved'' in the following sentence be changed to ''applied for.''

> Only airplanes associated with new seat certification programs approved after the effective date of these special conditions will be affected by the requirements in these special conditions.

Boeing also requested clarification regarding what is meant by ''approved.''

FAA Response: Special condition number 4 was revised from what was issued for the final special conditions applicable to Model 737 airplanes. The Model 737 final special conditions contained the phrase ''applied for.'' That phrase was changed to ''approved'' in these final special conditions to ensure that these special conditions are applicable to as many Model 767 certification projects as possible. The 737 special conditions, in effect, notified Boeing that the flammability issue regarding seats with non-traditional, large, non-metallic panels must be addressed. The FAA discussed this issue with Boeing and stated that all subsequent special conditions related to this matter would be based on the project approval date.

To clarify what we mean by the approval date, the approval date is the date of approval of the affected amended type certificate or supplemental type certificate.

These Special Conditions Are Not Being Applied to Other Airplane Manufacturers

Boeing did not request a specific change in this comment, but did draw attention to the fact that the standards promulgated by these special conditions have not yet achieved a ''level playing field for the aviation industry.'' Boeing stated that it agreed with the FAA's goals to ensure that all parties in the industry are treated fairly, and the new standards are applied uniformly. However, Boeing noted that it is not apparent that those goals have yet been met.

FAA Response: As projects are identified that include seats with large, non-metallic panels, the FAA will issue special conditions for the affected airplane makes and models. We are currently working on several other special condition packages for airplanes produced by other manufacturers. In addition, we are considering rulemaking to revise § 25.853 to address this issue.

These special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 767 series airplanes. It is not our intent, however, to require seats with large, non-metallic panels to meet § 25.853, Appendix F, parts IV and V, if they are installed in cabins of airplanes that otherwise are not required to meet these standards. Because the heat release and smoke testing requirements of § 25.853 per Appendix F, parts IV and V, are not part of the type certification basis of the Model 767, these special conditions are only applicable if the Model 767 series airplanes are in 14 CFR part 121 operations. Section 121.312 requires compliance with the heat release and smoke testing requirements of § 25.853, for certain airplanes, irrespective of the type certification bases of those airplanes. For Model 767 series airplanes, these are the airplanes that would be affected by these special conditions. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 767 series airplanes.

1. Except as provided in paragraph 3 of these special conditions, compliance with Title 14 CFR part 25, Appendix F, parts IV and V, heat release and smoke emission, is required for seats that

incorporate non-traditional, large, non-metallic panels that may either be a single component or multiple components in a concentrated area in their design.

2. The applicant may designate up to and including 1.5 square feet of non-traditional, non-metallic panel material per seat place that does not have to comply with special condition Number 1, above. A triple seat assembly may have a total of 4.5 square feet excluded on any portion of the assembly (e.g., outboard seat place 1 square foot, middle 1 square foot, and inboard 2.5 square feet).

3. Seats do not have to meet the test requirements of Title 14 CFR part 25, Appendix F, parts IV and V, when installed in compartments that are not otherwise required to meet these requirements. Examples include:

a. Airplanes with passenger capacities of 19 or less,

b. Airplanes that do not have § 25.853, Amendment 25–61 or later, in their certification basis and do not need to comply with the requirements of 14 CFR 121.312, and

c. Airplanes exempted from § 25.853, Amendment 25–61 or later.

4. Only airplanes associated with new seat certification programs approved after the effective date of these special conditions will be affected by the requirements in these special conditions. Previously certificated interiors on the existing airplane fleet and follow-on deliveries of airplanes with previously certificated interiors are not affected.

Issued in Renton, Washington, on February 7, 2008.

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–2864 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM381; Notice No. 25–368–SC]

Special Conditions: Boeing Model 747 Series Airplanes; Seats with Non-Traditional, Large, Non-Metallic Panels

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are for Boeing Model 747 series airplanes. These airplanes will have a novel or unusual design feature(s) associated with seats that include non-traditional, large, non-metallic panels that would affect survivability during a post-crash fire event. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2195; facsimile (425) 227–1232; electronic mail *alan.sinclair@faa.gov.*

SUPPLEMENTARY INFORMATION:

Change to Special Condition Number 4

The FAA previously notified the public of our intent to issue special conditions for seats with non-traditional, large, non-metallic panels on various airplane makes and models. Notice of Proposed Special Conditions No. 25–06–13–SC, applicable to Boeing Model 737 series airplanes, was published in the **Federal Register** on November 9, 2006 (71 FR 65761). The special conditions were issued on June 29, 2007 (Docket No. NM 359, Special Conditions No. 25–358–SC), published in the **Federal Register** on July 10, 2007 (72 FR 37425), and became effective on August 9, 2007. Both the Notice and the Final Special Conditions contained these words:

> We anticipate that seats with non-traditional, large, non-metallic panels will be installed in other makes and models of airplanes. We have made the determination to require special conditions for all applications requesting the installation of seats with non-traditional, large, non-metallic panels until the airworthiness requirements can be revised to address this issue. Having the same standards across the range of airplane makes and models will ensure a level playing field for the aviation industry.

Special condition number 4 in the 737 special conditions limits the applicability of the special conditions to new seat certification programs *applied* for after the effective date of the special conditions. In these special conditions the FAA changed the applicability to make the special conditions applicable to new seat certification programs that are *approved* after the effective date of the special conditions. This change could affect pending as well as future project applications. The rationale behind this change is that these seat installations affect survivability during a post-crash fire event and should be implemented as soon as possible. Additionally, the public has been previously notified of the FAA's intent to issue similar special conditions on other airplane makes and models.

Background

On August 8, 2005, Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124, applied for a design change to Type Certificate No. A20WE for installation of seats that include non-traditional, large, non-metallic panels in Boeing Model 747 series airplanes. The Boeing Model 747 series airplanes, currently approved under Type Certificate No. A20WE, are swept-wing, conventional tail, four engine, turbofan-powered, dual aisle, large-sized transport category airplanes.

The applicable regulations to airplanes currently approved under Type Certificate No. A20WE do not require seats to meet the more stringent flammability standards required of large, non-metallic panels in the cabin interior. At the time the applicable rules were written, seats were designed with a metal frame covered by fabric, not with large, non-metallic panels. Seats also met the then recently adopted standards for flammability of seat cushions. With the seat design being mostly fabric and metal, the contribution to a fire in the cabin had been minimized and was not considered a threat. For these reasons, seats did not need to be tested to heat release and smoke emission requirements.

Seat designs have now evolved to occasionally include non-traditional, large, non-metallic panels. Taken in total, the surface area of these panels is on the same order as the sidewall and overhead stowage bin interior panels. To provide the level of passenger protection intended by the airworthiness standards, these non-traditional, large, non-metallic panels in the cabin must meet the standards of Title 14 Code of Federal Regulations (CFR), part 25, Appendix F, parts IV and V, heat release and smoke emission requirements.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 747 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A20WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in

the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in Type Certificate No. A20WE are as follows:

• For Model 747–100, –100B, –100B SUD, –200B, –200C, –300, 747SR and 747SP airplanes—Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–8, Amendment 25–15, Amendment 25–17, Amendment 25–18, Amendment 25–20 and Amendment 25–39.

• For Model 747–400 airplanes—Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–59. For Model 747–400F airplanes, Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–67.

• For Model 747–400D airplanes—Title 14 CFR part 25, as amended by Amendment 25–1 through Amendment 25–70.

In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 747 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 747 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The Boeing Model 747 series airplanes will incorporate the following novel or unusual design features: These models offer interior arrangements that include passenger seats that incorporate non-traditional, large, non-metallic panels in lieu of the traditional metal frame covered by fabric. The flammability properties of these panels have been shown to significantly affect the survivability of the cabin in the case of fire. These seats are considered a novel design for transport category airplanes that include Amendment 25–61 and Amendment 25–66 in the certification basis, and were not considered when those airworthiness standards were established.

The existing regulations do not provide adequate or appropriate safety standards for seat designs that incorporate non-traditional, large, non-metallic panels in their designs. In order to provide a level of safety that is equivalent to that afforded to the balance of the cabin, additional airworthiness standards, in the form of special conditions, are necessary. These special conditions supplement § 25.853. The requirements contained in these special conditions consist of applying the identical test conditions required of all other large panels in the cabin, to seats with non-traditional, large, non-metallic panels.

Definition of ''Non-Traditional, Large, Non-Metallic Panel''

A non-traditional, large, non-metallic panel, in this case, is defined as a panel with exposed-surface areas greater than 1.5 square feet installed per seat place. The panel may consist of either a single component or multiple components in a concentrated area. Examples of parts of the seat where these non-traditional panels are installed include, but are not limited to: Seat backs, bottoms and leg/foot rests, kick panels, back shells, credenzas and associated furniture. Examples of traditional exempted parts of the seat include: Arm caps, armrest close-outs such as end bays and armrest-styled center consoles, food trays, video monitors, and shrouds.

Clarification of ''Exposed''

''Exposed'' is considered to include panels that are directly exposed to the passenger cabin in the traditional sense, and panels that are enveloped, such as by a dress cover. Traditional fabrics or leathers currently used on seats are excluded from these special conditions. These materials must still comply with § 25.853(a) and § 25.853(c) if used as a covering for a seat cushion, or § 25.853(a) if installed elsewhere on the seat. Non-traditional, large, non-metallic panels covered with traditional fabrics or leathers will be tested without their coverings or covering attachments.

Discussion

In the early 1980s the FAA conducted extensive research on the effects of post-crash flammability in the passenger cabin. As a result of this research and service experience, we adopted new standards for interior surfaces associated with large surface area parts. Specifically, the rules require measurement of heat release and smoke emission (part 25, Appendix F, parts IV and V) for the affected parts. Heat release has been shown to have a direct correlation with post-crash fire survival time. Materials that comply with the standards (i.e., § 25.853 entitled ''Compartment interiors'' as amended by Amendment 25–61 and Amendment 25–66) extend survival time by approximately 2 minutes over materials that do not comply.

At the time these standards were written, the potential application of the requirements of heat release and smoke emission to seats was explored. The seat frame itself was not a concern because it was primarily made of aluminum and there were only small amounts of non-metallic materials. It was determined that the overall effect on survivability was negligible, whether or not the food trays met the heat release and smoke requirements. The requirements therefore did not address seats. The preambles to both the Notice of Proposed Rule Making (NPRM), Notice No. 85–10 (50 FR 15038, April 16, 1985) and the Final Rule at Amendment 25–61 (51 FR 26206, July 21, 1986), specifically note that seats were excluded ''because the recently-adopted standards for flammability of seat cushions will greatly inhibit involvement of the seats.''

Subsequently, the Final Rule at Amendment 25–83 (60 FR 6615, March 6, 1995) clarified the definition of minimum panel size: ''It is not possible to cite a specific size that will apply in all installations; however, as a general rule, components with exposed-surface areas of one square foot or less may be considered small enough that they do not have to meet the new standards. Components with exposed-surface areas greater than two square feet may be considered large enough that they do have to meet the new standards. Those with exposed-surface areas greater than one square foot, but less than two square feet, must be considered in conjunction with the areas of the cabin in which they are installed before a determination could be made.''

In the late 1990s, the FAA issued Policy Memorandum 97–112–39, *Guidance for Flammability Testing of Seat/Console Installations,* October 17,

1997 (*http://rgl.faa.gov*). That memo was issued when it became clear that seat designs were evolving to include large, non-metallic panels with surface areas that would impact survivability during a cabin fire event, comparable to partitions or galleys. The memo noted that large surface area panels must comply with heat release and smoke emission requirements, even if they were attached to a seat. If the FAA had not issued such policy, seat designs could have been viewed as a loophole to the airworthiness standards that would result in an unacceptable decrease in survivability during a cabin fire event.

In October of 2004, an issue was raised regarding the appropriate flammability standards for passenger seats that incorporated non-traditional, large, non-metallic panels in lieu of the traditional metal covered by fabric. The Seattle Aircraft Certification Office and Transport Standards Staff reviewed this design and determined that it represented the kind and quantity of material that should be required to pass the heat release and smoke emissions requirements. We have determined that special conditions would be promulgated to apply the standards defined in 14 CFR 25.853(d) to seats with large, non-metallic panels in their design.

Discussion of Comments

Notice of proposed special conditions No. 25–07–13–SC, pertaining to Boeing Model 747 series airplanes, was published in the **Federal Register** on October 29, 2007 (72 FR 61077). We only received comments from Boeing.

Change ''Approved'' to ''Applied for'' in Special Condition Number 4

Boeing requested that the word ''approved'' in the following sentence be changed to ''applied for.''

> Only airplanes associated with new seat certification programs approved after the effective date of these special conditions will be affected by the requirements in these special conditions.

Boeing also requested clarification regarding what is meant by ''approved.''

FAA Response: Special condition number 4 was revised from what was issued for the final special conditions applicable to Model 737 airplanes. The Model 737 final special conditions contained the phrase ''applied for.'' That phrase was changed to ''approved'' in these final special conditions to ensure that these special conditions are applicable to as many Model 747 certification projects as possible. The 737 special conditions, in effect, notified Boeing that the flammability issue regarding seats with non-traditional, large, non-metallic panels must be addressed. The FAA discussed this issue with Boeing and stated that all subsequent special conditions related to this matter would be based on the project approval date.

To clarify what we mean by the approval date, the approval date is the date of approval of the affected amended type certificate or supplemental type certificate.

These Special Conditions Are Not Being Applied to Other Airplane Manufacturers

Boeing did not request a specific change in this comment, but did draw attention to the fact that the standards promulgated by these special conditions have not yet achieved a ''level playing field for the aviation industry.'' Boeing stated that it agreed with the FAA's goals to ensure that all parties in the industry are treated fairly, and the new standards are applied uniformly. However, Boeing noted that it is not apparent that those goals have yet been met.

FAA Response: As projects are identified that include seats with large, non-metallic panels, the FAA will issue special conditions for the affected airplane makes and models. We are currently working on several other special condition packages for airplanes produced by other manufacturers. In addition, we are considering rulemaking to revise § 25.853 to address this issue.

These special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 747 series airplanes. It is not our intent, however, to require seats with large, non-metallic panels to meet § 25.853, Appendix F, parts IV and V, if they are installed in cabins of airplanes that otherwise are not required to meet these standards. Because the heat release and smoke testing requirements of § 25.853, Appendix F, parts IV and V, are not part of the type certification basis of the Model 747, these special conditions are only applicable if the Model 747 series airplanes are in 14 CFR part 121 operations. Section 121.312 requires compliance with the heat release and smoke testing requirements of § 25.853, for certain airplanes, irrespective of the type certification bases of those airplanes. For the Model 747, these are the airplanes that would be affected by these special conditions. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 747 series airplanes.

1. Except as provided in paragraph 3 of these special conditions, compliance with Title 14 CFR part 25, Appendix F, parts IV and V, heat release and smoke emission, is required for seats that incorporate non-traditional, large, non-metallic panels that may either be a single component or multiple components in a concentrated area in their design.

2. The applicant may designate up to and including 1.5 square feet of non-traditional, non-metallic panel material per seat place that does not have to comply with special condition Number 1, above. A triple seat assembly may have a total of 4.5 square feet excluded on any portion of the assembly (e.g., outboard seat place 1 square foot, middle 1 square foot, and inboard 2.5 square feet).

3. Seats do not have to meet the test requirements of Title 14 CFR part 25, Appendix F, parts IV and V, when installed in compartments that are not otherwise required to meet these requirements. Examples include:

a. Airplanes with passenger capacities of 19 or less,

b. Airplanes that do not have § 25.853, Amendment 25–61 or later, in their certification basis and do not need to comply with the requirements of 14 CFR 121.312, and

c. Airplanes exempted from § 25.853, Amendment 25–61 or later.

4. Only airplanes associated with new seat certification programs approved after the effective date of these special conditions will be affected by the requirements in these special conditions. Previously certificated

interiors on the existing airplane fleet and follow-on deliveries of airplanes with previously certificated interiors are not affected.

Issued in Renton, Washington, on February 7, 2008.

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–2853 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0004; Airspace Docket No. 08–ASW–2]

Establishment of Class E Airspace; Huntsville, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action establishes Class E airspace at Huntsville, AR. Controlled airspace is necessary to accommodate aircraft using new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs). This action is necessary to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Huntsville Municipal Airport, Huntsville, Arkansas.

DATES: *Effective Dates:* 0901 UTC April 10, 2008. Comments for inclusion in the rules Docket must be received March 31, 2008. 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.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–0004/Airspace Docket No. 08–ASW–2, at the beginning of your comments. You may also submit comments through the Internet at *http://regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office at telephone 1–800–647–5527 is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone (817) 222–5597.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date of the rule. If the FAA receives, within the comment period, an adverse or negative comment, or written comment notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the direct final rule. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the direct final rule. Commenters wishing the FAA to acknowledge receipt of their comments on this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0004, Airspace Docket No. 08–ASW–2.'' The postcard will be date/time stamped and returned to the commenter. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace at Huntsville, AR, providing the airspace required to support the new VOR/DME or GPS RWY 12 approach developed for IFR landings at Huntsville Municipal Airport. Controlled airspace extending upward from 700 feet above the surface is required to encompass all SIAPs and for the safety of IFR operations at Huntsville Municipal Airport. Designations for Class E airspace areas extending upward from 700 feet above the surface of the earth are published in the FAA Order 7400.9R, signed August 15, 2007 and effective September 15, 2007, which is incorporated by reference in 14 CFR part 71.1., Class E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implication under Executive Order 13132.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49, of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, Part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Huntsville Municipal Airport, Huntsville, AR.

Lists of Subjects in 14 CFR, Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 Amended

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designation and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ASW AR E5 Huntsville, AR [New]

Huntsville Municipal Airport, AR
(Lat. 36°05′42″N., long. 93°45′17″W.)

That airspace extending upward from 700 feet above the surface of the earth within a 5-mile radius of Huntsville Municipal Airport.

* * * * *

Issued in Fort Worth, TX, on January 4, 2008.

Donald R. Smith,

Manager, System Support Group, ATO Central Service Center.

[FR Doc. 08–663 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0003; Airspace Docket No. 08–ASW–1]

Establishment of Class E Airspace; Lexington, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action establishes Class E airspace at Lexington, OK. New Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) at Muldrow Army Heliport make this action necessary. This action will enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Muldrow Army Heliport, Lexington, OK.

DATES: *Effective Dates:* 0901 UTC April 10, 2008. Comments for inclusion in the rules Docket must be received by March 31, 2008. 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.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–0003/Airspace Docket No. 08–ASW–1, at the beginning of your comments. You may also submit comments through the Internet at *http://regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office, telephone number 1–800–647–5527, is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, Texas, 76193–0530; telephone number (817) 222–5597.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date of the rule. If the FAA receives, within the comment period, an adverse or negative comment, or written comment notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the direct final rule. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the direct final rule. Commenters wishing the FAA to acknowledge receipt of their comments on this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0003, Airspace Docket No. 08–ASW–1.'' The postcard will be date/time stamped and returned to the commenter. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace at Lexington, OK, providing the airspace required to support the new 175° Copter RNAV (GPS) approach developed for IFR landings at Muldrow Army Heliport. Controlled airspace extending

upward from the surface is required to encompass all SIAPs and for the safety of IFR operations at Muldrow Army Heliport. Designations for Class E airspace areas extending upward from the surface of the earth are published in the FAA Order 7400.9R, signed August 15, 2007 and effective September 15, 2007, which is incorporated by reference in 14 CFR Part 71.1. Class E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implication under Executive Order 13132.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal since this is a routine matter that will only affect air traffic procedures and air navigation. It is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49, of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, Part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Muldrow Army Heliport, Lexington, OK.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 Amended

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designation and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 6002 Class E2 airspace areas extending upward from the surface of the earth.

* * * * *

ASW OK E2 Lexington, OK [New]

Muldrow Army Heliport, OK
(Lat. 35°01′58″ N., long. 97°13′90″ W.)

That airspace extending upward from the surface to and including 3,600 feet above mean sea level (MSL) within a 3.7-mile radius of the Muldrow Army Heliport, OK; and within 3 miles each side of the Muldrow 175° Copter RNAV (GPS) approach course extending from the 3.7-mile radius north 6.8 miles. This airspace is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on January 4, 2008.

Donald R. Smith,

Manager, System Support Group, ATO Central Service Center.

[FR Doc. 08–662 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. FAA–1999–6717; Amendment No. 135–112]

RIN 2120–AI03

Extended Operations (ETOPS) of Multi Engine Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; delay of compliance dates.

SUMMARY: The Federal Aviation Administration (FAA) is delaying the compliance date for certain sections of a final rule, published January 16, 2007, that established regulations governing the design, operation, and maintenance of certain airplanes operated on flights that fly over 180 minutes from an adequate airport. The extension of the compliance date is necessary to give operators additional time to gain a comprehensive understanding of Extended Operations (ETOPS) requirements, develop training and procedures, and implement safety measures established in the final rule. In addition, the regulatory text for certain sections is amended to reflect this delay of compliance dates.

DATES: *Effective Dates:* The effective date for the amendments in this final rule is February 15, 2008.

Compliance Dates: The compliance date contained in the Final Rule (72 FR 1808), for §§ 135.98, 135.345(a)(9), and 135.364, section G135.2.1 of appendix G to part 135, and section G135.2.9 of appendix G to part 135 is delayed by 180 days, from February 16, 2008, to August 13, 2008. The delay of compliance dates for these specific sections of the Final Rule does not affect any other compliance date established in Table 2 of Section VI of the preamble to the Final Rule.

FOR FURTHER INFORMATION CONTACT: Jim Ryan, Air Carrier Operations Branch (AFS–220), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, Telephone (202–267–7493), E-Mail *jim.ryan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/*; or

3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://DocketInfo.dot.gov.*

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, subpart I, 49 U.S.C. 44701. Under that section, the FAA is charged with regulating air commerce in a way that best promotes safety.

Background

The Extended Operations of Multi Engine Airplanes (ETOPS) Final Rule (72 FR 1808) established regulations governing the design, operation, and maintenance of certain airplanes operated on flights that fly long distances from an adequate airport. The final rule affected aircraft operators under 14 CFR parts 121 and 135, as well as manufacturers under 14 CFR parts 21, 25, and 33. The Final Rule, published January 16, 2007, establishes a compliance schedule for affected operators and manufacturers that was designed to ease the burden of compliance and make the rule less costly. The FAA established a compliance date of 1 year for part 135 operators to meet the operational and training requirements of the final rule. For cargo fire suppression, the final rule allows 8 years for currently approved part 135 ETOPS operators to comply. In that final rule, the FAA published commenters' observations that ''There is no FAA guidance for, and FAA Inspectors have not approved, any part 135 ETOPS flights'' (72 FR 1849).

Previous FAA guidance has addressed ETOPS operations for 121 operators. In December 1998, the FAA published Advisory Circular (AC) 120–42A, Extended Range Operation with Two-Engine Airplanes. This AC contained guidance for operators under part 121 who wished to engage in ETOPS operations. Based on this guidance, part 121 operators have been conducting safe and successful ETOPS flights for over 20 years. Until the final rule was published on January 16, 2007, part 135 operators did not need FAA approval for ETOPS flights. Because the final rule establishes new requirements for part 135 operations, the FAA intends to support successful implementation of the operational and training requirements in the final rule for part 135 operations by publishing an AC that addresses the requirements for part 135 operators. On September 17, 2007, the FAA published and invited comment on two draft ACs, draft AC 120–42B for part 121 operators and draft AC 135–42 for part 135 operators (FAA–2002–6717, *http://dms.dot.gov*).

The FAA has determined that the current guidance available for part 121 operators regarding ETOPS flights is sufficient for part 121 operators to meet the compliance schedule in the final rule. However, because the ETOPS requirements in the final rule are new for part 135 operators, the FAA has determined that it is appropriate to delay compliance for certain part 135 operational and training requirements (i.e. §§ 135.98, 135.345(a)(9), 135.364, section G135.2.1 of appendix G to part 135, and section G135.2.9 of appendix G to part 135) until after the guidance in AC 135–42 is published. The delay of the compliance date is necessary to give part 135 operators additional time to gain a comprehensive understanding of ETOPS requirements, develop training and procedures, and implement the safety measures established in the Final Rule.

Good Cause for Foregoing Public Notice and Comment

Section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), authorizes agencies to dispense with certain notice procedures for rules when they find ''good cause'' to do so. Under section 553(b)(3)(B), the requirements of notice and opportunity for comment do not apply when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

In this case, the FAA finds that notice and public comment are unnecessary and contrary to the public interest. This action delays the compliance date for several sections of the final rule published January 16, 2007. We issued those regulations using the public notice and comment procedure. In that final rule, we published commenters' observations that ''There is no FAA guidance for, and FAA inspectors have not approved, any part 135 ETOPS flights'' (72 FR 1849). The FAA intends to support successful implementation of the operational and training requirements in the final rule for part 135 operations by publishing an Advisory Circular that addresses these requirements. On September 17, 2007, the FAA published and invited comment on draft AC 135–42 for part 135 operators (FAA–1999–6717, *http://www.regulations.gov*).

The FAA has determined that it is contrary to the public interest to require part 135 operators to comply with the requirements of the final rule until AC 135–42 is published. The FAA has determined that notice and public comment are unnecessary because the public has already commented that FAA guidance is necessary for part 135 operators. The public is best served by delaying the compliance date for the part 135 operational and training requirements in the rule to allow time for publication of the AC, which will provide part 135 operators with a comprehensive understanding of ETOPS requirements.

Good Cause for Immediate Adoption

Since the delay in the compliance date of the final rule does not impose any new requirements or any additional burden on the regulated public, the FAA finds that good cause exists for immediate adoption of the compliance date without a 30-day notice period.

The Effect of Our Decision

Our decision delays the compliance date of certain sections of the final rule (72 FR 1809, January 15, 2007), §§ 135.98, 135.345(a)(9), and 135.364, section G135.2.1 of appendix G to part 135, and section G135.2.9 of appendix G to part 135, from February 16, 2008, to August 13, 2008.

List of Subjects in 14 CFR Part 135

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

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations as follows:

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

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

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

■ 2. Amend § 135.98 by revising the introductory text to read as follows:

§ 135.98 Operations in the North Polar Area.

After August 13, 2008, no certificate holder may operate an aircraft in the region north of 78° N latitude (''North Polar Area''), other than intrastate operations wholly within the state of Alaska, unless authorized by the FAA. The certificate holder's operation specifications must include the following:

* * * * *

■ 3. Amend § 135.345 by revising paragraph (a)(9) to read as follows:

§ 135.345 Pilots: Initial, transition, and upgrade ground training.

* * * * *

(a) * * *

(9) After August 13, 2008, passenger recovery plan for any passenger-carrying operation (other than intrastate operations wholly within the state of Alaska) in the North Polar area; and

* * * * *

■ 4. Revise § 135.364 to read as follows:

§ 135.364 Maximum flying time outside the United States.

After August 13, 2008, no certificate holder may operate an airplane, other than an all-cargo airplane with more than two engines, on a planned route that exceeds 180 minutes flying time (at the one-engine-inoperative cruise speed under standard conditions in still air) from an Adequate Airport outside the continental United States unless the operation is approved by the FAA in accordance with Appendix G of this part, Extended Operations (ETOPS).

■ 5. Revise the introductory text of section G135.2.1, and section G135.2.9, of appendix G to part 135 to read as follows:

Appendix G to Part 135—Extended Operations (ETOPS)

* * * * *

G135.2 *Requirements.*

G135.2.1 *General.* After August 13, 2008, no certificate holder may operate an airplane, other than an all-cargo airplane with more than two engines, outside the continental United States more than 180 minutes flying time (at the one-engine-inoperative cruise speed under standard conditions in still air) from an airport described in § 135.364 unless—

* * * * *

G135.2.9 *Delayed compliance date for all airplanes.* A certificate holder need not comply with this appendix for any airplane until August 13, 2008.

Issued in Washington, DC, on February 11, 2008.

Rebecca Byers MacPherson,

Assistant Chief Counsel for Regulations.

[FR Doc. E8–2879 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9381]

RIN 1545–BF79

TIPRA Amendments to Section 199

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations concerning the amendments made by the Tax Increase Prevention and Reconciliation Act of 2005 to section 199 of the Internal Revenue Code. The final regulations also contain a rule concerning the use of losses incurred by members of an expanded affiliated group. Section 199 provides a deduction for income attributable to domestic production activities. The final regulations affect taxpayers engaged in certain domestic production activities.

DATES: *Effective Date:* These regulations are effective February 15, 2008.

Applicability Date: For dates of applicability, see § 1.199–8(i)(5) and (6).

FOR FURTHER INFORMATION CONTACT: Concerning §§ 1.199–2(e)(2) and 1.199–8(i)(5), Paul Handleman or David McDonnell, (202) 622–3040; concerning §§ 1.199–3(i)(7) and (8), and 1.199–5, William Kostak, (202) 622–3060; and concerning §§ 1.199–7(b)(4) and 1.199–8(i)(6), Ken Cohen, (202) 622–7790 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document provides rules relating to the deduction for income attributable to domestic production activities under section 199 of the Internal Revenue Code (Code). Section 199 was added to the Code by section 102 of the American Jobs Creation Act of 2004 (Pub. L. 108–357, 118 Stat. 1418), and amended by section 403(a) of the Gulf Opportunity Zone Act of 2005 (Pub. L. 109–135, 119 Stat. 25), section 514 of the Tax Increase Prevention and Reconciliation Act of 2005 (Pub. L. 109–222, 120 Stat. 345) (TIPRA), and section 401 of the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432, 120 Stat. 2922). On June 1, 2006, the IRS and Treasury Department published final regulations under section 199 (TD 9263, 71 FR 31268). On October 19, 2006, the IRS and Treasury Department published final and temporary regulations on the TIPRA amendments to section 199 (TD 9293, 71 FR 61662) and cross-referencing proposed regulations (REG–127819–06, 71 FR 61692). No public hearing was requested or held on the proposed regulations. One comment responding to the proposed regulations was received. After consideration of the comment, the proposed regulations are adopted as amended by this Treasury decision and the corresponding temporary regulations are removed.

General Overview

Section 199(a)(1) allows a deduction equal to 9 percent (3 percent in the case of taxable years beginning in 2005 or 2006, and 6 percent in the case of taxable years beginning in 2007, 2008, or 2009) of the lesser of (A) the qualified production activities income (QPAI) of the taxpayer for the taxable year, or (B) taxable income (determined without regard to section 199) for the taxable year (or, in the case of an individual, adjusted gross income (AGI)).

Section 199(b)(1) limits the deduction for a taxable year to 50 percent of the W–2 wages paid by the taxpayer during the calendar year that ends in such

taxable year. For this purpose, section 199(b)(2)(A) defines the term *W–2 wages* to mean, with respect to any person for any taxable year of such person, the sum of the amounts described in section 6051(a)(3) and (8) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Section 514(a) of TIPRA added new section 199(b)(2)(B), which provides that the term *W–2 wages* does not include any amount which is not properly allocable to domestic production gross receipts (DPGR) for purposes of section 199(c)(1). Section 199(b)(2)(C) provides that the term *W–2 wages* does not include any amount that is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for the return.

Pass-thru Entities

Section 199(d)(1)(A) provides that, in the case of a partnership or S corporation, (i) section 199 shall be applied at the partner or shareholder level, (ii) each partner or shareholder shall take into account such person's allocable share of each item described in section 199(c)(1)(A) or (B) (determined without regard to whether the items described in section 199(c)(1)(A) exceed the items described in section 199(c)(1)(B)), and (iii) each partner or shareholder shall be treated for purposes of section 199(b) as having W–2 wages for the taxable year in an amount equal to such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary).

Section 199(d)(1)(B) provides that, in the case of a trust or estate, (i) the items referred to in section 199(d)(1)(A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and (ii) for purposes of section 199(d)(2), AGI of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such section.

Section 199(d)(1)(C) provides that the Secretary may prescribe rules requiring or restricting the allocation of items and wages under section 199(d)(1) and may prescribe such reporting requirements as the Secretary determines appropriate.

Expanded Affiliated Groups

Section 199(d)(4)(A) provides that all members of an expanded affiliated group (EAG) are treated as a single corporation for purposes of section 199. Section 199(d)(4)(B) provides that an EAG is an affiliated group as defined in section 1504(a), determined by substituting ''more than 50 percent'' for ''at least 80 percent'' each place it appears and without regard to section 1504(b)(2) and (4).

Authority to Prescribe Regulations

Section 199(d)(9) authorizes the Secretary to prescribe such regulations as are necessary to carry out the purposes of section 199, including regulations that prevent more than one taxpayer from being allowed a deduction under section 199 with respect to any activity described in section 199(c)(4)(A)(i).

Summary of Comments

For taxable years beginning after May 17, 2006, § 1.199–2T(e)(2)(i) provides that the term *W–2 wages* includes only amounts described in § 1.199–2(e)(1) (paragraph (e)(1) wages) that are properly allocable to DPGR (as defined in § 1.199–3) for purposes of section 199(c)(1). A taxpayer may determine the amount of paragraph (e)(1) wages that is properly allocable to DPGR using any reasonable method that is satisfactory to the Secretary based on all of the facts and circumstances.

Section 1.199–2T(e)(2)(ii) and (iii) provide safe harbors for determining the amount of paragraph (e)(1) wages that is properly allocable to DPGR. Under the wage expense safe harbor in § 1.199–2T(e)(2)(ii)(A) for taxpayers using either the section 861 method of cost allocation under § 1.199–4(d) or the simplified deduction method under § 1.199–4(e), a taxpayer may determine the amount of paragraph (e)(1) wages that is properly allocable to DPGR by multiplying the amount of paragraph (e)(1) wages by the ratio of the taxpayer's wage expense included in calculating QPAI for the taxable year to the taxpayer's total wage expense used in calculating the taxpayer's taxable income (or AGI, if applicable) for the taxable year. For purposes of determining the amount of wage expense included in cost of goods sold (CGS) for this safe harbor, § 1.199–2T(e)(2)(ii)(B) provides that a taxpayer may determine its wage expense included in CGS using any reasonable method that is satisfactory to the Secretary based on all of the facts and circumstances.

Under the wage expense safe harbor in § 1.199–2T(e)(2)(ii)(A), a taxpayer uses its wage expense, not W–2 wages, to determine the amount of W–2 wages that are properly allocable to DPGR. Section 1.199–2T(e)(2)(ii)(A) defines the term *wage expense* as wages (that is, compensation paid by the employer in the active conduct of a trade or business to its employees) that are properly taken into account under the taxpayer's method of accounting.

The commentator suggested that, in certain circumstances, it should not be necessary for W–2 wages to be paid by a taxpayer in order for those wages to be properly allocable to DPGR. Specifically, the commentator suggested that W–2 wages should be treated as properly allocable to DPGR if the wages are paid to employees that are performing services in connection with an activity attributable to DPGR. Thus, in the case of partnership-shared services, if the employees of one partnership perform services that give rise to DPGR for another partnership and both partnerships have common ownership, then some or all of the W–2 wages should be treated as properly allocable to DPGR. The commentator further suggested that W–2 wages should be properly allocable to DPGR as long as the owner of the pass-thru entity includes in its taxable income DPGR (as a distributive share of another pass-thru entity's DPGR) and deducts from its taxable income wages paid to employees (those employed by the pass-thru entity) whose services created that DPGR.

As an alternative, the commentator suggested that owners of certain pass-thru entities be permitted to treat non-DPGR as DPGR for purposes of determining whether W–2 wages are properly allocable to DPGR. The commentator suggested that the activity attribution rules for qualifying in-kind partnerships in § 1.199–3T(i)(7)(i), EAG partnerships in § 1.199–3T(i)(8)(ii), and EAGs in § 1.199–7(a)(3) be extended to pass-thru entities with respect to gross receipts attributable to services performed by employees of a pass-thru entity if such gross receipts are taken into account as an item of income on a tax return in which the DPGR attributable to those services also is reported. The commentator believes the result of such a rule would be to recharacterize non-DPGR as DPGR if the activities giving rise to the employee wages contribute to generating DPGR that is reported on the same tax return as the wage deduction. Therefore, the pass-thru entity with the employees would be treated as engaged in a qualifying production activity to the extent of the W–2 wages and the W–2 wages would be treated as properly allocable to DPGR.

The interplay between the TIPRA amendment to section 199(b)(2) and the

rules for qualifying in-kind partnerships under § 1.199–3T(i)(7), EAG partnerships under § 1.199–3T(i)(8), and EAGs under § 1.199–7 may reduce or eliminate the section 199 deduction for EAGs and partners in qualifying in-kind partnerships if one entity uses employees of another entity to perform activities giving rise to DPGR. In addition, even though § 1.199–3(f) provides rules for contract manufacturing and certain government contracts, the TIPRA amendment to section 199(b)(2) may reduce or eliminate the section 199 deduction for taxpayers entering into such contracts because the contract manufacturer's W–2 wages are not attributed to the taxpayer.

The commentator's suggestions would treat pass-thru entities more favorably than non-consolidated EAGs. In general, § 1.199–7(a) and (b) provides that each member of an EAG calculates its own taxable income or loss, QPAI, and W–2 wages, which are then aggregated in determining the EAG's section 199 deduction. After the TIPRA amendment to section 199(b)(2), to qualify as W–2 wages within the meaning of § 1.199–2T(e)(2), paragraph (e)(1) wages must be properly allocable to DPGR. Because each member of an EAG separately calculates its own items before they are aggregated by the EAG, the member having the paragraph (e)(1) wages must itself have DPGR to which the wages are properly allocable in order to qualify those wages as W–2 wages. Paragraph (e)(1) wages that are not properly allocable to DPGR of the member having the paragraph (e)(1) wages do not qualify as W–2 wages, even if the paragraph (e)(1) wages were paid in connection with another member's DPGR activities. *Example 5* in § 1.199–2T(e)(2)(iv) illustrates this point.

Section 514(b) of TIPRA amended section 199(d)(1)(A)(iii) regarding a partner's or shareholder's share of W–2 wages from a partnership or S corporation for taxable years beginning after May 17, 2006. After TIPRA, the section 199(d)(1)(A)(iii) rule for determining a partner's or shareholder's share of W–2 wages from a pass-thru entity no longer includes the second prong of the former two-prong standard, by which a partner's or shareholder's share of W–2 wages from the partnership or S corporation was limited to the lesser of that person's allocable share of W–2 wages from the entity or a specified percentage of the person's QPAI, computed by taking into account only the items of the entity allocated to that person for the taxable year of the entity. Before TIPRA, if the employees of a partnership performed services that gave rise to DPGR for another entity, but the partnership had no DPGR, then under the section 199(d)(1)(A)(iii) wage limitation, a partner could not take into account any W–2 wages from the partnership. After TIPRA, if the partner uses the section 861 method of cost allocation under § 1.199–4(d), the partner cannot take into account any W–2 wages from the partnership because the W–2 wages do not generate DPGR in the partnership. Thus, in the case of partnership-shared services where the partner uses the section 861 method, the TIPRA amendment to section 199(b)(2) retains the result that the partner cannot take into account any W–2 wages from the partnership in applying the wage limitation under section 199(b)(1).

Moreover, the TIPRA amendment modified the W–2 wage limitation to narrow the availability of the section 199 deduction. The commentator's suggestions would allow more taxpayers to claim the section 199 deduction and increase the amount of the deduction for some taxpayers, which conflicts with the changes made by TIPRA. Accordingly, the final regulations do not adopt the commentator's suggestions.

In finalizing § 1.199–5, certain clarifying changes have been made and conforming clarifications have been made to § 1.199–9.

As described in the preamble to the final and temporary regulations on the TIPRA amendments to section 199, published on October 19, 2006 (TD 9293, 71 FR 61662), the combination of the aggregation rules for determining the taxable income of an EAG in § 1.199–7(b)(1) of the June 1, 2006 final regulations (TD 9263, 71 FR 31268) and the rules of section 172 for net operating loss deductions could cause the unintended result of the same loss being used twice in determining the taxable income limitation under section 199(a)(1)(B). To eliminate this unintended result, § 1.199–7T(b)(4) was promulgated to prevent a loss that was used in the year it was sustained in determining any EAG's taxable income for purposes of the taxable income limitation under section 199(a)(1)(B) from being used again as either a carryover or carryback to any taxable year in determining the taxable income limitation under section 199(a)(1)(B). No comments were received on the provisions of § 1.199–7T(b)(4) and those provisions are finalized without change.

Effective/Applicability Dates

Section 199 applies to taxable years beginning after December 31, 2004. Sections 1.199–2(e)(2), 1.199–3(i)(7) and (8), and 1.199–5 are applicable for taxable years beginning on or after October 19, 2006 (the effective date of the temporary regulations). A taxpayer may apply §§ 1.199–2(e)(2), 1.199–3(i)(7) and (8), and 1.199–5 to taxable years beginning after May 17, 2006, and before October 19, 2006, regardless of whether the taxpayer otherwise relied upon Notice 2005–14 (2005–1 CB 498) (see § 601.601(d)(2)(ii)(*b*)), the provisions of REG–105847–05 (2005–2 CB 987), or §§ 1.199–1 through 1.199–8. Section 1.199–7(b)(4) is applicable for taxable years beginning on or after February 15, 2008.

Special Analyses

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

Drafting Information

The principal authors of these regulations are Paul Handleman and Lauren Ross Taylor, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.199–0 is amended by adding new entries for §§ 1.199–2(e)(2), 1.199–3(i)(7), 1.199–3(i)(8), 1.199–5, and 1.199–7(b)(4) to read as follows:

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* * * * *

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* * * * *

§ 1.199–1 [Amended]

■ **Par. 3.** Section 1.199–1 is amended by removing the language ''§ 1.199–9(d)'' in paragraphs (d)(3)(i) and (ii) and adding the language ''§ 1.199–5(d) or § 1.199–9(d)'' in its place.

■ **Par. 4.** Section 1.199–2 is amended by revising paragraph (e)(2) to read as follows:

§ 1.199–2 Wage limitation.

* * * * *

(e) * * *

(2) *Limitation on W–2 wages for taxable years beginning after May 17, 2006, the enactment date of the Tax Increase Prevention and Reconciliation Act of 2005*—(i) *In general.* The term *W–2 wages* includes only amounts described in paragraph (e)(1) of this section (paragraph (e)(1) wages) that are properly allocable to domestic production gross receipts (DPGR) (as defined in § 1.199–3) for purposes of section 199(c)(1). A taxpayer may determine the amount of paragraph (e)(1) wages that is properly allocable to DPGR using any reasonable method that is satisfactory to the Secretary based on all of the facts and circumstances.

(ii) *Wage expense safe harbor*—(A) *In general.* A taxpayer using either the section 861 method of cost allocation under § 1.199–4(d) or the simplified deduction method under § 1.199–4(e) may determine the amount of paragraph (e)(1) wages that is properly allocable to DPGR for a taxable year by multiplying the amount of paragraph (e)(1) wages for the taxable year by the ratio of the taxpayer's wage expense included in calculating qualified production activities income (QPAI) (as defined in § 1.199–1(c)) for the taxable year to the taxpayer's total wage expense used in calculating the taxpayer's taxable income (or adjusted gross income, if applicable) for the taxable year, without regard to any wage expense disallowed by section 465, 469, 704(d), or 1366(d). A taxpayer that uses the section 861 method of cost allocation under § 1.199–4(d) or the simplified deduction method under § 1.199–4(e) to determine QPAI must use the same expense allocation and apportionment methods that it uses to determine QPAI to allocate and apportion wage expense for purposes of this safe harbor. For purposes of this paragraph (e)(2)(ii), the term *wage expense* means wages (that is, compensation paid by the employer in the active conduct of a trade or business to its employees) that are properly taken into account under the taxpayer's method of accounting.

(B) *Wage expense included in cost of goods sold.* For purposes of paragraph (e)(2)(ii)(A) of this section, a taxpayer may determine its wage expense included in cost of goods sold (CGS) using any reasonable method that is satisfactory to the Secretary based on all of the facts and circumstances, such as using the amount of direct labor included in CGS or using section 263A labor costs (as defined in § 1.263A–1(h)(4)(ii)) included in CGS.

(iii) *Small business simplified overall method safe harbor.* A taxpayer that uses the small business simplified overall method under § 1.199–4(f) may use the small business simplified overall method safe harbor for determining the amount of paragraph (e)(1) wages that is properly allocable to DPGR. Under this safe harbor, the amount of paragraph (e)(1) wages that is properly allocable to DPGR is equal to the same proportion of paragraph (e)(1) wages that the amount of DPGR bears to the taxpayer's total gross receipts.

(iv) *Examples.* The following examples illustrate the application of this paragraph (e)(2). See § 1.199–5(e)(4) for an example of the application of paragraph (e)(2)(ii) of this section to a trust or estate. The examples read as follows:

Example 1. Section 861 method and no EAG. (i) *Facts.* X, a United States corporation that is not a member of an expanded affiliated group (EAG) (as defined in § 1.199–7) or an affiliated group as defined in the regulations under section 861, engages in activities that generate both DPGR and non-DPGR. X's taxable year ends on April 30, 2011. For X's taxable year ending April 30, 2011, X has $3,000 of paragraph (e)(1) wages reported on 2010 Forms W–2. All of X's

production activities that generate DPGR are within Standard Industrial Classification (SIC) Industry Group AAA (SIC AAA). All of X's production activities that generate non-DPGR are within SIC Industry Group BBB (SIC BBB). X is able to specifically identify CGS allocable to DPGR and to non-DPGR. X incurs $900 of research and experimentation expenses (R&E) that are deductible under section 174, $300 of which are performed with respect to SIC AAA and $600 of which are performed with respect to SIC BBB. None of the R&E is legally mandated R&E as described in § 1.861–17(a)(4) and none of the R&E is included in CGS. X incurs section 162 selling expenses that are not includible in CGS and are definitely related to all of X's gross income. For X's taxable year ending April 30, 2011, the adjusted basis of X's assets is $50,000, $40,000 of which generate gross income attributable to DPGR and $10,000 of which generate gross income attributable to non-DPGR. For X's taxable year ending April 30, 2011, the total square footage of X's headquarters is 8,000 square feet, of which 2,000 square feet is set aside for domestic production activities. For its taxable year ending April 30, 2011, X's taxable income is $1,380 based on the following Federal income tax items:

DPGR (all from sales of products within SIC AAA)	$3,000
Non-DPGR (all from sales of products within SIC BBB)	3,000
CGS allocable to DPGR (includes $200 of wage expense)	(600)
CGS allocable to non-DPGR (includes $600 of wage expense)	(1,800)
Section 162 selling expenses (includes $600 of wage expense)	(840)
Section 174 R&E–SIC AAA (includes $100 of wage expense)	(300)
Section 174 R&E–SIC BBB (includes $200 of wage expense)	(600)
Interest expense (not included in CGS)	(300)
Headquarters overhead expense (includes $100 of wage expense)	(180)
X's taxable income	1,380

(ii) *X's QPAI.* X allocates and apportions its deductions to gross income attributable to DPGR under the section 861 method in § 1.199–4(d). In this case, the section 162 selling expenses and overhead expense are definitely related to all of X's gross income. Based on the facts and circumstances of this specific case, apportionment of the section 162 selling expenses between DPGR and non-DPGR on the basis of X's gross receipts is appropriate. In addition, based on the facts and circumstances of this specific case, apportionment of the headquarters overhead expense between DPGR and non-DPGR on the basis of the square footage of X's headquarters is appropriate. For purposes of apportioning R&E, X elects to use the sales method as described in § 1.861–17(c). X elects to apportion interest expense under the tax book value method of § 1.861–9T(g). X has $2,400 of gross income attributable to DPGR (DPGR of $3,000 − CGS of $600 allocated based on X's books and records). X's QPAI for its taxable year ending April 30, 2011, is $1,395, as shown in the following table:

DPGR (all from sales of products within SIC AAA)	$3,000
CGS allocable to DPGR	(600)
Section 162 selling expenses ($840 × ($3,000 DPGR/$6,000 total gross receipts))	(420)
Section 174 R&E–SIC AAA	(300)
Interest expense (not included in CGS) ($300 × ($40,000 (X's DPGR assets)/$50,000 (X's total assets)))	(240)
Headquarters overhead expense ($180 × (2,000 square feet attributable to DPGR activity/total 8,000 square feet))	(45)
X's QPAI	1,395

(iii) *W–2 wages.* X chooses to use the wage expense safe harbor under paragraph (e)(2)(ii) of this section to determine its W–2 wages, as shown in the following steps:

(A) *Step one.* X determines that $625 of wage expense were taken into account in determining its QPAI in paragraph (ii) of this *Example 1,* as shown in the following table:

CGS wage expense	$200
Section 162 selling expenses wage expense ($600 × ($3,000 DPGR/$6,000 total gross receipts))	300
Section 174 R&E–SIC AAA wage expense	100
Headquarters overhead wage expense ($100 × (2,000 square feet attributable to DPGR activity/8,000 total square feet))	25
Total wage expense taken into account	625

(B) *Step two.* X determines that $1,042 of the $3,000 in paragraph (e)(1) wages are properly allocable to DPGR, and are therefore W–2 wages, as shown in the following calculation:

Step one wage expense/X's total wage expense for taxable year ending April 30, 2011 × X's paragraph (e)(1) wages

$625/$1,800 × $3,000 = $1,042

(iv) *Section 199 deduction determination.* X's tentative deduction under § 1.199–1(a) (section 199 deduction) is $124 (.09 × (lesser of QPAI of $1,395 or taxable income of $1,380)) subject to the wage limitation under section 199(b)(1) (W–2 wage limitation) of $521 (50% × $1,042). Accordingly, X's section 199 deduction for its taxable year ending April 30, 2011, is $124.

Example 2. Section 861 method and EAG. (i) *Facts.* The facts are the same as in *Example 1* except that X owns stock in Y, a United States corporation, equal to 75% of the total voting power of the stock of Y and 80% of the total value of the stock of Y. X and Y are not members of an affiliated group as defined in section 1504(a). Accordingly, the rules of § 1.861–14T do not apply to X's and Y's selling expenses, R&E, and charitable contributions. X and Y are, however, members of an affiliated group for purposes of allocating and apportioning interest expense (see § 1.861–11T(d)(6)) and are also members of an EAG. Y's taxable year ends April 30, 2011. For Y's taxable year ending April 30, 2011, Y has $2,000 of paragraph (e)(1) wages reported on 2010 Forms W–2. For Y's taxable year ending April 30, 2011, the adjusted basis of Y's assets is $50,000, $20,000 of which generate gross income attributable to DPGR and $30,000 of which generate gross income attributable to non-DPGR. All of Y's activities that generate DPGR are within SIC Industry Group AAA (SIC AAA). All of Y's activities that generate non-DPGR are within SIC Industry Group BBB (SIC BBB). None of X's and Y's sales are to each other. Y is not able to specifically identify CGS allocable to DPGR and non-DPGR. In this case, because CGS is definitely related under the facts and circumstances to all of Y's gross receipts, apportionment of CGS between DPGR and non-DPGR based on gross receipts is appropriate. For Y's taxable year ending April 30, 2011, the total square footage of Y's headquarters is 8,000 square feet, of which 2,000 square feet is set aside for domestic production activities. Y incurs section 162 selling expenses that are not includible in CGS and are definitely related to all of Y's gross income. For Y's taxable year ending April 30, 2011, Y's taxable income is $1,710 based on the following Federal income tax items:

DPGR (all from sales of products within SIC AAA)	$3,000
Non-DPGR (all from sales of products within SIC BBB)	3,000
CGS allocated to DPGR (includes $300 of wage expense)	(1,200)
CGS allocated to non-DPGR (includes $300 of wage expense)	(1,200)
Section 162 selling expenses (includes $300 of wage expense)	(840)
Section 174 R&E–SIC AAA (includes $20 of wage expense)	(100)
Section 174 R&E–SIC BBB (includes $60 of wage expense)	(200)
Interest expense (not included in CGS and not subject to § 1.861–10T)	(500)
Charitable contributions	(50)
Headquarters overhead expense (includes $40 of wage expense)	(200)
Y's taxable income	1,710

(ii) *QPAI.* (A) *X's QPAI.* Determination of X's QPAI is the same as in *Example 1* except that interest is apportioned to gross income attributable to DPGR based on the combined adjusted bases of X's and Y's assets. See § 1.861–11T(c). Accordingly, X's QPAI for its taxable year ending April 30, 2011, is $1,455, as shown in the following table:

DPGR (all from sales of products within SIC AAA)	$3,000
CGS allocated to DPGR	(600)
Section 162 selling expenses ($840 × ($3,000 DPGR/$6,000 total gross receipts))	(420)
Section 174 R&E–SIC AAA	(300)
Interest expense (not included in CGS and not subject to § 1.861–10T) ($300 × ($60,000 (tax book value of X's and Y's DPGR assets)/$100,000 (tax book value of X's and Y's total assets)))	(180)

Headquarters overhead expense ($180 × (2,000 square feet attributable to DPGR activity/ total 8,000 square feet))	(45)
X's QPAI	1,455

(B) *Y's QPAI.* Y makes the same elections under the section 861 method as does X. Y has $1,800 of gross income attributable to DPGR (DPGR of $3,000 − CGS of $1,200 allocated based on Y's gross receipts). Y's QPAI for its taxable year ending April 30, 2011, is $905, as shown in the following table:

DPGR (all from sales of products within SIC AAA)	$3,000
CGS allocated to DPGR	(1,200)
Section 162 selling expenses ($840 × ($3,000 DPGR/$6,000 total gross receipts))	(420)
Section 174 R&E–SIC AAA	(100)
Interest expense (not included in CGS and not subject to § 1.861–10T) ($500 × ($60,000 (tax book value of X's and Y's DPGR assets)/ $100,000 (tax book value of X's and Y's total assets)))	(300)
Charitable contributions (not included in CGS) ($50 × ($1,800 gross income attributable to DPGR/$3,600 total gross income))	(25)
Headquarters overhead expense ($200 × (2,000 square feet attributable to DPGR activity/ total 8,000 square feet))	(50)
Y's QPAI	905

(iii) *W–2 wages.* (A) *X's W–2 wages.* X's W–2 wages are $1,042, the same as in *Example 1.*

(B) *Y's W–2 wages.* Y chooses to use the wage expense safe harbor under paragraph (e)(2)(ii) of this section to determine its W–2 wages, as shown in the following steps:

(*1*) *Step one.* Y determines that $480 of wage expense were taken into account in determining its QPAI in paragraph (ii)(B) of this *Example 2*, as shown in the following table:

CGS wage expense	$300
Section 162 selling expenses wage expense ($300 × ($3,000 DPGR/$6,000 total gross receipts))	150
Section 174 R&E–SIC AAA wage expense	20
Headquarters overhead wage expense ($40 × (2,000 square feet attributable to DPGR activity/8,000 total square feet))	10
Total wage expense taken into account	480

(*2*) *Step two.* Y determines that $941 of the $2,000 paragraph (e)(1) wages are properly allocable to DPGR, and are therefore W–2 wages, as shown in the following calculation:

Step one wage expense/Y's total wage expense for taxable year ending April 30, 2011 × Y's paragraph (e)(1) wages

$480/$1,020 × $2,000 = $941

(iv) *Section 199 deduction determination.* The section 199 deduction of the X and Y EAG is determined by aggregating the separately determined taxable income, QPAI, and W–2 wages of X and Y. See § 1.199–7(b). Accordingly, the X and Y EAG's tentative section 199 deduction is $212 (.09 × (lesser of combined QPAI of X and Y of $2,360 (X's QPAI of $1,455 plus Y's QPAI of $905) or combined taxable incomes of X and Y of $3,090 (X's taxable income of $1,380 plus Y's taxable income of $1,710)) subject to the combined W–2 wage limitation of X and Y of $992 (50% × ($1,042 (X's W–2 wages) + $941 (Y's W–2 wages)))). Accordingly, the X and Y EAG's section 199 deduction is $212. The $212 is allocated to X and Y in proportion to their QPAI. See § 1.199–7(c).

Example 3. Simplified deduction method. (i) *Facts.* Z, a corporation that is not a member of an EAG, engages in activities that generate both DPGR and non-DPGR. Z is able to specifically identify CGS allocable to DPGR and to non-DPGR. Z's taxable year ends on April 30, 2011. For Z's taxable year ending April 30, 2011, Z has $3,000 of paragraph (e)(1) wages reported on 2010 Forms W–2, and Z's taxable income is $1,380 based on the following Federal income tax items:

DPGR	$3,000
Non-DPGR	3,000
CGS allocable to DPGR (includes $200 of wage expense)	(600)
CGS allocable to non-DPGR (includes $600 of wage expense)	(1,800)
Expenses, losses, or deductions (deductions) (includes $1,000 of wage expense)	(2,220)
Z's taxable income	1,380

(ii) *Z's QPAI.* Z uses the simplified deduction method under § 1.199–4(e) to apportion deductions between DPGR and non-DPGR. Z's QPAI for its taxable year ending April 30, 2011, is $1,290, as shown in the following table:

DPGR	$3,000
CGS allocable to DPGR	(600)
Deductions apportioned to DPGR ($2,220 × ($3,000 DPGR/ $6,000 total gross receipts))	(1,110)
Z's QPAI	1,290

(iii) *W–2 wages.* Z chooses to use the wage expense safe harbor under paragraph (e)(2)(ii) of this section to determine its W–2 wages, as shown in the following steps:

(A) *Step one.* Z determines that $700 of wage expense were taken into account in determining its QPAI in paragraph (ii) of this *Example 3,* as shown in the following table:

Wage expense included in CGS allocable to DPGR	$200
Wage expense included in deductions ($1,000 in wage expense × ($3,000 DPGR/$6,000 total gross receipts))	500
Wage expense allocable to DPGR	700

(B) *Step two.* Z determines that $1,167 of the $3,000 paragraph (e)(1) wages are properly allocable to DPGR, and are therefore W–2 wages, as shown in the following calculation:

Step one wage expense / Z's total wage expense for taxable year ending April 30, 2011 × Z's paragraph (e)(1) wages

$700 / $1,800 × $3,000 = $1,167

(iv) *Section 199 deduction determination.* Z's tentative section 199 deduction is $116 (.09 × (lesser of QPAI of $1,290 or taxable income of $1,380)) subject to the W–2 wage limitation of $584 (50% × $1,167). Accordingly, Z's section 199 deduction for its taxable year ending April 30, 2011, is $116.

Example 4. Small business simplified overall method. (i) *Facts.* Z, a corporation that is not a member of an EAG, engages in activities that generate both DPGR and non-DPGR. Z's taxable year ends on April 30, 2011. For Z's taxable year ending April 30, 2011, Z has $3,000 of paragraph (e)(1) wages reported on 2010 Forms W–2, and Z's taxable income is $1,380 based on the following Federal income tax items:

DPGR	$3,000
Non-DPGR	3,000
CGS and deductions	(4,620)
Z's taxable income	1,380

(ii) *Z's QPAI.* Z uses the small business simplified overall method under § 1.199–4(f) to apportion CGS and deductions between DPGR and non-DPGR. Z's QPAI for its taxable year ending April 30, 2011, is $690, as shown in the following table:

DPGR	$3,000
CGS and deductions apportioned to DPGR ($4,620 × ($3,000 DPGR/$6,000 total gross receipts))	(2,310)
Z's QPAI	690

(iii) *W–2 wages.* Z's W–2 wages under paragraph (e)(2)(iii) of this section are $1,500, as shown in the following calculation:

$3,000 in paragraph (e)(1) wages × ($3,000 DPGR/$6,000 total gross receipts)	$1,500

(iv) *Section 199 deduction determination.* Z's tentative section 199 deduction is $62 (.09 × (lesser of QPAI of $690 or taxable income of $1,380)) subject to the W–2 wage limitation of $750 (50% × $1,500). Accordingly, Z's section 199 deduction for its taxable year ending April 30, 2011, is $62.

Example 5. Corporation uses employees of non-consolidated EAG member. (i) *Facts.* Corporations S and B are the only members of a single EAG but are not members of a consolidated group. S and B are both calendar year taxpayers. All the activities described in this *Example 5* take place during the same taxable year and they are the only activities of S and B. S and B each use the section 861 method described in § 1.199–4(d) for allocating and apportioning their deductions. B is a manufacturer but has only three employees of its own. S employs the remainder of the personnel who perform the manufacturing activities for B. S's only receipts are from supplying employees to B. In 2010, B manufactures qualifying production property (QPP) (as defined in § 1.199–3(j)(1)), using its three employees and S's employees, and sells the QPP for $10,000,000. B's total CGS and other deductions are $6,000,000, including

$1,000,000 paid to S for the use of S's employees and $100,000 paid to its own employees. B reports the $100,000 paid to its employees on the 2010 Forms W–2 issued to its employees. S pays its employees $800,000 that is reported on the 2010 Forms W–2 issued to the employees.

(ii) *B's W–2 wages.* In determining its W–2 wages, B utilizes the wage expense safe harbor described in paragraph (e)(2)(ii) of this section. The entire $100,000 paid by B to its employees is included in B's wage expense included in calculating its QPAI and is the only wage expense used in calculating B's taxable income. Thus, under the wage expense safe harbor described in paragraph (e)(2)(ii) of this section, B's W–2 wages are $100,000 ($100,000 (paragraph (e)(1) wages) × ($100,000 (wage expense used in calculating B's QPAI)/$100,000 (wage expense used in calculating B's taxable income))).

(iii) *S's W–2 wages.* In determining its W–2 wages, S utilizes the wage expense safe harbor described in paragraph (e)(2)(ii) of this section. Because S's $1,000,000 in receipts from B do not qualify as DPGR and are S's only gross receipts, none of the $800,000 paid by S to its employees is included in S's wage expense included in calculating its QPAI. However, the entire $800,000 is included in calculating S's taxable income. Thus, under the wage expense safe harbor described in paragraph (e)(2)(ii)(A) of this section, S's W–2 wages are $0 ($800,000 (paragraph (e)(1) wages) × ($0 (wage expense used in calculating S's QPAI)/$800,000 (wage expense used in calculating S's taxable income))).

(iv) *Determination of EAG's section 199 deduction.* The section 199 deduction of the S and B EAG is determined by aggregating the separately determined taxable income or loss, QPAI, and W–2 wages of S and B. See § 1.199–7(b). B's taxable income and QPAI are each $4,000,000 ($10,000,000 DPGR − $6,000,000 CGS and other deductions). S's taxable income is $200,000 ($1,000,000 gross receipts − $800,000 total deductions). S's QPAI is $0 ($0 DPGR − $0 CGS and other deductions). B's W–2 wages (as calculated in paragraph (ii) of this *Example 5*) are $100,000 and S's W–2 wages (as calculated in paragraph (iii) of this *Example 5*) are $0. The EAG's tentative section 199 deduction is $360,000 (.09 × (lesser of combined QPAI of $4,000,000 (B's QPAI of $4,000,000 + S's QPAI of $0) or combined taxable income of $4,200,000 (B's taxable income of $4,000,000 + S's taxable income of $200,000))) subject to the W–2 wage limitation of $50,000 (50% × ($100,000 (B's W–2 wages) + $0 (S's W–2 wages))). Accordingly, the S and B EAG's section 199 deduction for 2010 is $50,000. The $50,000 is allocated to S and B in proportion to their QPAI. See § 1.199–7(c). Because S has no QPAI, the entire $50,000 is allocated to B.

Example 6. Corporation using employees of consolidated EAG member. The facts are the same as in *Example 5* except that B and S are members of the same consolidated group. Ordinarily, as demonstrated in *Example 5,* S's $1,000,000 of receipts would not be DPGR and its $800,000 paid to its employees would not be W–2 wages (because the $800,000 would not be properly allocable to DPGR). However, because S and B are members of the same consolidated group, § 1.1502–13(c)(1)(i) provides that the separate entity attributes of S's intercompany items or B's corresponding items, or both, may be redetermined in order to produce the same effect as if S and B were divisions of a single corporation. If S and B were divisions of a single corporation, S and B would have QPAI and taxable income of $4,200,000 ($10,000,000 DPGR received from the sale of the QPP − $5,800,000 CGS and other deductions) and, under the wage expense safe harbor described in paragraph (e)(2)(ii) of this section, would have $900,000 of W–2 wages ($900,000 (combined paragraph (e)(1) wages of S and B) × ($900,000 (wage expense used in calculating QPAI)/$900,000 (wage expense used in calculating taxable income))). The single corporation would have a tentative section 199 deduction equal to 9% of $4,200,000, or $378,000, subject to the W–2 wage limitation of 50% of $900,000, or $450,000. Thus, the single corporation would have a section 199 deduction of $378,000. To obtain this same result for the consolidated group, S's $1,000,000 of receipts from the intercompany transaction are redetermined as DPGR. Thus, S's $800,000 paid to its employees are costs properly allocable to DPGR and S's W–2 wages are $800,000. Accordingly, the consolidated group has QPAI and taxable income of $4,200,000 ($11,000,000 DPGR (from the sale of the QPP and the redetermined intercompany transaction) − $6,800,000 CGS and other deductions) and W–2 wages of $900,000. The consolidated group's section 199 deduction is $378,000, the same as the single corporation. However, for purposes of allocating the section 199 deduction between S and B, the redetermination of S's income as DPGR under § 1.1502–13(c)(1)(i) is not taken into account. See § 1.199–7(d)(5). Accordingly, the consolidated group's entire section 199 deduction of $378,000 is allocated to B.

* * * * *

§ 1.199–2T [Removed]

■ **Par. 5.** Section 1.199–2T is removed.

■ **Par. 6.** Section 1.199–3 is amended by:

■ 1. Revising the first sentence of paragraph (f)(1).

■ 2. Adding the language ''paragraph (i)(8) of this section and'' before the language ''§ 1.199–9(j)'' in paragraph (g)(4)(ii)(B).

■ 3. Adding the language ''paragraph (i)(7) of this section and'' before the language ''§ 1.199–9(i)'' in paragraph (g)(4)(ii)(D).

■ 4. Revising paragraphs (i)(7) and (8).

■ 5. Removing the language ''§ 1.199–9(e)'' in the last sentence of paragraph (m)(6)(iv)(B) and adding the language ''§§ 1.199–5(e) and 1.199–9(e)'' in its place.

■ 6. Revising the second and third sentences in paragraph (p).

The revisions read as follows:

§ 1.199–3 Domestic production gross receipts.

* * * * *

(f) * * * (1) *In general.* With the exception of the rules applicable to an expanded affiliated group (EAG) under § 1.199–7, qualifying in-kind partnerships under paragraph (i)(7) of this section and § 1.199–9(i), EAG partnerships under paragraph (i)(8) of this section and § 1.199–9(j), and government contracts under paragraph (f)(2) of this section, only one taxpayer may claim the deduction under § 1.199–1(a) with respect to any qualifying activity under paragraphs (e)(1), (k)(1), and (l)(1) of this section performed in connection with the same QPP, or the production of a qualified film or utilities. * * *

* * * * *

(i) * * *

(7) *Qualifying in-kind partnership for taxable years beginning after May 17, 2006, the enactment date of the Tax Increase Prevention and Reconciliation Act of 2005—(i) In general.* If a partnership is a qualifying in-kind partnership described in paragraph (i)(7)(ii) of this section, then each partner is treated as having MPGE or produced the property MPGE or produced by the partnership that is distributed to that partner. If a partner of a qualifying in-kind partnership derives gross receipts from the lease, rental, license, sale, exchange, or other disposition of the property that was MPGE or produced by the qualifying in-kind partnership and distributed to that partner, then, provided such partner is a partner of the qualifying in-kind partnership at the time the partner disposes of the property, the partner is treated as conducting the MPGE or production activities previously conducted by the qualifying in-kind partnership with respect to that property. With respect to a lease, rental, or license, the partner is treated as having disposed of the property on the date or dates on which it takes into account its gross receipts derived from the lease, rental, or license under its method of accounting. With respect to a sale, exchange, or other disposition, the partner is treated as having disposed of the property on the date it ceases to own the property for Federal income tax purposes, even if no gain or loss is taken into account.

(ii) *Definition of qualifying in-kind partnership.* For purposes of this paragraph (i)(7), *a qualifying in-kind partnership* is a partnership engaged solely in—

(A) The extraction, refining, or processing of oil, natural gas (as

described in paragraph (l)(2) of this section), petrochemicals, or products derived from oil, natural gas, or petrochemicals in whole or in significant part within the United States;

(B) The production or generation of electricity in the United States; or

(C) An activity or industry designated by the Secretary by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter).

(iii) *Other rules.* Except as provided in this paragraph (i)(7), a qualifying in-kind partnership is treated the same as other partnerships for purposes of section 199. Accordingly, a qualifying in-kind partnership is subject to the rules of this section regarding the application of section 199 to pass-thru entities, including application of the section 199(d)(1)(A)(iii) rule for determining a partner's share of the amounts described in § 1.199–2(e)(1) (paragraph (e)(1) wages) from the partnership under § 1.199–5(b)(3). In determining whether a qualifying in-kind partnership or its partners MPGE QPP in whole or in significant part within the United States, see paragraphs (g)(2) and (3) of this section.

(iv) *Example.* The following example illustrates the application of this paragraph (i)(7). Assume that PRS and X are calendar year taxpayers. The example reads as follows:

Example. X, Y, and Z are partners in PRS, a qualifying in-kind partnership described in paragraph (i)(7)(ii) of this section. X, Y, and Z are corporations. In 2007, PRS distributes oil to X that PRS derived from its oil extraction. PRS incurred $600 of CGS extracting the oil distributed to X, and X's adjusted basis in the distributed oil is $600. X incurs $200 of CGS in refining the oil within the United States. In 2007, X, while it is a partner in PRS, sells the oil to a customer for $1,500. X is treated as having disposed of the property on the date it ceases to own the property for Federal income tax purposes. Under paragraph (i)(7)(i) of this section, X is treated as having extracted the oil. The extraction and refining of the oil each qualify as an MPGE activity under paragraph (e)(1) of this section. Therefore, X's $1,500 of gross receipts qualify as DPGR. X subtracts from the $1,500 of DPGR the $600 of CGS incurred by PRS and the $200 of refining costs it incurred. Thus, X's QPAI is $700 for 2007.

(8) *Partnerships owned by members of a single expanded affiliated group for taxable years beginning after May 17, 2006, the enactment date of the Tax Increase Prevention and Reconciliation Act of 2005*—(i) *In general.* For purposes of this section, if all of the interests in the capital and profits of a partnership are owned by members of a single EAG at all times during the taxable year of the partnership (EAG partnership), then the EAG partnership and all members of that EAG are treated as a single taxpayer for purposes of section 199(c)(4) during that taxable year.

(ii) Attribution of activities—(A) *In general.* If a member of an EAG (disposing member) derives gross receipts from the lease, rental, license, sale, exchange, or other disposition of property that was MPGE or produced by an EAG partnership, all the partners of which are members of the same EAG to which the disposing member belongs at the time that the disposing member disposes of such property, then the disposing member is treated as conducting the MPGE or production activities previously conducted by the EAG partnership with respect to that property. The previous sentence applies only for those taxable years in which the disposing member is a member of the EAG of which all the partners of the EAG partnership are members for the entire taxable year of the EAG partnership. With respect to a lease, rental, or license, the disposing member is treated as having disposed of the property on the date or dates on which it takes into account its gross receipts from the lease, rental, or license under its method of accounting. With respect to a sale, exchange, or other disposition, the disposing member is treated as having disposed of the property on the date it ceases to own the property for Federal income tax purposes, even if no gain or loss is taken into account. Likewise, if an EAG partnership derives gross receipts from the lease, rental, license, sale, exchange, or other disposition of property that was MPGE or produced by a member (or members) of the same EAG (the producing member) to which all the partners of the EAG partnership belong at the time that the EAG partnership disposes of such property, then the EAG partnership is treated as conducting the MPGE or production activities previously conducted by the producing member with respect to that property. The previous sentence applies only for those taxable years in which the producing member is a member of the EAG of which all the partners of the EAG partnership are members for the entire taxable year of the EAG partnership. With respect to a lease, rental, or license, the EAG partnership is treated as having disposed of the property on the date or dates on which it takes into account its gross receipts derived from the lease, rental, or license under its method of accounting. With respect to a sale, exchange, or other disposition, the EAG partnership is treated as having disposed of the property on the date it ceases to own the property for Federal income tax purposes, even if no gain or loss is taken into account. See paragraph (i)(8)(iv) *Example 3* of this section.

(B) *Attribution between EAG partnerships.* If an EAG partnership (disposing partnership) derives gross receipts from the lease, rental, license, sale, exchange, or other disposition of property that was MPGE or produced by another EAG partnership (producing partnership), then the disposing partnership is treated as conducting the MPGE or production activities previously conducted by the producing partnership with respect to that property, provided that each of these partnerships (the producing partnership and the disposing partnership) is owned for its entire taxable year in which the disposing partnership disposes of such property by members of the same EAG. With respect to a lease, rental, or license, the disposing partnership is treated as having disposed of the property on the date or dates on which it takes into account its gross receipts from the lease, rental, or license under its method of accounting. With respect to a sale, exchange, or other disposition, the disposing partnership is treated as having disposed of the property on the date it ceases to own the property for Federal income tax purposes, even if no gain or loss is taken into account.

(C) *Exceptions to attribution.* Attribution of activities does not apply for purposes of the construction of real property under paragraph (m)(1) of this section and the performance of engineering and architectural services under paragraphs (n)(2) and (3) of this section, respectively.

(iii) *Other rules.* Except as provided in this paragraph (i)(8), an EAG partnership is treated the same as other partnerships for purposes of section 199. Accordingly, an EAG partnership is subject to the rules of this section regarding the application of section 199 to pass-thru entities, including the section 199(d)(1)(A)(iii) rule under § 1.199–5(b)(3). In determining whether a member of an EAG or an EAG partnership MPGE QPP in whole or in significant part within the United States or produced a qualified film or produced utilities within the United States, see paragraphs (g)(2) and (3) of this section and *Example 5* of paragraph (i)(8)(iv) of this section.

(iv) *Examples.* The following examples illustrate the rules of this paragraph (i)(8). Assume that PRS, X, Y, and Z all are calendar year taxpayers. The examples read as follows:

Example 1. Contribution. X and Y are the only partners in PRS, a partnership, for PRS's entire 2007 taxable year. X and Y are both members of a single EAG for the entire 2007 year. In 2007, X MPGE QPP within the United States and contributes the QPP to PRS. In 2007, PRS sells the QPP for $1,000. Under this paragraph (i)(8), PRS is treated as having MPGE the QPP within the United States, and PRS's $1,000 gross receipts constitute DPGR. PRS, X, and Y must apply the rules of this section regarding the application of section 199 to pass-thru entities with respect to the activity of PRS, including the section 199(d)(1)(A)(iii) rule for determining a partner's share of the paragraph (e)(1) wages from the partnership under § 1.199–5(b)(3).

Example 2. Sale. X, Y, and Z are the only members of a single EAG for the entire 2007 year. X and Y each own 50% of the capital and profits interests in PRS, a partnership, for PRS's entire 2007 taxable year. In 2007, PRS MPGE QPP within the United States and then sells the QPP to X for $6,000, its fair market value at the time of the sale. PRS's gross receipts of $6,000 qualify as DPGR. In 2007, X sells the QPP to customers for $10,000, incurring selling expenses of $2,000. Under paragraph (i)(8)(ii)(A) of this section, X is treated as having MPGE the QPP within the United States, and X's $10,000 of gross receipts qualify as DPGR. PRS, X and Y must apply the rules of this section regarding the application of section 199 to pass-thru entities with respect to the activity of PRS, including application of the section 199(d)(1)(A)(iii) rule for determining a partner's share of the paragraph (e)(1) wages from the partnership under § 1.199–5(b)(3). The results would be the same if PRS sold the QPP to Z rather than to X. However, if PRS did sell the QPP to Z, and Z was not a member of the EAG for PRS's entire taxable year, the activities previously conducted by PRS with respect to the QPP would not be attributed to Z, and none of Z's $10,000 of gross receipts would qualify as DPGR.

Example 3. Lease. X, Y, and Z are the only members of a single EAG for the entire 2007 year. X and Y each own 50% of the capital and profits interests in PRS, a partnership, for PRS's entire 2007 taxable year. In 2007, PRS MPGE QPP within the United States and then sells the QPP to X for $6,000, its fair market value at the time of the sale. PRS's gross receipts of $6,000 qualify as DPGR. In 2007, X rents the QPP it acquired from PRS to customers unrelated to X. X takes the gross receipts attributable to the rental of the QPP into account under its method of accounting in 2007 and 2008. On July 1, 2008, X ceases to be a member of the same EAG to which Y, the other partner in PRS, belongs. For 2007, X is treated as having MPGE the QPP within the United States under paragraph (i)(8)(ii)(A) of this section, and its gross receipts derived from the rental of the QPP qualify as DPGR. For 2008, however, because X and Y, partners in PRS, are no longer members of the same EAG for the entire year, the gross rental receipts X takes into account in 2008 do not qualify as DPGR.

Example 4. Distribution. X and Y are the only partners in PRS, a partnership, for PRS's entire 2007 taxable year. X and Y are both members of a single EAG for the entire 2007 year. In 2007, PRS MPGE QPP within the United States, incurring $600 of CGS, and then distributes the QPP to X. X's adjusted basis in the QPP is $600. X incurs $200 of CGS to further MPGE the QPP within the United States. In 2007, X sells the QPP for $1,500 to an unrelated customer. X is treated as having disposed of the QPP on the date it ceases to own the QPP for Federal income tax purposes. Under paragraph (i)(8)(ii)(A) of this section, X is treated as having MPGE the QPP within the United States, and X's $1,500 of gross receipts qualify as DPGR.

Example 5. Multiple sales. (i) Facts. X and Y are the only partners in PRS, a partnership, for PRS's entire 2007 taxable year. X and Y are both non-consolidated members of a single EAG for the entire 2007 year. PRS produces in bulk form in the United States the active ingredient for a drug. Assume that PRS's own MPGE activity with respect to the active ingredient is not substantial in nature, taking into account all of the facts and circumstances, and PRS's direct labor and overhead to MPGE the active ingredient within the United States are $15 and account for 15% of PRS's $100 CGS of the active ingredient. In 2007, PRS sells the active ingredient in bulk form to X. X uses the active ingredient to produce the finished dosage form drug. Assume that X's own MPGE activity with respect to the finished dosage form drug is not substantial in nature, taking into account all of the facts and circumstances, and X's direct labor and overhead to MPGE the finished dosage form drug within the United States are $12 and account for 10% of X's $120 CGS of the drug. In 2007, X sells the finished dosage form drug to Y and Y sells the finished dosage form drug to customers. Assume that Y's own MPGE activity with respect to the finished dosage form drug is not substantial in nature, taking into account all of the facts and circumstances, and Y incurs $2 of direct labor and overhead and Y's CGS in selling the finished dosage form drug to customers is $130.

(ii) *Analysis.* PRS's gross receipts from the sale of the active ingredient to X are non-DPGR because PRS's MPGE activity is not substantial in nature and PRS does not satisfy the safe harbor described in paragraph (g)(3) of this section because PRS's direct labor and overhead account for less than 20% of PRS's CGS of the active ingredient. X's gross receipts from the sale of the finished dosage form drug to Y are DPGR because X is considered to have MPGE the finished dosage form drug in significant part in the United States pursuant to the safe harbor described in paragraph (g)(3) of this section because the $27 ($15 + $12) of direct labor and overhead incurred by PRS and X equals or exceeds 20% of X's total CGS ($120) of the finished dosage form drug at the time X disposes of the finished dosage form drug to Y. Similarly, Y's gross receipts from the sale of the finished dosage form drug to customers are DPGR because Y is considered to have MPGE the finished dosage form drug in significant part in the United States pursuant to the safe harbor described in paragraph (g)(3) of this section because the $29 ($15 + $12 + $2) of direct labor and overhead incurred by PRS, X, and Y equals or exceeds 20% of Y's total CGS ($130) of the finished dosage form drug at the time Y disposes of the finished dosage form drug to Y's customers.

* * * * *

(p) * * * Thus, partners, including partners in partnerships described in paragraphs (i)(7) and (8) of this section and § 1.199–9(i) and (j), may not treat guaranteed payments as DPGR. See §§ 1.199–5(b)(6) *Example 5* and 1.199–9(b)(6) *Example 5.*

§ 1.199–3T [Removed]

■ **Par. 7.** Section 1.199–3T is removed.

■ **Par. 8.** Section 1.199–4 is amended by:

■ 1. Revising paragraph (d)(5).

■ 2. Removing the language ''§ 1.199–9(d)'' in paragraph (e)(1) and adding the language ''§ 1.199–5(d) or § 1.199–9(d)'' in its place.

■ 3. Revising paragraph (f)(5).

The revisions read as follows:

§ 1.199–4 Costs allocable to domestic production gross receipts.

* * * * *

(d) * * *

(5) *Treatment of items from a pass-thru entity reporting qualified production activities income.* If, pursuant to § 1.199–5(e)(2) or § 1.199–9(e)(2), or to the authority granted in § 1.199–5(b)(1)(ii) or (c)(1)(ii), or § 1.199–9(b)(1)(ii) or (c)(1)(ii), a taxpayer must combine QPAI and W–2 wages from a partnership, S corporation, trust (to the extent not described in § 1.199–5(d) or § 1.199–9(d)) or estate with the taxpayer's total QPAI and W–2 wages from other sources, then for purposes of apportioning the taxpayer's interest expense under this paragraph (d), the taxpayer's interest in such partnership (and, where relevant in apportioning the taxpayer's interest expense, the partnership's assets), the taxpayer's shares in such S corporation, or the taxpayer's interest in such trust shall be disregarded.

* * * * *

(f) * * *

(5) *Trusts and estates.* Trusts and estates under §§ 1.199–5(e) and 1.199–9(e) may not use the small business simplified overall method.

* * * * *

■ **Par. 9.** Section 1.199–5 is added to read as follows:

§ 1.199–5 Application of section 199 to pass-thru entities for taxable years beginning after May 17, 2006, the enactment date of the Tax Increase Prevention and Reconciliation Act of 2005.

(a) *In general.* The provisions of this section apply solely for purposes of

section 199 of the Internal Revenue Code (Code).

(b) *Partnerships*—(1) *In general*—(i) *Determination at partner level.* The deduction with respect to the qualified production activities of the partnership allowable under § 1.199–1(a) (section 199 deduction) is determined at the partner level. As a result, each partner must compute its deduction separately. The section 199 deduction has no effect on the adjusted basis of the partner's interest in the partnership. Except as provided by publication pursuant to paragraph (b)(1)(ii) of this section, for purposes of this section, each partner is allocated, in accordance with sections 702 and 704, its share of partnership items (including items of income, gain, loss, and deduction), cost of goods sold (CGS) allocated to such items of income, and gross receipts that are included in such items of income, even if the partner's share of CGS and other deductions and losses exceeds domestic production gross receipts (DPGR) (as defined in § 1.199–3(a)). A partnership may specially allocate items of income, gain, loss, or deduction to its partners, subject to the rules of section 704(b) and the supporting regulations. Guaranteed payments under section 707(c) are not considered allocations of partnership income for purposes of this section. Guaranteed payments under section 707(c) are deductions by the partnership that must be taken into account under the rules of § 1.199–4. See § 1.199–3(p) and paragraph (b)(6) *Example 5* of this section. Except as provided in paragraph (b)(1)(ii) of this section, to determine its section 199 deduction for the taxable year, a partner aggregates its distributive share of such items, to the extent they are not otherwise disallowed by the Code, with those items it incurs outside the partnership (whether directly or indirectly) for purposes of allocating and apportioning deductions to DPGR and computing its qualified production activities income (QPAI) (as defined in § 1.199–1(c)).

(ii) *Determination at entity level.* The Secretary may, by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), permit a partnership to calculate a partner's share of QPAI and W–2 wages as defined in § 1.199–2(e)(2) (W–2 wages) at the entity level, instead of allocating to the partner, in accordance with sections 702 and 704, the partner's share of partnership items (including items of income, gain, loss, and deduction) and amounts described in § 1.199–2(e)(1) (paragraph (e)(1) wages). If a partnership does calculate QPAI at the entity level—

(A) Each partner is allocated its share of QPAI (subject to the limitations of paragraph (b)(2) of this section) and W–2 wages from the partnership, which are combined with the partner's QPAI and W–2 wages from other sources, if any;

(B) For purposes of computing the partner's QPAI under §§ 1.199–1 through 1.199–8, a partner does not take into account the items from the partnership (for example, a partner does not take into account items from the partnership in determining whether a threshold or *de minimis* rule applies or in allocating and apportioning deductions) in calculating its QPAI from other sources;

(C) A partner generally does not recompute its share of QPAI from the partnership using another method; however, the partner might have to adjust its share of QPAI from the partnership to take into account certain disallowed losses or deductions, or the allowance of suspended losses or deductions; and

(D) A partner's distributive share of QPAI from a partnership may be less than zero.

(2) *Disallowed losses or deductions.* Except as provided by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), losses or deductions of a partnership are taken into account in computing the partner's QPAI for a taxable year only if, and to the extent that, the partner's distributive share of those losses or deductions from all of the partnership's activities is not disallowed by section 465, 469, or 704(d), or any other provision of the Code. If only a portion of the partner's distributive share of the losses or deductions from a partnership is allowed for a taxable year, a proportionate share of those allowed losses or deductions that are allocated to the partnership's qualified production activities, determined in a manner consistent with sections 465, 469, and 704(d), and any other applicable provision of the Code, is taken into account in computing QPAI for that taxable year. To the extent that any of the disallowed losses or deductions are allowed in a later taxable year under section 465, 469, or 704(d), or any other provision of the Code, the partner takes into account a proportionate share of those allowed losses or deductions that are allocated to the partnership's qualified production activities in computing the partner's QPAI for that later taxable year. Losses or deductions of the partnership that are disallowed for taxable years beginning on or before December 31, 2004, however, are not taken into account in a later taxable year for purposes of computing the partner's QPAI for that later taxable year, whether or not the losses or deductions are allowed for other purposes.

(3) *Partner's share of paragraph (e)(1) wages.* Under section 199(d)(1)(A)(iii), a partner's share of paragraph (e)(1) wages of a partnership for purposes of determining the partner's wage limitation under section 199(b)(1) (W–2 wage limitation) equals the partner's allocable share of those wages. Except as provided by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), the partnership must allocate the amount of paragraph (e)(1) wages among the partners in the same manner it allocates wage expense among those partners. The partner must add its share of the paragraph (e)(1) wages from the partnership to the partner's paragraph (e)(1) wages from other sources, if any. The partner (other than a partner that itself is a partnership or S corporation) then must calculate its W–2 wages by determining the amount of the partner's total paragraph (e)(1) wages properly allocable to DPGR. If the partner is a partnership or S corporation, the partner must allocate its paragraph (e)(1) wages (including the paragraph (e)(1) wages from a lower-tier partnership) among its partners or shareholders in the same manner it allocates wage expense among those partners or shareholders. See § 1.199–2(e)(2) for the computation of W–2 wages and for the proper allocation of any such wages to DPGR.

(4) *Transition rule for definition of W–2 wages and for W–2 wage limitation.* If a partnership and any partner in that partnership have different taxable years, only one of which begins after May 17, 2006, the definition of W–2 wages of the partnership and the section 199(d)(1)(A)(iii) rule for determining a partner's share of wages from that partnership is determined under the law applicable to partnerships based on the beginning date of the partnership's taxable year. Thus, for example, for the taxable year of a partnership beginning on or before May 17, 2006, a partner's share of W–2 wages from the partnership is determined under section 199(d)(1)(A)(iii) as in effect for taxable years beginning on or before May 17, 2006, even if the taxable year of that partner in which those wages are taken into account begins after May 17, 2006.

(5) *Partnerships electing out of subchapter K.* For purposes of §§ 1.199–1 through 1.199–8, the rules of this paragraph (b) apply to all partnerships, including those partnerships electing under section 761(a) to be excluded, in whole or in part, from the application of subchapter K of chapter 1 of the Code.

(6) *Examples.* The following examples illustrate the application of this paragraph (b). Assume that each partner has sufficient adjusted gross income or taxable income so that the section 199 deduction is not limited under section 199(a)(1)(B). Assume also that the partnership and each of its partners (whether individual or corporate) are calendar year taxpayers. The examples read as follows:

Example 1. Section 861 method with interest expense. (i) *Partnership Federal income tax items.* X and Y, unrelated United States corporations, are each 50% partners in PRS, a partnership that engages in production activities that generate both DPGR and non-DPGR. X and Y share all items of income, gain, loss, deduction, and credit equally. Both X and Y are engaged in a trade or business. PRS is not able to identify from its books and records CGS allocable to DPGR and non-DPGR. In this case, because CGS is definitely related under the facts and circumstances to all of PRS's gross receipts, apportionment of CGS between DPGR and non-DPGR based on gross receipts is appropriate. For 2010, the adjusted basis of PRS's business assets is $5,000, $4,000 of which generate gross income attributable to DPGR and $1,000 of which generate gross income attributable to non-DPGR. For 2010, PRS has the following Federal income tax items:

DPGR	$3,000
Non-DPGR	3,000
CGS	3,240
Section 162 selling expenses	1,200
Interest expense (not included in CGS)	300

(ii) *Allocation of PRS's Federal income tax items.* X and Y each receive the following distributive share of PRS's Federal income tax items, as determined under the principles of § 1.704–1(b)(1)(vii):

Gross income attributable to DPGR ($1,500 (DPGR) − $810 (allocable CGS))	$690
Gross income attributable to non-DPGR ($1,500 (non-DPGR) − $810 (allocable CGS))	690
Section 162 selling expenses	600
Interest expense (not included in CGS)	150

(iii) *Determination of QPAI.* (A) *X's QPAI.* Because the section 199 deduction is determined at the partner level, X determines its QPAI by aggregating its distributive share of PRS's Federal income tax items with all other such items from all other, non-PRS-related activities. For 2010, X does not have any other such items. For 2010, the adjusted basis of X's non-PRS assets, all of which are investment assets, is $10,000. X's only gross receipts for 2010 are those attributable to the allocation of gross income from PRS. X allocates and apportions its deductible items to gross income attributable to DPGR under the section 861 method of § 1.199–4(d). In this case, the section 162 selling expenses are not included in CGS and are definitely related to all of PRS's gross income. Based on the facts and circumstances of this specific case, apportionment of those expenses between DPGR and non-DPGR on the basis of PRS's gross receipts is appropriate. X elects to apportion its distributive share of interest expense under the tax book value method of § 1.861–9T(g). X's QPAI for 2010 is $366, as shown in the following table:

DPGR	$1,500
CGS allocable to DPGR	(810)
Section 162 selling expenses ($600 × ($1,500 DPGR/$3,000 total gross receipts))	(300)
Interest expense (not included in CGS) ($150 × ($2,000 (X's share of PRS's DPGR assets)/$12,500 (X's non-PRS assets ($10,000) + X's share of PRS assets ($2,500))))	(24)
X's QPAI	366

(B) *Y's QPAI.* (*1*) For 2010, in addition to the activities of PRS, Y engages in production activities that generate both DPGR and non-DPGR. Y is able to identify from its books and records CGS allocable to DPGR and to non-DPGR. For 2010, the adjusted basis of Y's non-PRS assets attributable to its production activities that generate DPGR is $8,000 and to other production activities that generate non-DPGR is $2,000. Y has no other assets. Y has the following Federal income tax items relating to its non-PRS activities:

Gross income attributable to DPGR ($1,500 (DPGR) − $900 (allocable CGS))	$600
Gross income attributable to non-DPGR ($3,000 (other gross receipts) −$1,620 (allocable CGS))	1,380
Section 162 selling expenses	540
Interest expense (not included in CGS)	90

(*2*) Y determines its QPAI in the same general manner as X. However, because Y has other trade or business activities outside of PRS, Y must aggregate its distributive share of PRS's Federal income tax items with its own such items. Y allocates and apportions its deductible items to gross income attributable to DPGR under the section 861 method of § 1.199–4(d). In this case, Y's distributive share of PRS's section 162 selling expenses, as well as those selling expenses from Y's non-PRS activities, are definitely related to all of its gross income. Based on the facts and circumstances of this specific case, apportionment of those expenses between DPGR and non-DPGR on the basis of Y's gross receipts (including Y's share of PRS's gross receipts) is appropriate. Y elects to apportion its distributive share of interest expense under the tax book value method of § 1.861–9T(g). Y has $1,290 of gross income attributable to DPGR ($3,000 DPGR ($1,500 from PRS and $1,500 from non-PRS activities)—$1,710 CGS ($810 from PRS and $900 from non-PRS activities)). Y's QPAI for 2010 is $642, as shown in the following table:

DPGR ($1,500 from PRS and $1,500 from non-PRS activities)	$3,000
CGS allocable to DPGR ($810 from PRS and $900 from non-PRS activities)	(1,710)
Section 162 selling expenses ($1,140 ($600 from PRS and $540 from non-PRS activities) × $3,000 ($1,500 PRS DPGR + $1,500 non-PRS DPGR)/$7,500 ($3,000 PRS total gross receipts + $4,500 non-PRS total gross receipts))	(456)
Interest expense (not included in CGS) ($240 ($150 from PRS and $90 from non-PRS activities) × $10,000 (Y's non-PRS DPGR assets ($8,000) + Y's share of PRS DPGR assets ($2,000))/$12,500 (Y's non-PRS assets ($10,000) + Y's share of PRS assets ($2,500)))	(192)
Y's QPAI	642

(iv) *Determination of section 199 deduction.* X's tentative section 199 deduction is $33 (.09 × $366, that is, QPAI determined at the partner level) subject to the W–2 wage limitation (50% of W–2 wages). Y's tentative section 199 deduction is $58 (.09 × $642) subject to the W–2 wage limitation.

Example 2. Section 861 method with R&E expense. (i) *Partnership Federal income tax items.* X and Y, unrelated United States corporations each of which is engaged in a trade or business, are partners in PRS, a partnership that engages in production activities that generate both DPGR and non-DPGR. Neither X nor Y is a member of an affiliated group. X and Y share all items of income, gain, loss, deduction, and credit equally. All of PRS's domestic production activities that generate DPGR are within Standard Industrial Classification (SIC) Industry Group AAA (SIC AAA). All of PRS's production activities that generate non-DPGR are within SIC Industry Group BBB (SIC BBB). PRS is not able to identify from its books and records CGS allocable to DPGR and to non-DPGR. In this case, because CGS is definitely related under the facts and circumstances to all of PRS's gross receipts, apportionment of CGS between DPGR and non-DPGR based on gross receipts is appropriate. PRS incurs $900 of research and experimentation expenses (R&E) that are deductible under section 174, $300 of which are performed with respect to SIC AAA and $600 of which are performed with respect to SIC BBB. None of the R&E is legally mandated R&E as described in § 1.861–17(a)(4) and none is included in CGS. For 2010, PRS has the following Federal income tax items:

DPGR (all from sales of products within SIC AAA)	$3,000
Non-DPGR (all from sales of products within SIC BBB)	3,000
CGS	2,400
Section 162 selling expenses	840
Section 174 R&E–SIC AAA	300
Section 174 R&E–SIC BBB	600

(ii) *Allocation of PRS's Federal income tax items.* X and Y each receive the following distributive share of PRS's Federal income tax items, as determined under the principles of § 1.704–1(b)(1)(vii):

Gross income attributable to DPGR ($1,500 (DPGR) − $600 (CGS))	$900
Gross income attributable to non–DPGR ($1,500 (other gross receipts) − $600 (CGS))	900
Section 162 selling expenses	420
Section 174 R&E–SIC AAA	150
Section 174 R&E–SIC BBB	300

(iii) *Determination of QPAI.* (A) *X's QPAI.* Because the section 199 deduction is determined at the partner level, X determines its QPAI by aggregating its distributive share of PRS's Federal income tax items with all other such items from all other, non-PRS-related activities. For 2010, X does not have any other such tax items. X's only gross receipts for 2010 are those attributable to the allocation of gross income from PRS. As stated, all of PRS's domestic production activities that generate DPGR are within SIC AAA. X allocates and apportions its deductible items to gross income attributable to DPGR under the section 861 method of § 1.199–4(d). In this case, the section 162 selling expenses are definitely related to all of PRS's gross income. Based on the facts and circumstances of this specific case, apportionment of those expenses between DPGR and non-DPGR on the basis of PRS's gross receipts is appropriate. For purposes of apportioning R&E, X elects to use the sales method as described in § 1.861–17(c). Because X has no direct sales of products, and because all of PRS's SIC AAA sales attributable to X's share of PRS's gross income generate DPGR, all of X's share of PRS's section 174 R&E attributable to SIC AAA is taken into account for purposes of determining X's QPAI. Thus, X's total QPAI for 2010 is $540, as shown in the following table:

DPGR (all from sales of products within SIC AAA)	$1,500
CGS	(600)
Section 162 selling expenses ($420) × ($1,500 DPGR/$3,000 total gross receipts))	(210)
Section 174 R&E–SIC AAA	(150)
X's QPAI	540

(B) *Y's QPAI.* (*1*) For 2010, in addition to the activities of PRS, Y engages in domestic production activities that generate both DPGR and non-DPGR. With respect to those non-PRS activities, Y is not able to identify from its books and records CGS allocable to DPGR and to non-DPGR. In this case, because non-PRS CGS is definitely related under the facts and circumstances to all of Y's non-PRS gross receipts, apportionment of non-PRS CGS between DPGR and non-DPGR based on Y's non-PRS gross receipts is appropriate. For 2010, Y has the following non-PRS Federal income tax items:

DPGR (from sales of products within SIC AAA)	$1,500
DPGR (from sales of products within SIC BBB)	1,500
Non-DPGR (from sales of products within SIC BBB)	3,000
CGS (allocated to DPGR within SIC AAA)	750
CGS (allocated to DPGR within SIC BBB)	750
CGS (allocated to non-DPGR within SIC BBB)	1,500
Section 162 selling expenses	540
Section 174 R&E–SIC AAA	300
Section 174 R&E–SIC BBB	450

(*2*) Because Y has DPGR as a result of activities outside PRS, Y must aggregate its distributive share of PRS's Federal income tax items with such items from all its other, non-PRS-related activities. Y allocates and apportions its deductible items to gross income attributable to DPGR under the section 861 method of § 1.199–4(d). In this case, the section 162 selling expenses are definitely related to all of Y's gross income. Based on the facts and circumstances of the specific case, apportionment of such expenses between DPGR and non-DPGR on the basis of Y's gross receipts (including Y's share of PRS's gross receipts) is appropriate. For purposes of apportioning R&E, Y elects to use the sales method as described in § 1.861–17(c).

(*3*) With respect to sales that generate DPGR, Y has gross income of $2,400 ($4,500 DPGR ($1,500 from PRS and $3,000 from non-PRS activities) − $2,100 CGS ($600 from sales of products by PRS and $1,500 from non-PRS activities)). Because all of the sales in SIC AAA generate DPGR, all of Y's share of PRS's section 174 R&E attributable to SIC AAA and the section 174 R&E attributable to SIC AAA that Y incurs in its non-PRS activities are taken into account for purposes of determining Y's QPAI. Because only a portion of the sales within SIC BBB generate DPGR, only a portion of the section 174 R&E attributable to SIC BBB is taken into account in determining Y's QPAI. Thus, Y's QPAI for 2010 is $1,282, as shown in the following table:

DPGR ($4,500 DPGR ($1,500 from PRS and $3,000 from non-PRS activities))	$4,500
CGS ($600 from sales of products by PRS and $1,500 from non-PRS activities)	(2,100)
Section 162 selling expenses ($960 ($420 from PRS + $540 from non-PRS activities) × ($4,500 DPGR/$9,000 total gross receipts))	(480)
Section 174 R&E–SIC AAA ($150 from PRS and $300 from non-PRS activities)	(450)
Section 174 R&E–SIC BBB ($750 ($300 from PRS + $450 from non-PRS activities) × ($1,500 DPGR/$6,000 total gross receipts allocated to SIC BBB ($1,500 from PRS + $4,500 from non-PRS activities))	(188)
Y's QPAI	1,282

(iv) *Determination of section 199 deduction.* X's tentative section 199 deduction is $49 (.09 × $540, that is, QPAI determined at the partner level) subject to the W–2 wage limitation (50% of W–2 wages). Y's tentative section 199 deduction is $115 (.09 × $1,282) subject to the W–2 wage limitation.

Example 3. Partnership with special allocations. (i) *In general.* X and Y are unrelated corporate partners in PRS and each is engaged in a trade or business. PRS is a partnership that engages in a domestic production activity and other activities. In general, X and Y share all partnership items of income, gain, loss, deduction, and credit equally, except that 80% of the wage expense of PRS and 20% of PRS's other expenses are specially allocated to X. Under all the facts and circumstances, these special allocations have substantial economic effect under section 704(b). In the 2010 taxable year, PRS's only wage expense is $2,000 for marketing, which is not included in CGS. PRS has $8,000 of gross receipts ($6,000 of which is DPGR), $4,000 of CGS ($3,500 of which is allocable to DPGR), and $3,000 of deductions (comprised of $2,000 of wage expense for marketing and $1,000 of other expenses). X qualifies for and uses the simplified deduction method under § 1.199–4(e). Y does not qualify to use that method and, therefore, must use the section 861 method under § 1.199–4(d). In the 2010 taxable year, X has gross receipts attributable to non-partnership trade or business activities of $1,000 and wage expense of $200. None of X's non-PRS gross receipts is DPGR. For purposes of this *Example 3*, with regard to both X and PRS, paragraph (e)(1) wages equal wage expense for the 2010 taxable year.

(ii) *Allocation and apportionment of costs.* Under the partnership agreement, X's distributive share of the Federal income tax items of PRS is $1,250 of gross income attributable to DPGR ($3,000 DPGR − $1,750 allocable CGS), $750 of gross income attributable to non-DPGR ($1,000 non-DPGR − $250 allocable CGS), and $1,800 of deductions (comprised of X's special allocations of $1,600 of wage expense ($2,000 × 80%) for marketing and $200 of other expenses ($1,000 x 20%)). Under the simplified deduction method, X apportions $1,200 of other deductions to DPGR ($2,000 ($1,800 from the partnership and $200 from non-partnership activities) × ($3,000 DPGR/$5,000 total gross receipts)). Accordingly, X's QPAI is $50 ($3,000 DPGR − $1,750 CGS − $1,200 of deductions). X has $1,800 of paragraph (e)(1) wages ($1,600 (X's 80% share) from PRS + $200 (X's own non-PRS paragraph (e)(1) wages)). To calculate its W–2 wages, X must determine how much of this $1,800 is properly allocable under § 1.199–2(e)(2) to X's total DPGR (including X's share of DPGR from PRS). Thus, X's tentative section 199 deduction for the 2010 taxable year is $5 (.09 × $50), subject to the W–2 wage limitation (50% of X's W–2 wages).

Example 4. Partnership with no paragraph (e)(1) wages. (i) *Facts.* A and B, both individuals, are partners in PRS. PRS is a partnership that engages in manufacturing activities that generate both DPGR and non-DPGR. A and B share all items of income, gain, loss, deduction, and credit equally. For the 2010 taxable year, PRS has total gross receipts of $2,000 ($1,000 of which is DPGR), CGS of $400 and deductions of $800. PRS has no paragraph (e)(1) wages. Each partner's distributive share of PRS's Federal income tax items is $500 DPGR, $500 non-DPGR, $200 CGS, and $400 of deductions. A has trade or business activities outside of PRS

(non-PRS activities). With respect to those activities, A has total gross receipts of $1,000 ($500 of which is DPGR), CGS of $400 (including $50 of paragraph (e)(1) wages), and deductions of $200 for the 2010 taxable year. B has no trade or business activities outside of PRS. A and B each use the small business simplified overall method under § 1.199–4(f).

(ii) *A's QPAI.* A's total CGS and deductions apportioned to DPGR equal $600 (($1,200 ($200 PRS CGS + $400 non-PRS CGS + $400 PRS deductions + $200 non-PRS trade or business deductions)) × ($1,000 total DPGR ($500 from PRS + $500 from non-PRS activities)/$2,000 total gross receipts ($1,000 from PRS + $1,000 from non-PRS activities))). Accordingly, A's QPAI is $400 ($1,000 DPGR ($500 from PRS + $500 from non-PRS activities) − $600 CGS and deductions).

(iii) *A's W–2 wages and section 199 deduction.* A has $50 of paragraph (e)(1) wages ($0 from PRS + $50 from A's non-PRS activities). To calculate A's W–2 wages, A determines, under a reasonable method satisfactory to the Secretary, that $40 of this $50 is properly allocable under § 1.199–2(e)(2) to A's DPGR from PRS and non-PRS activities. A's tentative section 199 deduction is $36 (.09 × $400), subject to the W–2 wage limitation of $20 (50% of W–2 wages of $40). Thus, A's section 199 deduction is $20.

(iv) *B's QPAI and section 199 deduction.* B's CGS and deductions apportioned to DPGR equal $300 (($200 PRS CGS + $400 PRS deductions) × ($500 DPGR from PRS /$1,000 total gross receipts from PRS)). Accordingly, B's QPAI is $200 ($500 DPGR − $300 CGS and deductions). B's tentative section 199 deduction is $18 (.09 × $200), subject to the W–2 wage limitation. In this case, however, the limitation is $0, because B has no paragraph (e)(1) wages. Thus, B's section 199 deduction is $0.

Example 5. Guaranteed payment. (i) *Facts.* The facts are the same as in *Example 4*, except that in 2010 PRS also makes a guaranteed payment of $200 to A for services rendered by A (see section 707(c)), and PRS incurs $200 of wage expense for employees' salary, which is included within the $400 of CGS (in this case the wage expense of $200 equals PRS's paragraph (e)(1) wages). The guaranteed payment is taxable to A as ordinary income and is properly deducted by PRS under section 162. Pursuant to § 1.199–3(p), A may not treat any part of this payment as DPGR. Accordingly, PRS has total gross receipts of $2,000 ($1,000 of which is DPGR), CGS of $400 (including $200 of wage expense) and deductions of $1,000 (including the $200 guaranteed payment) for the 2010 taxable year. Each partner's distributive share of the items of the partnership is $500 DPGR, $500 non-DPGR, $200 CGS (including $100 of wage expense), and $500 of deductions.

(ii) *A's QPAI and W–2 wages.* A's total CGS and deductions apportioned to DPGR equal $591 ($1,300 ($200 PRS CGS + $400 non-PRS CGS + $500 PRS deductions + $200 non-PRS trade or business deductions) × ($1,000 total DPGR ($500 from PRS + $500 from non-PRS activities)/$2,200 total gross receipts ($1,000 from PRS + $200 guaranteed payment + $1,000 from non-PRS activities))). Accordingly, A's QPAI is $409 ($1,000 DPGR − $591 CGS and other deductions). A's total paragraph (e)(1) wages are $150 ($100 from PRS + $50 from non-PRS activities). To calculate its W–2 wages, A must determine how much of this $150 is properly allocable under § 1.199–2(e)(2) to A's total DPGR from PRS and non-PRS activities. A's tentative section 199 deduction is $37 (.09 × $409), subject to the W–2 wage limitation (50% of W–2 wages).

(iii) *B's QPAI and W–2 wages.* B's QPAI is $150 ($500 DPGR − $350 CGS and other deductions). B has $100 of paragraph (e)(1) wages (all from PRS). To calculate its W–2 wages, B must determine how much of this $100 is properly allocable under § 1.199–2(e)(2) to B's total DPGR. B's tentative section 199 deduction is $14 (.09 × $150), subject to the W–2 wage limitation (50% of B's W–2 wages).

(c) *S corporations*—(1) *In general*—(i) *Determination at shareholder level.* The section 199 deduction with respect to the qualified production activities of an S corporation is determined at the shareholder level. As a result, each shareholder must compute its deduction separately. The section 199 deduction has no effect on the adjusted basis of a shareholder's stock in an S corporation. Except as provided by publication pursuant to paragraph (c)(1)(ii) of this section, for purposes of this section, each shareholder is allocated, in accordance with section 1366, its pro rata share of S corporation items (including items of income, gain, loss, and deduction), CGS allocated to such items of income, and gross receipts included in such items of income, even if the shareholder's share of CGS and other deductions and losses exceeds DPGR. Except as provided by publication under paragraph (c)(1)(ii) of this section, to determine its section 199 deduction for the taxable year, the shareholder aggregates its pro rata share of such items, to the extent they are not otherwise disallowed by the Code, with those items it incurs outside the S corporation (whether directly or indirectly) for purposes of allocating and apportioning deductions to DPGR and computing its QPAI.

(ii) *Determination at entity level.* The Secretary may, by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), permit an S corporation to calculate a shareholder's share of QPAI and W–2 wages at the entity level, instead of allocating to the shareholder, in accordance with section 1366, the shareholder's pro rata share of S corporation items (including items of income, gain, loss, and deduction) and paragraph (e)(1) wages. If an S corporation does calculate QPAI at the entity level—

(A) Each shareholder is allocated its share of QPAI (subject to the limitations of paragraph (c)(2) of this section) and W–2 wages from the S corporation, which are combined with the shareholder's QPAI and W–2 wages from other sources, if any;

(B) For purposes of computing the shareholder's QPAI under §§ 1.199–1 through 1.199–8, a shareholder does not take into account the items from the S corporation (for example, a shareholder does not take into account items from the S corporation in determining whether a threshold or *de minimis* rule applies or in allocating and apportioning deductions) in calculating its QPAI from other sources;

(C) A shareholder generally does not recompute its share of QPAI from the S corporation using another method; however, the shareholder might have to adjust its share of QPAI from the S corporation to take into account certain disallowed losses or deductions, or the allowance of suspended losses or deductions; and

(D) A shareholder's share of QPAI from an S corporation may be less than zero.

(2) *Disallowed losses or deductions.* Except as provided by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), losses or deductions of the S corporation are taken into account in computing the shareholder's QPAI for a taxable year only if, and to the extent that, the shareholder's pro rata share of the losses or deductions from all of the S corporation's activities is not disallowed by section 465, 469, or 1366(d), or any other provision of the Code. If only a portion of the shareholder's share of the losses or deductions from an S corporation is allowed for a taxable year, a proportionate share of those allowed losses or deductions that are allocated to the S corporation's qualified production activities, determined in a manner consistent with sections 465, 469, and 1366(d), and any other applicable provision of the Code, is taken into account in computing QPAI for that taxable year. To the extent that any of the disallowed losses or deductions are allowed in a later taxable year under section 465, 469, or 1366(d), or any other provision of the Code, the shareholder takes into account a proportionate share of those allowed losses or deductions that are allocated to the S corporation's qualified production activities in computing the shareholder's QPAI for that later taxable year. Losses or deductions of the S corporation that are disallowed for taxable years beginning on or before

December 31, 2004, however, are not taken into account in a later taxable year for purposes of computing the shareholder's QPAI for that later taxable year, whether or not the losses or deductions are allowed for other purposes.

(3) *Shareholder's share of paragraph (e)(1) wages.* Under section 199(d)(1)(A)(iii), an S corporation shareholder's share of the paragraph (e)(1) wages of the S corporation for purposes of determining the shareholder's W–2 wage limitation equals the shareholder's allocable share of those wages. Except as provided by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter), the S corporation must allocate the paragraph (e)(1) wages among the shareholders in the same manner it allocates wage expense among those shareholders. The shareholder then must add its share of the paragraph (e)(1) wages from the S corporation to the shareholder's paragraph (e)(1) wages from other sources, if any, and then must determine the portion of those total paragraph (e)(1) wages allocable to DPGR to compute the shareholder's W–2 wages. See § 1.199–2(e)(2) for the computation of W–2 wages and for the proper allocation of such wages to DPGR.

(4) *Transition rule for definition of W–2 wages and for W–2 wage limitation.* If an S corporation and any of its shareholders have different taxable years, only one of which begins after May 17, 2006, the definition of W–2 wages of the S corporation and the section 199(d)(1)(A)(iii) rule for determining a shareholder's share of wages from that S corporation is determined under the law applicable to S corporations based on the beginning date of the S corporation's taxable year. Thus, for example, for the short taxable year of an S corporation beginning after May 17, 2006, and ending in 2006, a shareholder's share of W–2 wages from the S corporation is determined under section 199(d)(1)(A)(iii) for taxable years beginning after May 17, 2006, even if that shareholder's taxable year began on or before May 17, 2006.

(d) *Grantor trusts.* To the extent that the grantor or another person is treated as owning all or part (the owned portion) of a trust under sections 671 through 679, such person (owner) computes its QPAI with respect to the owned portion of the trust as if that QPAI had been generated by activities performed directly by the owner. Similarly, for purposes of the W–2 wage limitation, the owner of the trust takes into account the owner's share of the paragraph (e)(1) wages of the trust that are attributable to the owned portion of the trust. The provisions of paragraph (e) of this section do not apply to the owned portion of a trust.

(e) *Non-grantor trusts and estates*—(1) *Allocation of costs.* The trust or estate calculates each beneficiary's share (as well as the trust's or estate's own share, if any) of QPAI and W–2 wages from the trust or estate at the trust or estate level. The beneficiary of a trust or estate may not recompute its share of QPAI or W–2 wages from the trust or estate by using another method to reallocate the trust's or estate's qualified production costs or paragraph (e)(1) wages, or otherwise. Except as provided in paragraph (d) of this section, the QPAI of a trust or estate must be computed by allocating expenses described in section 199(d)(5) in one of two ways, depending on the classification of those expenses under § 1.652(b)–3. Specifically, directly attributable expenses within the meaning of § 1.652(b)–3 are allocated pursuant to § 1.652(b)–3, and expenses not directly attributable within the meaning of § 1.652(b)–3 (other expenses) are allocated under the simplified deduction method of § 1.199–4(e) (unless the trust or estate does not qualify to use the simplified deduction method, in which case it must use the section 861 method of § 1.199–4(d) with respect to such other expenses). For this purpose, depletion and depreciation deductions described in section 642(e) and amortization deductions described in section 642(f) are treated as other expenses described in section 199(d)(5). Also for this purpose, the trust's or estate's share of other expenses from a lower-tier pass-thru entity is not directly attributable to any class of income (whether or not those other expenses are directly attributable to the aggregate pass-thru gross income as a class for purposes other than section 199). A trust or estate may not use the small business simplified overall method for computing its QPAI. See § 1.199–4(f)(5).

(2) *Allocation among trust or estate and beneficiaries*—(i) *In general.* The QPAI of a trust or estate (which will be less than zero if the CGS and deductions allocated and apportioned to DPGR exceed the trust's or estate's DPGR) and W–2 wages of a trust or estate are allocated to each beneficiary and to the trust or estate based on the relative proportion of the trust's or estate's distributable net income (DNI), as defined by section 643(a), for the taxable year that is distributed or required to be distributed to the beneficiary or is retained by the trust or estate. For this purpose, the trust or estate's DNI is determined with regard to the separate share rule of section 663(c), but without regard to section 199. To the extent that the trust or estate has no DNI for the taxable year, any QPAI and W–2 wages are allocated entirely to the trust or estate. A trust or estate is allowed the section 199 deduction in computing its taxable income to the extent that QPAI and W–2 wages are allocated to the trust or estate. A beneficiary of a trust or estate is allowed the section 199 deduction in computing its taxable income based on its share of QPAI and W–2 wages from the trust or estate, which are aggregated with the beneficiary's QPAI and W–2 wages from other sources, if any.

(ii) *Treatment of items from a trust or estate reporting qualified production activities income.* When, pursuant to this paragraph (e), a taxpayer must combine QPAI and W–2 wages from a trust or estate with the taxpayer's total QPAI and W–2 wages from other sources, the taxpayer, when applying §§ 1.199–1 through 1.199–8 to determine the taxpayer's total QPAI and W–2 wages from such other sources, does not take into account the items from such trust or estate. Thus, for example, a beneficiary of an estate that receives QPAI from the estate does not take into account the beneficiary's distributive share of the estate's gross receipts, gross income, or deductions when the beneficiary determines whether a threshold or *de minimis* rule applies or when the beneficiary allocates and apportions deductions in calculating its QPAI from other sources. Similarly, in determining the portion of the beneficiary's paragraph (e)(1) wages from other sources that is attributable to DPGR (thus, the W–2 wages from other sources), the beneficiary does not take into account DPGR and non-DPGR from the trust or estate.

(3) *Transition rule for definition of W–2 wages and for W–2 wage limitation.* The definition of W–2 wages of a trust or estate and the section 199(d)(1)(A)(iii) rule for determining the respective shares of wages from that trust or estate, and thus the beneficiary's share of W–2 wages from that trust or estate, is determined under the law applicable to pass-thru entities based on the beginning date of the taxable year of the trust or estate, regardless of the beginning date of the taxable year of the beneficiary.

(4) *Example.* The following example illustrates the application of this paragraph (e). Assume that the partnership, trust, and trust beneficiary all are calendar year taxpayers. The example reads as follows:

Example. (i) *Computation of DNI and inclusion and deduction amounts. (A) Trust's*

distributive share of partnership items. Trust, a complex trust, is a partner in PRS, a partnership that engages in activities that generate DPGR and non-DPGR. In 2010, PRS distributes $10,000 cash to Trust. PRS properly allocates (in the same manner as wage expense) paragraph (e)(1) wages of $3,000 to Trust. Trust's distributive share of PRS items, which are properly included in Trust's DNI, is as follows:

Gross income attributable to DPGR ($15,000 DPGR − $5,000 CGS (including wage expense of $1,000))	$10,000
Gross income attributable to non-DPGR ($5,000 other gross receipts − $0 CGS)	5,000
Selling expenses attributable to DPGR (includes wage expense of $2,000)	3,000
Other expenses (includes wage expense of $1,000)	2,000

(B) *Trust's direct activities.* In addition to its cash distribution in 2010 from PRS, Trust directly has the following items which are properly included in Trust's DNI:

Dividends	$10,000
Tax-exempt interest	10,000
Rents from commercial real property operated by Trust as a business	10,000
Real estate taxes	1,000
Trustee commissions	3,000
State income and personal property taxes	5,000
Wage expense for rental business (direct paragraph (e)(1) wages)	2,000
Other business expenses	1,000

(C) *Allocation of deductions under § 1.652(b)–3. (1) Directly attributable expenses.* In computing Trust's DNI for the taxable year, the distributive share of expenses of PRS are directly attributable under § 1.652(b)–3(a) to the distributive share of income of PRS. Accordingly, the $5,000 of CGS, $3,000 of selling expenses, and $2,000 of other expenses are subtracted from the gross receipts from PRS ($20,000), resulting in net income from PRS of $10,000. With respect to the Trust's direct expenses, $1,000 of the trustee commissions, the $1,000 of real estate taxes, and the $2,000 of wage expense are directly attributable under § 1.652(b)–3(a) to the rental income.

(*2*) *Non-directly attributable expenses.* Under § 1.652(b)–3(b), the trustee must allocate a portion of the sum of the balance of the trustee commissions ($2,000), state income and personal property taxes ($5,000), and the other business expenses ($1,000) to the $10,000 of tax-exempt interest. The portion to be attributed to tax-exempt interest is $2,222 ($8,000 × ($10,000 tax exempt interest/$36,000 gross receipts net of direct expenses)), resulting in $7,778 ($10,000 − $2,222) of net tax-exempt interest. Pursuant to its authority recognized under § 1.652(b)–3(b), the trustee allocates the entire amount of the remaining $5,778 of trustee commissions, state income and personal property taxes, and other business expenses to the $6,000 of net rental income, resulting in $222 ($6,000 − $5,778) of net rental income.

(D) *Amounts included in taxable income.* For 2010, Trust has DNI of $28,000 (net dividend income of $10,000 + net PRS income of $10,000 + net rental income of $222 + net tax-exempt income of $7,778). Pursuant to Trust's governing instrument, Trustee distributes 50%, or $14,000, of that DNI to B, an individual who is a discretionary beneficiary of Trust. Assume that there are no separate shares under Trust, and no distributions are made to any other beneficiary that year. Consequently, with respect to the $14,000 distribution B receives from Trust, B properly includes in B's gross income $5,000 of income from PRS, $111 of rents, and $5,000 of dividends, and properly excludes from B's gross income $3,889 of tax-exempt interest. Trust includes $20,222 in its adjusted total income and deducts $10,111 under section 661(a) in computing its taxable income.

(ii) *Section 199 deduction.* (A) *Simplified deduction method.* For purposes of computing the section 199 deduction for the taxable year, assume Trust qualifies for the simplified deduction method under § 1.199–4(e). The determination of Trust's QPAI under the simplified deduction method requires multiple steps to allocate costs. First, the Trust's expenses directly attributable to DPGR under § 1.652(b)–3(a) are subtracted from the Trust's DPGR. In this step, the directly attributable $5,000 of CGS and selling expenses of $3,000 are subtracted from the $15,000 of DPGR from PRS. Second, the Trust's expenses directly attributable under § 1.652(b)–3(a) to non-DPGR from a trade or business are subtracted from the Trust's trade or business non-DPGR. In this step, $4,000 of Trust expenses directly allocable to the real property rental activity ($1,000 of real estate taxes, $1,000 of Trustee commissions, and $2,000 of wages) are subtracted from the $10,000 of rental income. Third, Trust must identify the portion of its other expenses that is attributable to Trust's trade or business activities, if any, because expenses not attributable to trade or business activities are not taken into account in computing QPAI. In this step, in this example, the portion of the trustee commissions not directly attributable to the rental operation ($2,000) is directly attributable to non-trade or business activities. In addition, the state income and personal property taxes are not directly attributable under § 1.652(b)–3(a) to either trade or business or non-trade or business activities, so the portion of those taxes not attributable to either the PRS interests or the rental operation is not a trade or business expense and, thus, is not taken into account in computing QPAI. The portion of the state income and personal property taxes that is treated as an other trade or business expense is $3,000 ($5,000 × $30,000 total trade or business gross receipts/$50,000 total gross receipts). Fourth, Trust then allocates its other trade or business expenses (not directly attributable under § 1.652(b)–3(a)) between DPGR and non-DPGR on the basis of its total gross receipts from the conduct of a trade or business ($20,000 from PRS + $10,000 rental income). Thus, Trust combines its non-directly attributable (other) business expenses ($2,000 from PRS + $4,000 ($1,000 of other business expenses + $3,000 of income and property taxes allocated to a trade or business) from its own activities) and then apportions this total ($6,000) between DPGR and other receipts on the basis of Trust's total trade or business gross receipts ($6,000 of such expenses × $15,000 DPGR/$30,000 total trade or business gross receipts = $3,000). Thus, for purposes of computing Trust's and B's section 199 deduction, Trust's QPAI is $4,000 ($7,000 ($15,000 DPGR − $5,000 CGS − $3,000 selling expenses) − $3,000). Because the distribution of Trust's DNI to B equals one-half of Trust's DNI, Trust and B each has QPAI from PRS for purposes of the section 199 deduction of $2,000. B has $1,000 of QPAI from non-Trust activities that is added to the $2,000 QPAI from Trust for a total of $3,000 of QPAI.

(B) *W–2 wages.* For the 2010 taxable year, Trust chooses to use the wage expense safe harbor under § 1.199–2(e)(2)(ii) to determine its W–2 wages. For its taxable year ending December 31, 2010, Trust has $5,000 ($3,000 from PRS + $2,000 of Trust) of paragraph (e)(1) wages reported on 2010 Forms W–2. Trust's W–2 wages are $2,917, as shown in the following table:

Wage expense included in CGS directly attributable to DPGR	$1,000
Wage expense included in selling expense directly attributable to DPGR	2,000
Wage expense included in non-directly attributable deductions ($1,000 in wage expense × ($15,000 DPGR/$30,000 total trade or business gross receipts))	500
Wage expense allocable to DPGR	3,500
W–2 wages (($3,500 of wage expense allocable to DPGR/$6,000 of total wage expense) × $5,000 in paragraph (e)(1) wages)	$2,917

(C) *Section 199 deduction computation. (1) B's computation.* B is eligible to use the small business simplified overall method. Assume that B has sufficient adjusted gross income so that the section 199 deduction is not limited under section 199(a)(1)(B). Because the $14,000 Trust distribution to B equals one-half of Trust's DNI, B has W–2 wages from Trust of $1,459 (50% × $2,917). B has W–2 wages of $100 from trade or business activities outside of Trust and attributable to DPGR (computed without regard to B's interest in Trust pursuant to § 1.199–2(e)) for a total of $1,559 of W–2 wages. B has $1,000 of QPAI from non-Trust activities that is added to the $2,000 QPAI from Trust for a total of $3,000 of QPAI. B's tentative deduction is $270 (.09 × $3,000), limited under the W–2 wage limitation to $780 (50% × $1,559 W–2 wages). Accordingly, B's section 199 deduction for 2010 is $270.

(*2*) *Trust's computation.* Trust has sufficient adjusted gross income so that the section 199 deduction is not limited under section 199(a)(1)(B). Because the $14,000 Trust distribution to B equals one-half of Trust's DNI, Trust has W–2 wages of $1,459 (50% × $2,917). Trust's tentative deduction is $180 (.09 × $2,000 QPAI), limited under the

W–2 wage limitation to $730 (50% × $1,459 W–2 wages). Accordingly, Trust's section 199 deduction for 2010 is $180.

(f) *Gain or loss from the disposition of an interest in a pass-thru entity.* DPGR generally does not include gain or loss recognized on the sale, exchange, or other disposition of an interest in a pass-thru entity. However, with respect to a partnership, if section 751(a) or (b) applies, then gain or loss attributable to assets of the partnership giving rise to ordinary income under section 751(a) or (b), the sale, exchange, or other disposition of which would give rise to DPGR, is taken into account in computing the partner's section 199 deduction. Accordingly, to the extent that cash or property received by a partner in a sale or exchange of all or part of its partnership interest is attributable to unrealized receivables or inventory items within the meaning of section 751(c) or (d), respectively, and the sale or exchange of the unrealized receivable or inventory items would give rise to DPGR if sold, exchanged, or otherwise disposed of by the partnership, the cash or property received by the partner is taken into account by the partner in determining its DPGR for the taxable year. Likewise, to the extent that a distribution of property to a partner is treated under section 751(b) as a sale or exchange of property between the partnership and the distributee partner, and any property deemed sold or exchanged would give rise to DPGR if sold, exchanged, or otherwise disposed of by the partnership, the deemed sale or exchange of the property must be taken into account in determining the partnership's and distributee partner's DPGR to the extent not taken into account under the qualifying in-kind partnership rules. See §§ 1.751–1(b) and 1.199–3(i)(7).

(g) *No attribution of qualified activities.* Except as provided in § 1.199–3(i)(7) regarding qualifying in-kind partnerships and § 1.199–3(i)(8) regarding EAG partnerships, an owner of a pass-thru entity is not treated as conducting the qualified production activities of the pass-thru entity, and vice versa. This rule applies to all partnerships, including partnerships that have elected out of subchapter K under section 761(a). Accordingly, if a partnership manufactures QPP within the United States, or produces a qualified film or produces utilities in the United States, and distributes or leases, rents, licenses, sells, exchanges, or otherwise disposes of such property to a partner who then, without performing its own qualifying activity, leases, rents, licenses, sells, exchanges, or otherwise disposes of such property, then the partner's gross receipts from this latter lease, rental, license, sale, exchange, or other disposition are treated as non-DPGR. In addition, if a partner manufactures QPP within the United States, or produces a qualified film or produces utilities in the United States, and contributes or leases, rents, licenses, sells, exchanges, or otherwise disposes of such property to a partnership which then, without performing its own qualifying activity, leases, rents, licenses, sells, exchanges, or otherwise disposes of such property, then the partnership's gross receipts from this latter disposition are treated as non-DPGR.

§ 1.199–5T [Removed]

■ **Par. 10.** Section 1.199–5T is removed.

■ **Par. 11.** Section 1.199–7 is amended by revising paragraph (b)(4) to read as follows:

§ 1.199–7 Expanded affiliated groups.

* * * * *

(b) * * *

(4) *Losses used to reduce taxable income of expanded affiliated group*—(i) *In general.* The amount of an NOL sustained by any member of an EAG that is used in the year sustained in determining an EAG's taxable income limitation under section 199(a)(1)(B) is not treated as an NOL carryover or NOL carryback to any taxable year in determining the taxable income limitation under section 199(a)(1)(B). For purposes of this paragraph (b)(4), an NOL is considered to be used if it reduces an EAG's aggregate taxable income, regardless of whether the use of the NOL actually reduces the amount of the section 199 deduction that the EAG would otherwise derive. An NOL is not considered to be used to the extent that it reduces an EAG's aggregate taxable income to an amount less than zero. If more than one member of an EAG has an NOL used in the same taxable year to reduce the EAG's taxable income, the members' respective NOLs are deemed used in proportion to the amount of their NOLs.

(ii) *Examples.* The following examples illustrate the application of this paragraph (b)(4). For purposes of these examples, assume that all relevant parties have sufficient W–2 wages so that the section 199 deduction is not limited under section 199(b)(1). The examples read as follows:

Example 1. (i) *Facts.* Corporations A and B are the only two members of an EAG. A and B are both calendar year taxpayers, and they do not join in the filing of a consolidated Federal income tax return. Neither A nor B had taxable income or loss prior to 2010. In 2010, A has QPAI and taxable income of $1,000, and B has QPAI of $1,000 and an NOL of $1,500. In 2011, A has QPAI of $2,000 and taxable income of $1,000 and B has QPAI of $2,000 and taxable income prior to the NOL deduction allowed under section 172 of $2,000.

(ii) *Section 199 deduction for 2010.* In determining the EAG's section 199 deduction for 2010, A's $1,000 of QPAI and B's $1,000 of QPAI are aggregated, as are A's $1,000 of taxable income and B's $1,500 NOL. Thus, for 2010, the EAG has QPAI of $2,000 and taxable income of ($500). The EAG's section 199 deduction for 2010 is 9% of the lesser of its QPAI or its taxable income. Because the EAG has a taxable loss in 2010, the EAG's section 199 deduction is $0.

(iii) *Section 199 deduction for 2011.* In determining the EAG's section 199 deduction for 2011, A's $2,000 of QPAI and B's $2,000 of QPAI are aggregated, giving the EAG QPAI of $4,000. Also, $1,000 of B's NOL from 2010 was used in 2010 to reduce the EAG's taxable income to $0. The remaining $500 of B's 2010 NOL is not considered to have been used in 2010 because it reduced the EAG's taxable income below $0. Accordingly, for purposes of determining the EAG's taxable income limitation under section 199(a)(1)(B) in 2011, B is deemed to have only a $500 NOL carryover from 2010 to offset a portion of its 2011 taxable income. Thus, B's taxable income in 2011 is $1,500 which is aggregated with A's $1,000 of taxable income. The EAG's taxable income limitation in 2011 is $2,500. The EAG's section 199 deduction is 9% of the lesser of its QPAI of $4,000 or its taxable income of $2,500. Thus, the EAG's section 199 deduction in 2011 is 9% of $2,500, or $225. The results would be the same if neither A nor B had QPAI in 2010.

Example 2. The facts are the same as in *Example 1* except that in 2010 B was not a member of the same EAG as A, but instead was a member of an EAG with Corporation X, which had QPAI and taxable income of $1,000 in 2010, and had neither taxable income nor loss in any other year. There were no other members of the EAG in 2010 besides B and X, and B and X did not file a consolidated Federal income tax return. As $1,000 of B's NOL was used in 2010 to reduce the B and X EAG's taxable income to $0, B is considered to have only a $500 NOL carryover from 2010 to offset a portion of its 2011 taxable income for purposes of the taxable income limitation under section 199(a)(1)(B), just as in *Example 1.* Accordingly, the results for the A and B EAG in 2011 are the same as in *Example 1.*

Example 3. The facts are the same as in *Example 1* except that B is not a member of any EAG in 2011. Because $1,000 of B's NOL was used in 2010 to reduce the EAG's taxable income to $0, B is considered to have only a $500 NOL carryover from 2010 to offset a portion of its 2011 taxable income for purposes of the taxable income limitation under section 199(a)(1)(B), just as in *Example 1.* Thus, for purposes of determining B's taxable income limitation in 2011, B is considered to have taxable income of $1,500, and B has a section 199 deduction of 9% of $1,500, or $135.

Example 4. Corporations A, B, and C are the only members of an EAG. A, B, and C are all calendar year taxpayers, and they do not join in the filing of a consolidated Federal income tax return. None of the EAG members (A, B, or C) had taxable income or loss prior to 2010. In 2010, A has QPAI of $2,000 and taxable income of $1,000, B has QPAI of $1,000 and an NOL of $1,000, and C has QPAI of $1,000 and an NOL of $3,000. In 2011, prior to the NOL deduction allowed under section 172, A and B each has taxable income of $200 and C has taxable income of $5,000. In determining the EAG's section 199 deduction for 2010, A's QPAI of $2,000, B's QPAI of $1,000, and C's QPAI of $1,000 are aggregated, as are A's taxable income of $1,000, B's NOL of $1,000, and C's NOL of $3,000. Thus, for 2010, the EAG has QPAI of $4,000 and taxable income of ($3,000). In determining the EAG's taxable income limitation under section 199(a)(1)(B) in 2011, $1,000 of B's and C's aggregate NOLs in 2010 of $4,000 are considered to have been used in 2010 to reduce the EAG's taxable income to $0, in proportion to their NOLs. Thus, $250 of B's NOL from 2010 ($1,000 × $1,000/$4,000) and $750 of C's NOL from 2010 ($1,000 × $3,000/$4,000) are deemed to have been used in 2010. The remaining $750 of B's NOL and the remaining $2,250 of C's NOL are not deemed to have been used because so doing would have reduced the EAG's taxable income in 2010 below $0. Accordingly, for purposes of determining the EAG's taxable income limitation in 2011, B is deemed to have a $750 NOL carryover from 2010 and C is deemed to have a $2,250 NOL carryover from 2010. Thus, for purposes of determining the EAG's taxable income limitation, B's taxable income in 2011 is $0 and C's taxable income in 2011 is $2,750, which are aggregated with A's $200 taxable income. B's unused NOL carryover from 2010 cannot be used to reduce either A's or C's 2011 taxable income. Thus, the EAG's taxable income limitation in 2011 is $2,950, A's taxable income of $200 plus B's taxable income of $0 plus C's taxable income of $2,750.

* * * * *

§ 1.199–7T [Removed]

■ **Par. 12.** Section 1.199–7T is removed.

■ **Par. 13.** Section 1.199–8 is amended by:

■ 1. Removing the language ''§ 1.199–9(j)'' in paragraph (e)(1)(i) and adding the language ''§§ 1.199–3(i)(8) and 1.199–9(j)'' in its place.

■ 2. Removing the language ''§ 1.199–9(i)'' in paragraph (e)(1)(i) and adding the language ''§§ 1.199–3(i)(7) and 1.199–9(i)'' in its place.

■ 3. Removing the language ''§ 1.199–9(i)'' in paragraph (e)(1)(ii)(B) and adding the language ''§ 1.199–3(i)(7) or § 1.199–9(i)'' in its place.

■ 4. Revising the last two sentences in paragraph (h).

■ 5. Revising paragraphs (i)(5) and (i)(6).

The revisions read as follows:

§ 1.199–8 Other rules.

* * * * *

(h) *Disallowed losses or deductions.* * * * For taxpayers that are partners in partnerships, see §§ 1.199–5(b)(2) and 1.199–9(b)(2). For taxpayers that are shareholders in S corporations, see §§ 1.199–5(c)(2) and 1.199(c)(2).

(i) * * *

(5) *Tax Increase Prevention and Reconciliation Act of 2005.* Sections 1.199–2(e)(2), 1.199–3(i)(7) and (8), and 1.199–5 are applicable for taxable years beginning on or after October 19, 2006. A taxpayer may apply §§ 1.199–2(e)(2), 1.199–3(i)(7) and (8), and 1.199–5 to taxable years beginning after May 17, 2006, and October 19, 2006, regardless of whether the taxpayer otherwise relied upon Notice 2005–14 (2005–1 CB 498) (see § 601.601(d)(2)(ii)(*b*) of this chapter), the provisions of REG–105847–05 (2005–2 CB 987), or §§ 1.199–1 through 1.199–8.

(6) *Losses used to reduce taxable income of expanded affiliated group.* Section 1.199–7(b)(4) is applicable for taxable years beginning on or after February 15, 2008. For taxable years beginning on or after October 19, 2006, and before February 15, 2008, see § 1.199–7T(b)(4) (see 26 CFR part 1 revised as of April 1, 2007).

* * * * *

§ 1.199–8T [Removed]

■ **Par. 14.** Section 1.199–8T is removed.

■ **Par. 15.** Section 1.199–9 is amended by:

■ 1. Revising paragraph (b)(1)(ii)(B).

■ 2. Removing the language ''paragraph (b) of this section shall'' from paragraph (b)(5) and adding the language ''this paragraph (b)'' in its place.

■ 3. Revising paragraph (c)(1)(ii)(B).

■ 4. Revising paragraph (e)(2)(i).

■ 5. Removing the language ''directly allocable costs'' in the sixth sentence of *Example 4* in paragraph (j)(5) and adding the language ''CGS'' in its place.

■ 6. Adding the language ''finished dosage form'' before the word ''drug'' each time it appears in the seventh, eighth, and ninth sentences in paragraph (j)(5) *Example 5* (i) and in the second and third sentences in paragraph (j)(5) *Example 5* (ii).

The revisions read as follows:

§ 1.199–9 Application of section 199 to pass-thru entities for taxable years beginning on or before May 17, 2006, the enactment date of the Tax Increase Prevention and Reconciliation Act of 2006.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(B) For purposes of computing the partner's QPAI under §§ 1.199–1 through 1.199–9, a partner does not take into account the items from the partnership (for example, a partner does not take into account items from the partnership in determining whether a threshold or de minimis rule applies or in allocating and apportioning deductions) in calculating its QPAI from other sources;

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(B) For purposes of computing the shareholder's QPAI under §§ 1.199–1 through 1.199–9, a shareholder does not take into account the items from the S corporation (for example, a shareholder does not take into account items from the S corporation in determining whether a threshold or de minimis rule applies or in allocating and apportioning deductions) in calculating its QPAI from other sources;

* * * * *

(e) * * *

(2) * * * (i) *In general.* The QPAI of a trust or estate (which will be less than zero if the CGS and deductions allocated and apportioned to DPGR exceed the trust's or estate's DPGR) and W–2 wages of a trust or estate are allocated to each beneficiary and to the trust or estate based on the relative proportion of the trust's or estate's distributable net income (DNI), as defined by section 643(a), for the taxable year that is distributed or required to be distributed to the beneficiary or is retained by the trust or estate. For this purpose, the trust or estate's DNI is determined with regard to the separate share rule of section 663(c), but without regard to section 199. To the extent that the trust or estate has no DNI for the taxable year, any QPAI and W–2 wages are allocated entirely to the trust or estate. A trust or estate is allowed the section 199 deduction in computing its taxable income to the extent that QPAI and W–2 wages are allocated to the trust or estate. A beneficiary of a trust or estate is allowed the section 199 deduction in computing its taxable income based on its share of QPAI and W–2 wages from the trust or estate, which (subject to the wage limitation as described in paragraph (e)(3) of this section) are aggregated with the

beneficiary's QPAI and W–2 wages from other sources, if any.

* * * * *

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

Approved: February 1, 2008.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E8–2761 Filed 2–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[A.G. Order No. [2949–2008]]

Incentive Award Program Delegation

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends part 0 of title 28 of the Code of Federal Regulations to increase from $5,000 to $7,500 the dollar limit up to which certain component heads of the Department of Justice may approve incentive awards. The rule also makes minor revisions to the regulations to reflect organizational changes and updated terminology, and to provide for consistency with existing personnel delegations.

DATES: This rule is effective February 15, 2008.

FOR FURTHER INFORMATION CONTACT: Jeanarta C. McEachron, Justice Management Division, U.S. Department of Justice, 1331 Pennsylvania Ave., NW., Suite 1110, Washington, DC 20530; Telephone: (202) 514–3663.

SUPPLEMENTARY INFORMATION: The Attorney General's authority under Department of Justice incentive award programs to approve honorary awards and cash awards up to a certain dollar amount has been delegated to the heads of certain Department components. Award amounts above the limit require Attorney General approval. The dollar limit of $5,000 was set more than 25 years ago. *See* 46 FR 52339–01, Oct. 27, 1981. The Department has decided to raise the dollar limit from $5,000 to $7,500 to provide the heads of components with greater flexibility to reward outstanding employees. In addition, the revised regulations reflect organizational changes within the Department and provide for consistency with existing delegations of personnel authority. Specifically, the Commissioner of Immigration and Naturalization has been deleted from the list of officials with approval authority, the Director of the Office of Justice Assistance, Research and Statistics has been replaced by the Assistant Attorney General for the Office of Justice Programs, and the Director of the Executive Office for U.S. Trustees and the Director of the Executive Office for Immigration Review have been added. The delegation also makes clear that it applies to personnel in General Schedule grades GS–1 through GS–15, administratively determined pay systems, and wage board positions, but it excludes all Schedule C positions. Finally, the term ''Incentive Awards Plan'' has been changed to ''Incentive Award Program'' for consistency with Office of Personnel Management regulations and Department orders.

Administrative Procedure Act

This rule is a rule of agency organization, procedure, and practice and is limited to matters of agency management and personnel. Therefore, this rule is exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), (b)(3)(A).

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking for this matter.

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866, section 3(d)(3), and therefore is not a ''regulation'' or ''rule'' as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, Federalism, the Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 et seq.

Congressional Review Act

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

■ Accordingly, for the reasons set forth in the preamble, part 0 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. In section 0.11, revise paragraph (a) to read as follows:

§ 0.11 Incentive Awards Board.

* * * * *

(a) Consider and make recommendations to the Attorney General concerning honorary awards and cash awards in excess of $7,500 to

be granted for suggestions, inventions, superior accomplishment, or other personal effort which contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork.

* * * * *

■ 3. Revise § 0.143 to read as follows:

§ 0.143 Incentive Award Program.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Administrator of the Drug Enforcement Administration, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Assistant Attorney General for the Office of Justice Programs, the Director of the Executive Office for U.S. Attorneys, the Director of the Executive Office for U.S. Trustees, the Director of the Executive Office for Immigration Review, and the Director of the U.S. Marshals Service, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department, are authorized to exercise the power and authority vested in the Attorney General by law with respect to the administration of the Incentive Award Program and to approve honorary awards and cash awards under such program not in excess of $7,500 for personnel in General Schedule grades GS–1 through GS–15, administratively determined pay systems, and wage board positions, but excluding all Schedule C positions.

Dated: February 8, 2008.

Michael B. Mukasey,

Attorney General.

[FR Doc. E8–2952 Filed 2–14–08; 8:45 am]

BILLING CODE 4410–19–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2008. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective March 1, 2008.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during March 2008, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2008, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2008.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.54 percent for the first 20 years following the valuation date and 4.61 percent thereafter. These interest assumptions represent an increase (from those in effect for February 2008) of 0.04 percent for the first 20 years following the valuation date and 0.04 percent for all years thereafter.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for February 2008) of 0.25% in the immediate annuity rate and are otherwise unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2008, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In Appendix B to Part 4022, Rate Set 173, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
173	03–1–08	04–1–08	3.00	4.00	4.00	4.00	7	8

■ 3. In Appendix C to Part 4022, Rate Set 173, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
173	03–1–08	04–1–08	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In Appendix B to Part 4044, a new entry for March 2008, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
March 2008	.0554	1–20	.0461	>20	N/A	N/A

Issued in Washington, DC, on this 8th day of February 2008.

Vincent K. Snowbarger,

Deputy Director, Pension Benefit Guaranty Corporation.

[FR Doc. E8–2947 Filed 2–14–08; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2008–0066 formerly CGD11–08–004]

Drawbridge Operation Regulations; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow the owner, California Department of Transportation (Caltrans), to conduct electrical maintenance. This deviation allows the bridge to remain in the closed-to-navigation position during the maintenance period.

DATES: This deviation is effective from 6 a.m. on February 25, 2008, through 5 a.m. on February 29, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpw), Eleventh Coast Guard District, Building 50–2, Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (510) 437–3516. The Eleventh Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION: Caltrans requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over the Sacramento River, at Sacramento, CA. The Tower Drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal as required by 33 CFR 117.5. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position, from 6 a.m. on February 25, 2008 through 5 a.m. on February 29, 2008, to allow Caltrans to relocate the drawspan's

electrical transformer and switchboard. This temporary deviation has been coordinated with waterway users. There are no scheduled river boat cruises or anticipated levee maintenance during this deviation period. No objections to the proposed temporary deviation were raised.

Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

In the event of an emergency the drawspan can be opened with 4 hours advance notice.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 31, 2008.

C.E. Bone,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. E8–2857 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2006–0641; A–1–FRL–8527–5]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Massachusetts. The SIP revision consists of technical revisions to Massachusetts regulation 310 CMR 7.38, ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.'' The amendments better define the emissions monitoring techniques for various types of tunnel ventilation systems, and provide flexibility in emission monitoring requirements. This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule will be effective April 15, 2008, unless EPA receives adverse comments by March 17, 2008. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2006–0641 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–2006–0641,'' 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–2006–0641. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov*, or e-mail, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *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 *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 and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency; Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality 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,'' 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. Background and Purpose.
II. Addition of Emissions Monitoring Techniques for Longitudinal Ventilation.
III. New Requirement for an Air Emissions Monitoring Protocol.

IV. Final Action
V. Statutory and Executive Order Reviews

I. Background and Purpose

On July 12, 2006, the State of Massachusetts submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of technical revisions to 310 CMR 7.38, ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.'' The technical revisions apply to the emissions monitoring section of the regulation at 310 CMR 7.38(8)(a) and define the emission monitoring requirements for systems that use longitudinal ventilation, as well as add the requirement for an ''Air Emissions Monitoring Protocol.'' A new subsection 310 CMR 7.38(1)(b) requires any tunnel ventilation system subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants to operate in compliance with those standards. A new section, 310 CMR 7.38(10), ''Removal of Air Pollution Control and Monitoring Equipment,'' has been added to prohibit removal of air pollution control equipment, or monitoring equipment which has been installed in accordance with 310 CMR 7.38. In addition to the technical revisions, typographical errors are also being corrected in the existing regulation.

The Certification of Tunnel Ventilation Systems in the Metropolitan Air Pollution Control District regulation, 310 CMR 7.38, was promulgated on January 18, 1991 and applies to the construction and operation of any tunnel ventilation system for highway projects constructed after January 1, 1991. On October 8, 1992, EPA approved 310 CMR 7.38 as a revision to the Massachusetts SIP (57 FR 46310). In the final rule, EPA agreed with Massachusetts Department of Environmental Protection (MA DEP) that tunnel ventilation systems are not stationary sources subject to Prevention of Significant Deterioration (PSD) or to New Source Review (NSR) permitting requirements of the Clean Air Act (CAA), nor to Massachusetts' Plan Approval and Emissions Limitations regulation for stationary sources, 310 CMR 7.02.

The purpose of the Certification of Tunnel Ventilation Systems regulation is to require certification that tunnel ventilation systems for highway projects in the Metropolitan Boston Air Pollution Control District (defined in 310 CMR 7.00) meet certain air quality requirements, thereby protecting public health and the environment. The regulation requires an initial, ''preconstruction'' certification, an operation certification (required 12–15 months after a project becomes fully operational), and re-certification every five years. In accordance with 310 CMR 7.38(2), the proponent must certify that the project will not: (a) Cause or exacerbate a violation of any National Ambient Air Quality Standard as set forth at 40 CFR part 50, or a Massachusetts Ambient Air Quality Standard as set forth at 310 CMR 6.00; or (b) cause or exacerbate a violation of the MA DEP's one hour ambient NO_2 guideline of 320 $\mu g/m^3$; or (c) result in an actual or projected increase in the total amount of non-methane hydrocarbons measured within the project area when compared with the no-build alternative.

With this certification process approved as a SIP element, approval of individual certifications or conditions which require written approval by MA DEP will not require SIP revisions. This concept is included in the existing SIP-approved rule, and the recent revisions do not change this previously established process.

II. Addition of Emissions Monitoring Techniques for Longitudinal Ventilation

During the late 1980s when the CA/T Project was initially planning and designing the ventilation system, the only Federal Highway Administration (FHWA) authorized tunnel ventilation system was the traditional ''full transverse ventilation.'' Therefore, when 310 CMR 7.38 was promulgated in 1991, the emissions monitoring requirements were based on full transverse ventilation technology. In 1995, FHWA issued a memorandum entitled ''Mechanical Ventilation in Road Tunnels using Jet Fans'' authorizing applicable projects to use longitudinal ventilation with jet fan technology. The availability of this additional ventilation technology was neither anticipated nor provided for in 310 CMR 7.38(8).

Following the FHWA authorization memo, the Central Artery/Third Harbor Tunnel (CA/T) project studied the supplementary use of longitudinal ventilation at several exit ramps as a cost saving measure. The CA/T Project subsequently filed a Notice of Project Change, and implemented longitudinal ventilation at eight exit ramps. Although longitudinal ventilation was approved for use on the CA/T Project, the resulting emission impacts at the eight exit ramp portals cannot be monitored using 40 CFR part 60 Continuous Emissions Monitoring (CEM) methods because those methods are designed to measure emissions from stacks, not exit ramp portals. The revised subsection 7.38(8)(a) specifically requires emissions monitoring and recording equipment in tunnel roadway exit portals that utilize longitudinal ventilation.

The revisions to the Certification of Tunnel Ventilation Systems regulation contain a revised set of allowable techniques and emissions monitoring approaches that incorporate elements of 40 CFR part 58—Ambient Air Quality Surveillance, 40 CFR part 60—Standards of Performance for New Stationary Sources, 40 CFR part 75—Continuous Emission Monitoring, as well as statistical analysis, computer modeling, and innovative technologies. This ''hybrid'' approach to emission monitoring, which includes elements of ambient air quality monitoring and continuous emission monitoring, will provide more accurate monitoring of ambient emissions within the portal area environment which could not be conducted with the original stack monitoring approach under 40 CFR part 60, appendix B—Performance Specifications.

III. New Requirement for an Air Emissions Monitoring Protocol

MA DEP has also revised the emissions monitoring requirements at 310 CMR 7.38(8)(a) to require that any person who constructs and operates a tunnel ventilation system which is subject to the requirements of 310 CMR 7.38 shall, prior to commencing operation of the tunnel ventilation system or opening the project roadway for public use, develop and submit to the Department for review and approval an ''Air Emissions Monitoring Protocol.'' This subsection requires that all emissions monitoring and recording equipment be installed and operated in accordance with the approved protocol. Lastly, this subsection allows the ''Air Emissions Monitoring Protocol'' to be modified with prior written approval of the Department. This allows flexibility so that as technological advances occur in contaminant and emissions monitoring, MA DEP will be able to modify the monitoring procedures without necessarily having to complete a regulatory revision process. Therefore, the regulation allows affected projects to periodically modify or update their air emission monitoring protocol with written approval of MA DEP.

IV. Final Action

EPA has reviewed the revised rule and has found that it is consistent with requirements of the Clean Air Act. EPA is approving this rule because it will

improve emission monitoring techniques, allowing the state greater flexibility to assess and quantify emissions, for the roadway tunnel ventilation systems in the Boston Metropolitan Air Control District. EPA is approving Massachusetts amendments to 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' and incorporating this revised rule into the Massachusetts SIP. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective April 15, 2008 without further notice unless the Agency receives relevant adverse comments by March 17, 2008.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on April 15, 2008 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. 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.

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.*)

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 15, 2008. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 1, 2008.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart W—Massachusetts

■ 2. Section 52.1120 is amended by adding paragraph (c)(134) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(134) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 12, 2006.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' effective in the Commonwealth of Massachusetts on December 30, 2005.

(B) Massachusetts Regulation Filing, dated December 13, 2005, amending 310 CMR 7.38 entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.''

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 12, 2006, submitting a revision to the Massachusetts State Implementation Plan.

■ 3. In § 52.1167, Table 52.1167 is amended by adding two new citations to the existing entry for 310 CMR 7.38 to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167—EPA-APPROVED MASSACHUSETTS REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.38	Tunnel vent certification regulation.	7/12/06	2/15/08	[Insert FEDERAL REGISTER page number where the document begins].	134	Amendments to Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.
		7/12/06	2/15/08	[Insert FEDERAL REGISTER page number where the document begins].	134	Massachusetts Regulation Filing, dated December 13, 2005, substantiating December 30, 2005, State effective date for amended 310 CMR 7.38 ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.''
*	*	*	*	*	*	*

Notes:

1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.

2. The regulations are effective statewide unless stated otherwise in comments or title section.

[FR Doc. E8–2745 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033–7033–01]

RIN 0648–XF62

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (< 18.3 meters (m)) length overall (LOA) using jig or hook-and-line gear in the Bogoslof Pacific cod exemption area of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the limit of Pacific cod for catcher vessels < 60 ft (18.3 m) LOA using jig or hook-and-line gear in the Bogoslof Pacific cod exemption area in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 12, 2008, through 2400 hrs, A.l.t., December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.22(a)(7)(i)(C), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that 113 metric tons of Pacific cod have been caught by catcher vessels < 60 ft (18.3 m) LOA using jig or hook-and-line gear in the Bogoslof exemption area described at § 679.22(a)(7)(i)(C)(*1*). Consequently, the Regional Administrator is prohibiting directed fishing for Pacific cod by catcher vessels < 60 ft (18.3 m) LOA using jig or hook-and-line gear in the Bogoslof Pacific cod exemption area.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels < 60 ft (18.3 m) LOA using jig or hook-and-line gear in the Bogoslof Pacific cod exemption area. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 11, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.22 and is exempt from review under Executive Order 12866.

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

Dated: February 11, 2008.

Alan D. Risenhoover,

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

[FR Doc. 08–706 Filed 2–12–08; 2:08 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071029546–7546–02]

RIN 0648–AU85

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to modify the Individual Fishing Quota (IFQ) Program for the fixed-gear commercial Pacific halibut fishery and sablefish fishery by revising regulations governing the use of commercial halibut quota share (QS) and the processing of non-IFQ species when processed halibut is onboard a vessel. This action amends current regulations to allow persons holding category A halibut QS to process IFQ regardless of whether a QS holder with unused category B, C, or D halibut QS is onboard the vessel. This action also allows catcher/processor vessels to process non-IFQ species regardless of whether any processed IFQ species is onboard the vessel. This action is necessary to improve the efficiency of fishermen fishing on catcher/processor vessels. The action is intended to allow halibut QS holders greater flexibility in using their QS, allow use of crew who hold unused category B, C, or D halibut QS while onboard a category A halibut QS vessel, and increase the product quality of non-IFQ species harvested incidentally to IFQ halibut.

DATES: Effective March 17, 2008.

ADDRESSES: Copies of the Categorical Exclusion (CE) and the Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA) prepared for this action are available by mail from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; or via the Internet at the NMFS Alaska Region website at *http://www.fakr.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Becky Carls, 907–586–7228 or *becky.carls@noaa.gov*.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary). After approval by the Secretary of State and the Secretary, the IPHC regulations are published in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62 (72 FR 11792; March 14, 2007).

The Halibut Act also authorizes the North Pacific Fishery Management Council (Council) to develop and submit regulations to the Secretary to allocate harvesting privileges among U.S. fishermen. Regulations developed by the Council are implemented only with the approval of the Secretary. Like the original Halibut and Sablefish IFQ Program (IFQ Program) regulations and subsequent amendments to them, this action was developed by the Council under authority of the Halibut Act.

The Council, under the authority of the Halibut Act (with respect to Pacific halibut) and the Magnuson-Stevens Fishery Conservation and Management Act (with respect to sablefish), adopted the IFQ Program in 1991. The IFQ Program established a limited access system for managing the fixed gear Pacific halibut fishery in Convention waters in and off Alaska and sablefish fisheries in waters of the Exclusive Economic Zone, located between 3 and 200 miles off Alaska. The IFQ Program was approved by NMFS in January 1993, and promulgated in Federal regulation on November 9, 1993 (58 FR 59375). Fishing under the IFQ Program began on March 15, 1995, ending the open access fishery which preceded its implementation. Regulations implementing the IFQ Program are at 50 CFR part 679. In addition, Federal regulations at 50 CFR part 300, subpart E, also govern the halibut IFQ fishery.

Background and Need for Action

The background and need for this action were described in detail in the preamble to the proposed rule published in the **Federal Register** on November 14, 2007 (72 FR 64034). In summary, this final rule will relieve some of the restrictions affecting holders of commercial halibut QS.

Under the IFQ Program, QS represents a harvesting privilege for a person. On an annual basis, QS holders are authorized to harvest a specified poundage which is issued by NMFS as IFQ. Federal regulations at 50 CFR 679.40(a)(5) divide QS into vessel categories (A, B, C, and D for halibut) with unique restrictions designed to prevent excessive consolidation and regulate total harvest. With few exceptions, halibut QS or IFQ assigned to a vessel category may not be used to harvest IFQ species on a vessel of a different category.

The IFQ Program includes an economic protection measure prohibiting the processing of non-IFQ species (e.g., Pacific cod) onboard a vessel on which a person holds catcher vessel halibut IFQ. This prohibition resulted in the unanticipated waste of species caught incidentally to halibut, especially rockfish and Pacific cod. In addition, persons fishing halibut IFQ derived from category A QS could not process any species if a person onboard the vessel held unused halibut IFQ

derived from category B, C, or D QS. Also, operators of catcher/processor vessels fishing for Pacific cod, for example, would have to employ crew members who did not have unused catcher vessel IFQ (i.e., IFQ derived from category B, C, or D halibut QS) for halibut, or catcher/processor operators would have to delay fishing for non-IFQ species until all crew members onboard had fully used their catcher vessel IFQ for halibut. Hence, the processing restriction limited the crew that could be onboard catcher/processor vessels and the timing of fishing by catcher/processor vessels.

This action is intended to increase the revenue generated from harvested species by (1) allowing non-IFQ fish species to be processed on a vessel otherwise authorized to process fish, rather than allowing non-IFQ species to degrade into low value products or be wasted while IFQ species are sought; and (2) allowing processed and unprocessed IFQ species to be onboard the same vessel during the same fishing trip.

This action will allow the processing of non-IFQ and IFQ species on a vessel that is otherwise authorized to process non-IFQ species when any amount of halibut IFQ resulting from QS in categories B, C, or D are held by persons onboard the vessel. This action will not allow the processing of category B, C, or D halibut IFQ onboard a catcher/processor vessel. Instead, this action will allow persons possessing unused catcher vessel category B, C, or D halibut QS to be onboard a catcher/processor vessel when that vessel is harvesting and processing category A halibut or sablefish IFQ or is harvesting and processing non-IFQ species. This action will relieve a restriction on catcher/processor vessels which will increase their efficiency. The regulatory change will remove regulatory text currently at § 679.7(f)(13) and (14) and § 679.42(k). There is no new regulatory text.

Response to Comments

The proposed rule for this action was published in the **Federal Register** on November 14, 2007 (72 FR 64034). One commenter submitted a comment to NMFS in support of the rule.

Changes From the Proposed Rule

No changes are made in this final rule from the proposed rule.

Classification

The Administrator, Alaska Region, NMFS, determined that this amendment is necessary for the conservation and management of the halibut fishery and that it is consistent with the Halibut Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule also complies with the Secretary's authority under the Halibut Act to implement management measures for the halibut fishery.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES**). A description of this action, why it is being considered, and the legal basis for this action are presented above in the preamble to this rule. NMFS received one public comment, and that was in support of the proposed rule. No comments were received in response to the IRFA or on the economic impacts of the rule and no changes were made in the proposed rule. A summary of the FRFA follows.

This action will directly regulate approximately 3,233 persons holding category B, C, or D halibut QS, 33 catcher/processor vessels, and 1,312 vessels that hold catcher vessel endorsements for vessels less than 60 ft (18.6 m) length overall on their license limitation program permits. NMFS does not possess sufficient ownership and affiliation information to determine the precise number of quota share holders considered small entities in the IFQ Program or the number of small entities that will be adversely impacted by this action. NMFS assumes that all directly regulated entities have gross revenues less than $4 million, and that they are thus small entities for the purposes of the Regulatory Flexibility Act. In 2004, 1,335 unique IFQ vessels made IFQ landings.

Compared with status quo, this action may increase the revenue generated from non-IFQ species harvested by increasing the quality of offloaded product. This action will allow QS holders already authorized to process fish at-sea to optimize the revenue generated from harvested non-IFQ groundfish. Processing capacity is not expected to increase because the number of vessels currently authorized to process groundfish catch onboard while harvesting IFQ derived from category A quota share will not change. This action also may increase benefits to persons holding QS because it allows IFQ to be processed regardless of whether another quota share holder is onboard, including crew holding catcher vessel category B, C, or D QS who are working onboard vessels with category A QS.

The purpose of this action is to relieve a restriction on small entities. NMFS is not aware of any additional alternatives to those considered that would accomplish the objectives of this action, the Halibut Act, and other applicable statutes and that would minimize the economic impact of the action on small entities. The Council received two proposals on this issue, incorporated them into what became this final action, and evaluated them jointly after a preliminary review found that they were functionally the same. This action will completely repeal the subject requirements. Repeal will remove a restriction from directly regulated entities and potentially lead to increased profits. Other alternatives might have been designed to limit the ability of this action to accomplish the objectives, by limiting the scope of the repeal to particular species or halibut QS classes, or by providing for a delayed effective date. However, these alternatives would not have been significantly different from this action. They would not have involved substantively different approaches to addressing the problem that had been identified. Moreover, because this action relaxes a restriction on directly regulated small entities, these alternatives would have reduced the potential benefits of this action for these small entities or the classes of entities that might benefit from them.

According to NOAA Administrative Order (NAO) 216–6, including the criteria used to determine significance, this rule will not have a significant effect, individually or cumulatively, on the human environment beyond those effects identified in the previous National Environmental Policy Act (NEPA) analysis. An environmental impact statement (EIS; dated December 1992) was prepared for the final rule implementing the original halibut and sablefish IFQ and Community Development Quota Programs (58 FR 59375; November 9, 1993). The scope of the EIS includes the potential environmental impacts of this proposed rule because the EIS analyzed the original IFQ Program, which included analyses of biological and socioeconomic impacts on the environment, affected fishermen, and affected communities. Based on the nature of the proposed rule and the previous environmental analysis, this proposed rule is categorically excluded from the requirement to prepare either

an EIS or an environmental assessment, in accordance with Section 5.05b of NAO 216–6. Copies of the EIS for the original halibut and sablefish IFQ and Community Development Quota Programs and the categorical exclusion for this action are available from NMFS (see **ADDRESSES**).

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules.

The preamble to this final rule serves as the small entity compliance guide. This action does not require any additional compliance from small entities that is not described in the preamble. Copies of this final rule are available from NMFS (see **ADDRESSES**) and at the following website: *http://www.fakr.noaa.gov*.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 11, 2008.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108 447.

§ 679.7 [Amended]

■ 2. In § 679.7, paragraph (f)(13) is removed and reserved, paragraph (f)(15) is removed, and paragraphs (f)(16) and (f)(17) are redesignated as paragraphs (f)(15) and (f)(16), respectively.

§ 679.42 [Amended]

■ 3. In § 679.42, paragraph (k) is removed and paragraph (l) is redesignated as paragraph (k).

[FR Doc. E8–2932 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 32
Friday, February 15, 2008

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 985

[Docket Nos. AMS–FV–07–0135; FV08–985–2 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2008–2009 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would establish the quantity of spearmint oil produced in the Far West, by class that handlers may purchase from, or handle for, producers during the 2008–2009 marketing year, which begins on June 1, 2008. This rule invites comments on the establishment of salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 993,067 pounds and 50 percent, respectively, and for Class 3 (Native) spearmint oil of 1,184,748 pounds and 53 percent, respectively. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended these limitations for the purpose of avoiding extreme fluctuations in supplies and prices to help maintain stability in the spearmint oil market.

DATES: Comments must be received by March 17, 2008.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; *Fax:* (202) 720–8938; or Internet: *http://www.regulations.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Susan M. Coleman, Marketing Specialist, and Gary D. Olson, Regional Manager, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (503) 326–2724; *Fax:* (503) 326–7440; or *E-mail: Sue.Coleman@usda.gov* or *GaryD.Olson@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 Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is 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, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, which may be purchased from or handled for producers by handlers during the 2008–2009 marketing year, which begins on June 1, 2008. 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. A 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.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the Committee, with seven of its eight members present, met on October 17, 2007, and recommended salable quantities and allotment percentages for both classes of oil for the 2008–2009 marketing year. The Committee unanimously recommended the establishment of a salable quantity and allotment percentage for Scotch spearmint oil of 993,067 pounds and 50 percent, respectively. For Native spearmint oil, the Committee unanimously recommended the establishment of a salable quantity and allotment percentage of 1,184,748 pounds and 53 percent, respectively.

This rule would limit the amount of spearmint oil that handlers may purchase from, or handle for, producers during the 2008–2009 marketing year, which begins on June 1, 2008. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

The U.S. production of Scotch spearmint oil is concentrated in the Far West, which includes Washington, Idaho, and Oregon and a portion of Nevada and Utah. Scotch spearmint oil is also produced in the Midwest states of Indiana, Michigan, and Wisconsin, as well as in the States of Montana, South Dakota, North Dakota, and Minnesota. The production area covered by the marketing order currently accounts for approximately 62 percent of the annual U.S. sales of Scotch spearmint oil.

When the order became effective in 1980, the Far West had 72 percent of the world's sales of Scotch spearmint oil.

While the Far West is still the leading producer of Scotch spearmint oil, its share of world sales is now estimated to be about 46 percent. This loss in world sales for the Far West region is directly attributed to the increase in global production. Other factors that have played a significant role include the overall quality of the imported oil and technological advances that allow for more blending of lower quality oils. Such factors have provided the Committee with challenges in accurately predicting trade demand for Scotch oil. This, in turn, has made it difficult to balance available supplies with demand and to achieve the Committee's overall goal of stabilizing producer and market prices.

The marketing order has continued to contribute to price and general market stabilization for Far West producers. The Committee, as well as spearmint oil producers and handlers attending the October 17, 2007, meeting, estimated that the 2007–2008 producer price of Scotch oil would be $14.00 to $15.00 per pound. However, there is very little forward contracting being done at the present time and producers are wary of doing so because of significant increases in their cost of production. This producer price is approaching the cost of production for most producers as indicated in a study from the Washington State University Cooperative Extension Service (WSU), which estimates production costs to be between $13.50 and $15.00 per pound. However, this study was completed in 2001 and fuel costs alone have doubled in price. The rises in fuel costs have also increased other petroleum based products, such as tires, fertilizer, and chemicals, which also increase production costs.

This low level of producer returns has caused an overall reduction in acreage. When the order became effective in 1980, the Far West region had 9,702 acres of Scotch spearmint. The Committee estimates that the 2007–2008 acreage of Scotch spearmint was about 6,514 acres. Based on the reduced Scotch spearmint acreage, the Committee estimates that production for the 2007–2008 marketing season will be about 793,577 pounds.

The Committee recommended the 2008–2009 Scotch spearmint oil salable quantity (993,067 pounds) and allotment percentage (50 percent) utilizing sales estimates for 2008–2009 Scotch spearmint oil as provided by several of the industry's handlers, as well as historical and current Scotch spearmint oil sales levels. The Committee is estimating that about 920,000 pounds of Scotch spearmint oil, on average, may be sold during the 2008–2009 marketing year. This will eliminate all available supplies, including the reserve pool, resulting in a zero carry-in on June 1, 2008. Therefore, the recommended salable quantity of 993,067 pounds results in a total available supply of Scotch spearmint oil next year of about 993,067 pounds.

The recommendation for the 2008–2009 Scotch spearmint oil volume regulation is consistent with the Committee's stated intent of keeping adequate supplies available at all times, while attempting to stabilize prices at a level adequate to sustain the producers. Furthermore, the recommendation takes into consideration the industry's desire to compete with less expensive oil produced outside the regulated area.

Although Native spearmint oil producers are facing market conditions similar to those affecting the Scotch spearmint oil market, the market share is quite different. Over 90 percent of the U.S. production of Native spearmint is produced within the Far West production area. Also, most of the world's supply of Native spearmint is produced in the United States.

The supply and demand characteristics of the current Native spearmint oil market, combined with the stabilizing impact of the marketing order, have kept the price relatively steady. The average price for the five year period ending in 2006 is $9.80, which is $0.06 higher than the average price for the ten year period (1997–2006) of $9.74. The Committee considers these levels too low for the majority of producers to maintain viability. The WSU study referenced earlier indicates that the cost of producing Native spearmint oil ranges from $10.26 to $10.92 per pound.

Similar to Scotch, the low level of producer returns has also caused an overall reduction in Native spearmint acreage. When the order became effective in 1980, the Far West region had 12,153 acres of Native spearmint. The Committee estimates that the 2007–2008 acreage of Native spearmint was about 8,006 acres. Based on the reduced Native spearmint acreage, the Committee estimates that production for the 2007–2008 marketing season will be about 1,178,745 pounds.

The Committee recommended the 2008–2009 Native spearmint oil salable quantity (1,184,748 pounds) and allotment percentage (53 percent) utilizing sales estimates for 2008–2009 Native oil as provided by several of the industry's handlers, as well as historical and current Native spearmint oil sales levels. The Committee is estimating that about 1,250,000 pounds of Native spearmint oil, on average, may be sold during the 2008–2009 marketing year. When considered in conjunction with the estimated carry-in of 56,433 pounds of oil on June 1, 2008, the recommended salable quantity of 1,193,567 pounds results in a total available supply of Native spearmint oil next year of about 1,241,181 pounds.

The Committee's method of calculating the Native spearmint oil salable quantity and allotment percentage continues to primarily utilize information on price and available supply as they are affected by the estimated trade demand. The Committee's stated intent is to make adequate supplies available to meet market needs and improve producer prices.

The Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. According to the National Agricultural Statistics Service, for example, the average price paid for both classes of spearmint oil ranged from $4.00 per pound to $11.10 per pound during the period between 1968 and 1980. Prices since the order's inception, the period from 1980 to 2006, have generally stabilized at an average price of $12.69 per pound for Scotch spearmint oil and $9.89 per pound for Native spearmint oil.

The Committee based its recommendation for the proposed salable quantity and allotment percentage for each class of spearmint oil for the 2008–2009 marketing year on the information discussed above, as well as the data outlined below.

(1) Class 1 (Scotch) Spearmint Oil

(A) Estimated carry-in on June 1, 2008—0 pounds. This figure is the difference between the revised 2007–2008 marketing year total available supply of 816,718 pounds and the estimated 2007–2008 marketing year trade demand of 816,718 pounds.

(B) Estimated trade demand for the 2008–2009 marketing year—920,000 pounds. This figure is based on input from producers at six Scotch spearmint oil production area meetings held in September 2007, as well as estimates provided by handlers and other meeting participants at the October 17, 2007, meeting. The average estimated trade demand provided at the five production area meetings is 924,583 pounds, whereas the estimated handler trade demand ranged from 875,000 to 950,000 pounds. The average of sales over the last five years is 760,152 pounds.

(C) Salable quantity required in the 2008–2009 marketing year production—920,000 pounds. This figure is the difference between the estimated 2008–2009 marketing year trade demand (920,000 pounds) and the estimated carry-in on June 1, 2008 (0 pounds).

(D) Total estimated allotment base for the 2008–2009 marketing year—1,986,133 pounds. This figure represents a one percent increase over the revised 2007–2008 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) Computed allotment percentage—46.3 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—50 percent. This recommendation is based on the Committee's determination that the computed 46.3 percent would not adequately supply the potential 2008–2009 market.

(G) The Committee's recommended salable quantity—993,067 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2008–2009 marketing year—993,067 pounds. This figure is the sum of the 2008–2009 recommended salable quantity (993,067 pounds) and the estimated carry-in on June 1, 2008 (0 pounds).

(2) Class 3 (Native) Spearmint Oil

(A) Estimated carry-in on June 1, 2008—56,433 pounds. The Committee's estimated carry-in reflects anticipated increases to the salable quantity and allotment percentage that may be needed to meet demand during the remainder of the 2007–2008 marketing year.

(B) Estimated trade demand for the 2008–2009 marketing year—1,250,000 pounds. This figure is based on input from producers at the six Native spearmint oil production area meetings held in September 2007, as well as estimates provided by handlers and other meeting participants at the October 17, 2007, meeting. The average estimated trade demand provided at the six production area meetings was 1,241,667 pounds, whereas the handler estimate ranged from 1,200,000 pounds to 1,250,000 pounds.

(C) Salable quantity required from the 2008–2009 marketing year production—1,193,567 pounds. This figure is the difference between the estimated 2008–2009 marketing year trade demand (1,250,000 pounds) and the estimated carry-in on June 1, 2008 (56,433 pounds).

(D) Total estimated allotment base for the 2008–2009 marketing year—2,235,374 pounds. This figure represents a one percent increase over the revised 2007–2008 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) Computed allotment percentage—53.4 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—53 percent. This is the Committee's recommendation based on the computed allotment percentage, the average of the computed allotment percentage figures from the six production area meetings (53.7 percent), and input from producers and handlers at the October 17, 2007, meeting.

(G) The Committee's recommended salable quantity—1,184,748 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2008–2009 marketing year—1,241,181 pounds. This figure is the sum of the 2008–2009 recommended salable quantity (1,184,748 pounds) and the estimated carry-in on June 1, 2008 (56,433 pounds).

The salable quantity is the total quantity of each class of spearmint oil, which handlers may purchase from, or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 993,067 pounds and 50 percent, and 1,184,748 pounds and 53 percent, respectively, are based on the Committee's goal of maintaining market stability by avoiding extreme fluctuations in supplies and prices, and the anticipated supply and trade demand during the 2008–2009 marketing year. The proposed salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil, which may develop during the marketing year, can be satisfied by an increase in the salable quantities. Both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 2008–2009 marketing year may transfer such excess spearmint oil to a producer with spearmint oil production less than their annual allotment or put it into the reserve pool until November 1, 2008.

This proposed regulation, if adopted, would be similar to regulations issued in prior seasons. Costs to producers and handlers resulting from this rule are expected to be offset by the benefits derived from a stable market and improved returns. In conjunction with the issuance of this proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2008–2009 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulations, fully meets the intent of § 985.50 of the order. During its discussion of potential 2008–2009 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, consideration by the Committee was given to historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil that should be produced for the 2008–2009 season in order to meet anticipated market demand.

Initial 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 initial 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. Thus, both statutes have small entity orientation and compatibility.

There are eight spearmint oil handlers subject to regulation under the order, and approximately 58 producers of Scotch spearmint oil and approximately 90 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $6,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 8 handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 19 of the 58 Scotch spearmint oil producers and 21 of the 90 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil-producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil-producing farms fall into the SBA category of large businesses.

Small spearmint oil producers generally are not as extensively diversified as larger ones and as such are more at risk from market fluctuations. Such small producers generally need to market their entire annual allotment and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation.

This proposed rule would establish the quantity of spearmint oil produced in the Far West by class that handlers may purchase from, or handle for, producers during the 2008–2009 marketing year. The Committee recommended this rule to help maintain stability in the spearmint oil market by avoiding extreme fluctuations in supplies and prices. Establishing quantities to be purchased or handled during the marketing year through volume regulations allows producers to plan their spearmint planting and harvesting to meet expected market needs. The provisions of §§ 985.50, 985.51, and 985.52 of the order authorize this rule.

Instability in the spearmint oil subsector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season-to-season tend to be larger than fluctuations in the amount purchased by buyers. Demand for spearmint oil tends to be relatively stable from year-to-year. The demand for spearmint oil is expected to grow slowly for the foreseeable future because the demand for consumer products that use spearmint oil will likely expand slowly, in line with population growth.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of mint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have no impact on retail prices for those goods.

Spearmint oil production tends to be cyclical. Years of large production, with demand remaining reasonably stable, have led to periods in which large producer stocks of unsold spearmint oil have depressed producer prices for a number of years. Shortages and high prices may follow in subsequent years, as producers respond to price signals by cutting back production.

The significant variability is illustrated by the fact that the coefficient of variation (a standard measure of variability; ''CV'') of Far West spearmint oil production from 1980 through 2006 was about 0.23. The CV for spearmint oil grower prices was about 0.14, well below the CV for production. This provides an indication of the price stabilizing impact of the marketing order.

Production in the shortest marketing year was about 50 percent of the 26-year average (1.84 million pounds from 1980 through 2006) and the largest crop was approximately 167 percent of the 26-year average. A key consequence is that in years of oversupply and low prices the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

The wide fluctuations in supply and prices that result from this cycle, which was even more pronounced before the creation of the marketing order, can create liquidity problems for some producers. The marketing order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of the increase in production costs. While prices have been relatively steady, the cost of production has dramatically increased which has caused a hesitation by producers to plant. Producers are also enticed by the prices of alternative crops and their lower cost of production.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of oil that producers may sell during the marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds,

for the applicable class of oil, which is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil for the applicable class that the producer can sell.

By November 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on their annual allotment certificates. This excess oil is placed in a reserve pool administered by the Committee.

There is a reserve pool for each class of oil that may not be sold during the current marketing year unless USDA approves a Committee recommendation to make a portion of the pool available. However, limited quantities of reserve oil are typically sold to fill deficiencies. A deficiency occurs when on-farm production is less than a producer's allotment. In that case, a producer's own reserve oil can be sold to fill that deficiency. Excess production (higher than the producer's allotment) can be sold to fill other producers' deficiencies. All of this needs to take place by November 1.

In any given year, the total available supply of spearmint oil is composed of current production plus carry-over stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of carryout. If the industry has production in excess of the salable quantity, then the reserve pool absorbs the surplus quantity of spearmint oil, which goes unsold during that year, unless the oil is needed for unanticipated sales.

Under its provisions, the order may attempt to stabilize prices by (1) limiting supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. The reserve pool stocks grown in large production years are drawn down in short crop years.

An econometric model was used to assess the impact that volume control has on the prices producers receive for their commodity. Without volume control, spearmint oil markets would likely be over-supplied, resulting in low producer prices and a large volume of oil stored and carried over to the next crop year. The model estimates how much lower producer prices would likely be in the absence of volume controls.

The Committee estimated the trade demand for the 2008–2009 marketing year for both classes of oil at 2,170,000 pounds, and that the expected combined carry-in will be 56,433 pounds. This results in a combined required salable quantity of 2,113,567 pounds. Therefore, with volume control, sales by producers for the 2008–2009 marketing year would be limited to 2,177,815 pounds (the recommended salable quantity for both classes of spearmint oil).

The recommended salable percentages, upon which 2008–2009 producer allotments are based, are 50 percent for Scotch and 53 percent for Native. Without volume controls, producers would not be limited to these allotment levels, and could produce and sell additional spearmint. The econometric model estimated a $1.40 decline in the season average producer price per pound (from both classes of spearmint oil) resulting from the higher quantities that would be produced and marketed without volume control. The surplus situation for the spearmint oil market that would exist without volume controls in 2008–2009 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume controls allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume controls is believed to have little or no effect on consumer prices of products containing spearmint oil and will not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of recommending that there not be any volume regulation for both classes of spearmint oil because of the severe price-depressing effects that would occur without volume control.

The Committee considered various alternative levels of volume control for Scotch spearmint oil, including increasing the percentage to a less restrictive level, or decreasing the percentage. After considerable discussion the Committee unanimously determined that 993,067 pounds and 50 percent would be the most effective salable quantity and allotment percentage, respectively, for the 2008–2009 marketing year.

The Committee also considered various alternative levels of volume control for Native spearmint oil. After considerable discussion the Committee unanimously determined that 1,184,748 pounds and 53 percent would be the most effective salable quantity and allotment percentage, respectively, for the 2008–2009 marketing year.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended would achieve the objectives sought.

Without any regulations in effect, the Committee believes the industry would return to the pronounced cyclical price patterns that occurred prior to the order, and that prices in 2008–2009 would decline substantially below current levels.

As stated earlier, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year-to-year. National Agricultural Statistics Service records show that the average price paid for both classes of spearmint oil ranged from $4.00 per pound to $11.10 per pound during the period between 1968 and 1980. Prices have been consistently more stable since the marketing order's inception in 1980, with an average price for the period from 1980 to 2006 of $12.69 per pound for Scotch spearmint oil and $9.89 per pound for Native spearmint oil.

According to the Committee, the recommended salable quantities and allotment percentages are expected to achieve the goals of market and price stability.

As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. These requirements have been approved by the Office of Management and Budget under OMB Control No. 0581–0178, Vegetable and Specialty Crops. Accordingly, this

rule would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and 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.

The 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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

In addition, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 17, 2007, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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.

A 30-day comment period is provided to allow interested persons the opportunity to respond to this proposal. This comment period is deemed appropriate so a final determination might be made prior to June 1, 2008, the beginning of the 2008–2009 marketing year. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 985.227 is added to read as follows:

[Note: This section will not appear in the Code of Federal Regulations.]

§ 985.227 Salable quantities and allotment percentages—2008–2009 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2008, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 993,067 pounds and an allotment percentage of 50 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,184,748 pounds and an allotment percentage of 53 percent.

Dated: February 12, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–2922 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

RIN 3150–AI26

[NRC–2008–0071]

Medical Use of Byproduct Material—Amendments/Medical Event Definitions

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is making available preliminary draft rule language to amend its regulations concerning medical use of byproduct material. The goal of this rulemaking is to better define medical events arising from permanent implant brachytherapy procedures. The proposed amendments will change the criteria for defining a medical event for permanent implant brachytherapy from dose based to activity based, will add a requirement to report as a medical event any administration requiring a written directive if a written directive was not prepared, and will make certain administrative and clarification changes. The availability of the preliminary draft rule language is intended to inform stakeholders of the current status of the NRC's activities and solicit public comments on the information at this time. Comments may be provided as indicated under the **ADDRESSES** heading. The NRC may post updates periodically under Docket # NRC–2008–0071 on the Federal eRulemaking Portal at *http://www.regulations.gov* that may be of interest to stakeholders.

DATES: Submit comments by February 26, 2008. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Please include the following number RIN 3150–AI26 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC's Web site in the Agencywide Documents Access and Management System (ADAMS) and on *regulations.gov.* Personal information, such as your name, address, telephone number, e-mail address, etc., will not be removed from your submission. You may submit comments by any one of the following methods.

Electronically: Via the Federal eRulemaking Portal (Docket # NRC–2008–0071) and follow instructions for submitting comments. Address questions about this docket to Carol Gallagher 301–415–5905; e-mail *cag@nrc.gov*.

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

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301–415–1966.

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

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

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into ADAMS, which provides text and image files of NRC's

public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–0253, e-mail, *eml1@nrc.gov*.

SUPPLEMENTARY INFORMATION: The preliminary draft rule language can be viewed and downloaded electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* by searching for Docket # NRC–2008–0071 as well as in ADAMS (ML080350090).

The goal of this rulemaking is to better define medical events arising from permanent implant brachytherapy procedures. The proposed amendments will change the criteria for defining a medical event for permanent implant brachytherapy from dose based to activity based, will add a requirement to report as a medical event any administration requiring a written directive if a written directive was not prepared, and will make certain administrative and clarification changes.

The NRC is making a preliminary version of the draft proposed rule language available to inform stakeholders of the current status of this proposed rulemaking. This preliminary draft rule language may be subject to significant revisions during the rulemaking process. NRC is inviting stakeholders to comment on the draft revisions. The NRC may post updates to the draft proposed rule language on the Federal eRulemaking Portal. Stakeholders will also have an opportunity to comment on the rule language when it is published as a proposed rule.

Dated at Rockville, Maryland, this 8th day of February, 2008.

For the Nuclear Regulatory Commission.

Dennis K. Rathbun,

Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–2777 Filed 2–14–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0175; Directorate Identifier 2007–CE–105–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

To prevent electrical malfunction from causing damage to the wiring that may result in arcing or fire, accomplish Pacific Aerospace Service Bulletin PACSB/XL/008.

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

DATES: We must receive comments on this proposed AD by March 17, 2008.

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0175, Directorate Identifier 2007–CE–105–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Civil Aviation Authority of New Zealand (CAA), which is the aviation authority for New Zealand, has issued DCA/750XL/2, dated September 30, 2004 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

To prevent electrical malfunction from causing damage to the wiring that may result in arcing or fire, accomplish Pacific Aerospace Service Bulletin PACSB/XL/008.

The MCAI requires the addition and replacement of certain pitot heat sensor circuit breakers and the addition of a cooling fan circuit fuse.

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

Relevant Service Information

Pacific Aerospace Corporation Limited has issued Mandatory Service Bulletin PACSB/XL/008, dated July 8, 2004. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 7 products of U.S. registry. We also estimate that it would take about 1.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $181 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,107, or $301 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pacific Aerospace Limited: Docket No. FAA–2008–0175, Directorate Identifier 2007–CE–105–AD.

Comments Due Date

(a) We must receive comments by March 17, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers 101 through 107, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 31: Instruments.

Reason

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

To prevent electrical malfunction from causing damage to the wiring that may result in arcing or fire, accomplish Pacific Aerospace Service Bulletin PACSB/XL/008.

The MCAI requires the addition and replacement of certain pitot heat sensor circuit breakers and the addition of a cooling fan circuit.

Actions and Compliance

(f) Unless already done, within 100 hours time-in-service after the effective date of this AD, do the following actions following Pacific Aerospace Corporation Limited Mandatory Service Bulletin PACSB/XL/008, dated July 8, 2004:

(1) For airplanes only authorized to operate under visual flight rules (VFR) flight:

(i) Add a ten-amp circuit breaker supplying the pitot heat system to the left hand (LH) Switch Panel;

(ii) Replace the switching circuit breaker used as the pitot heat selector with a switch; and

(iii) Add a three-amp fuse at the power bus at the supply to the avionics cooling fan connection.

(2) For airplanes with serial numbers 101 through 107 that have been modified to operate under instrument flight rules (IFR) flight, contact Pacific Aerospace Corporation Limited at Pacific Aerospace Limited, Private Bag HN3027, Hamilton, New Zealand, telephone: +(64) 7–843–6144, fax: +(64) 7–843–6134, email: *pacific@aerospace.co.nz.*, for FAA-approved procedures to comply with this AD.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-

approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

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

Related Information

(h) Refer to MCAI Civil Aviation Authority of New Zealand AD DCA/750XL/2, dated September 30, 2004; and Pacific Aerospace Corporation Mandatory Service Bulletin PACSB/XL/008, dated July 8, 2004, for related information.

Issued in Kansas City, Missouri, on February 7, 2008.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–2831 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0176; Directorate Identifier 2007–NM–228–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800 and –900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Boeing Model 737–600, –700, –700C, –800 and –900 series airplanes. This proposed AD would require an inspection of the escape slides for the forward and aft entry and service doors to determine the part number and service bulletin number stenciled on the escape slide girt, and modification of the escape slide assemblies. This proposed AD also would require concurrent modification of the escape slide latch assembly; concurrent inspection of the escape slides to determine the part number and service bulletin number stenciled on the escape slide girts, and replacement of the trigger housing on the regulator valve with improved trigger housing if necessary; and concurrent replacement of the rod in the pilot valve regulator with a new improved rod; as applicable. This proposed AD results from reports that certain escape slides did not automatically inflate when deployed or after the manual inflation cable was pulled. We are proposing this AD to prevent failure of an escape slide to inflate when deployed, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or crewmembers.

DATES: We must receive comments on this proposed AD by March 31, 2008.

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

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

For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Robert K. Hettman, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6457, fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0176; Directorate Identifier 2007–NM–228–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports indicating that Goodrich 5A3307 series escape slides did not automatically inflate when deployed on Boeing Model 737–600, –700, –700C, –800 and –900 series airplanes. On some of these airplanes, the escape slides did not inflate even after the manual inflation cable was pulled and the firing cable was pulled out of the valve regulator assembly. Investigation revealed that these escape slides did not inflate because the piston rod was incorrectly installed in the valve regulator assembly of the escape slide. The same valve regulator is also used on Goodrich 5A3086 and 5A3088 series escape slides. If the rod is installed upside down, the valve regulator assembly can be charged but the rod will prevent the regulator from activating when the firing cable is pulled. On other airplanes, the escape slides did not automatically inflate when deployed, but did inflate after the manual inflation cable was pulled. Investigation revealed that these escape slides did not automatically inflate because there was insufficient force to pull the inflation cable from the valve, due to the trigger housing cover deflecting the inflation cable. The failure of an escape slide to inflate when deployed, if not corrected, could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or crewmembers.

Other Related Rulemaking

On July 13, 2001, we issued AD 2001–15–01, amendment 39–12335 (66 FR 38361, July 24, 2001), applicable to certain Boeing Model 727 and 737 airplanes; and Model 757–200, 757–200CB, and 757–300 series airplanes. That AD requires modification of the latch assembly of the escape slides. For Model 737–600, –700, and –800 series airplanes, that AD also requires installation of a cover assembly on the trigger housing of the inflation cylinder on the escape slides. For certain

airplanes, this proposed AD specifies prior or concurrent accomplishment of certain requirements of paragraph (a) of AD 2001–15–01.

Relevant Service Information

We have reviewed Boeing Service Bulletin 737–25–1491, dated April 23, 2007. The service bulletin describes procedures for inspecting the escape slides to determine the Goodrich part number and service bulletin number stenciled on the escape slide girts, and for modifying the escape slide assemblies.

Boeing Service Bulletin 737–25–1491 refers to Goodrich Service Bulletin 25–338, Revision 1, dated March 31, 2004, as an additional source of service information for modifying the escape slide assemblies. The modification includes replacing the regulator piston plug in the vespel piston with a new piston plug, installing a new ensolite pad on the valise, and replacing the trigger housing cover with an improved trigger housing cover.

Concurrent Service Information

Boeing Service Bulletin 737–25–1491 also specifies prior or concurrent accomplishment of the following service bulletins:

- Boeing Service Bulletin 737–25–1404, dated May 25, 2000, or Revision 1, dated April 18, 2002, for certain Model 737–600, –700, and –800 series airplanes, equipped with any escape slide having P/N 5A3307–1, P/N 5A3307–3, P/N 5A3086–3, or P/N 5A3088–3. The original issue of the service bulletin is required by paragraph (a) of AD 2001–15–01. This service bulletin describes procedures for modifying the escape slide latch assembly.
- Boeing Special Attention Service Bulletin 737–25–1475, dated November 26, 2002, for Model 737–600, –700, –700C, –800 and –900 series airplanes equipped with any escape slide having P/N 5A3086–3 or P/N 5A3088–3. Boeing Special Attention Service Bulletin 737–25–1475 describes procedures for inspecting the four escape slides to determine the part number and service bulletin number stenciled on the escape slide girts, and replacing the trigger housing on the regulator valve with improved trigger housing if Goodrich Service Bulletin 5A3086/5A3088–25–302 is not stenciled on the girt. For certain airplanes, the Boeing service bulletin also specifies that a records review may be done in lieu of the inspection to determine the part number. Boeing Service Bulletin 737–25–1475 refers to Goodrich Service Bulletin 5A3086/5A3088–25–336, dated June 17, 2002, as an additional source of service information for replacing the trigger housing on the regulator valve with new improved trigger housing.
- Goodrich Service Bulletin 25–308, dated January 21, 2000, for any escape slide having P/N 5A3307–1, P/N 5A3086–3, or P/N 5A3088–3; or P/N 5A3307–3 and Goodrich Service Bulletin 5A3307–25–309 stenciled on the girt. Goodrich Service Bulletin 25–308 describes procedures for replacing the rod in the pilot valve regulator with a new improved rod.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the(se) same type design(s). This proposed AD would require accomplishing the actions specified in the service information described previously.

Clarification of Concurrent Service Information

Although Boeing Service Bulletin 737–25–1491 identifies Boeing Special Attention Service Bulletin 737–25–1403, dated May 4, 2000, or Revision 1, dated November 29, 2001; and Goodrich Service Bulletin 5A3307–25–309, dated October 29, 1999; as concurrent requirements, this proposed AD would not require accomplishment of those service bulletins. (Boeing Service Bulletin 737–25–1491 incorrectly dates the original issue of Boeing Special Attention Service Bulletin 737–25–1403 as November 29, 2001.) Instead, this proposed AD would require installing an improved trigger housing cover in accordance with Goodrich Service Bulletin 25–338. Goodrich Service Bulletin 25–338 incorporates a larger escape slide valise pad that provides the same shielding function as the trigger housing modification specified in Boeing Special Attention Service Bulletin 737–25–1403 and Goodrich Service Bulletin 5A3307–25–309. However, some operators might have previously incorporated Boeing Special Attention Service Bulletin 737–25–1403 and Goodrich Service Bulletin 5A3307–25–309 on certain Model 737–600, –700, and –800 series airplanes delivered with an escape slide having P/N 5A3307–1, as required by AD 2001–15–01. For these airplanes, this proposed AD would further require replacing the rod in the pilot valve regulator with a new improved rod in accordance with Goodrich Service Bulletin 25–308.

Although Boeing Service Bulletin 737–25–1491 identifies Goodrich Service Bulletin 5A3086/5A3088–25–302, dated November 13, 1998, or Revision 1, dated February 19, 2001, as a concurrent requirement, this proposed AD would not require accomplishment of that service bulletin. However, some operators might have previously accomplished the actions specified in Goodrich Service Bulletin 5A3086/5A3088–25–302. If Goodrich Service Bulletin 5A3086/5A3088–25–302 has been previously accomplished on Model 737–600, –700, –700C, –800 and –900 series airplanes equipped with any escape slide having P/N 5A3086–3 or P/N 5A3088–3, the trigger housing replacement specified in Boeing Special Attention Service Bulletin 737–25–1475 and Goodrich Service Bulletin 5A3086/5A3088–25–336 would not need to be accomplished.

Costs of Compliance

We estimate that this proposed AD would affect 480 airplanes of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the proposed inspection. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this proposed AD to the U.S. operators to be $38,400 or $80 per product.

The following table provides the estimated costs, at an average labor rate of $80 per work-hour, for U.S. operators to comply with the proposed concurrent actions, if applicable.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane
Concurrent actions specified in Boeing Service Bulletin 737–25–1404	2	$1,424	$1,584
Concurrent actions specified in Boeing Special Attention Service Bulletin 737–25–1475	3	1,740	1,980

ESTIMATED COSTS—Continued

Action	Work hours	Parts	Cost per airplane
Concurrent actions specified in Goodrich Service Bulletin 25–308	3	516	756

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866,

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2008–0176; Directorate Identifier 2007–NM–228–AD.

Comments Due Date

(a) We must receive comments by March 31, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–600, –700, –700C, –800 and –900 series airplanes, certificated in any category, as identified in Boeing Service Bulletin 737–25–1491, dated April 23, 2007.

Unsafe Condition

(d) This AD results from reports that certain escape slides did not inflate when deployed or after the manual inflation cable was pulled. We are issuing this AD to prevent failure of an escape slide to inflate when deployed, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or crewmembers.

Compliance

(e) Comply with this AD within the compliance times specified, unless already done.

Inspection and Modification

(f) Within 36 months after the effective date of this AD, inspect the escape slides for the forward and aft entry and service doors to determine the Goodrich part number and service bulletin number stenciled on the escape slide girts, and modify the escape slide assemblies, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–25–1491, dated April 23, 2007.

Note 1: Boeing Service Bulletin 737–25–1491 refers to Goodrich Service Bulletin 25–338, Revision 1, dated March 31, 2004, as an additional source of service information for modifying the escape slide assemblies.

Concurrent Requirements

(g) Prior to or concurrently with accomplishing the actions required by paragraph (f) of this AD, do the applicable actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) For Model 737–600, –700, and –800 series airplanes identified in Boeing Service Bulletin 737–25–1404, dated May 25, 2000, equipped with any escape slide having P/N 5A3307–1, P/N 5A3307–3, P/N 5A3086–3, or P/N 5A3088–3: Modify the escape slide latch assembly in accordance with Boeing Service Bulletin 737–25–1404, dated May 25, 2000, as required by paragraph (a) of AD 2001–15–01; or Boeing Service Bulletin 737–25–1404, Revision 1, dated April 18, 2002.

(2) For Model 737–600, –700, –700C, –800 and –900 series airplanes equipped with any escape slide having P/N 5A3086–3 or P/N 5A3088–3: Inspect the four escape slides to determine the part number and service bulletin number stenciled on the escape slide girts, and replace the trigger housing on the regulator valve with improved trigger housing if Goodrich Service Bulletin 5A3086/5A3088–25–302 is not stenciled on the girt, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1475, dated November 26, 2002. For airplanes identified as Group 2 in the service bulletin, a records review may be done in lieu of the inspection to determine the part number.

Note 2: Boeing Service Bulletin 737–25–1475 refers to Goodrich Service Bulletin 5A3086/5A3088–25–336, dated June 17, 2002, as an additional source of service information for replacing the trigger housing on the regulator valve with new improved trigger housing.

(3) For Model 737–600, –700, –700C, –800 and –900 series airplanes equipped with any escape slide having P/N 5A3307–1, P/N 5A3086–3, or P/N 5A3088–3; or P/N 5A3307–3 and Goodrich Service Bulletin 5A3307–25–309 stenciled on the girt: Replace the rod in the pilot valve regulator with a new improved rod in accordance with Goodrich Service Bulletin 25–308, dated January 21, 2000.

Terminating Action for AD 2001–15–01

(h) For Model 737–600, –700, and –800 series airplanes identified in Boeing Special Attention Service Bulletin 737–25–1403, dated May 4, 2000: Accomplishing the replacement of the regulator piston plug in the vespel piston with a new piston plug, installation of a new insolate pad on the valise, and removal of the trigger housing cover, in accordance with Goodrich Service Bulletin 25–338, Revision 1, dated March 31, 2004, terminates the modification specified in Boeing Special Attention Service Bulletin 737–25–1403, dated May 4, 2000, as required by paragraph (a) of AD 2001–15–01. All other applicable actions required by paragraph (a) of AD 2001–15–01 must be fully complied with.

(i) For Model 737–600, –700, and –800 series airplanes: Installation of a cover

assembly on the trigger housing of the inflation cylinder on the escape slides in accordance with Boeing Special Attention Service Bulletin 737–25–1403, Revision 1, dated November 29, 2001, terminates the corresponding action required by paragraph (a) of AD 2001–15–01. All other applicable actions required by paragraph (a) of AD 2001–15–01 must be fully complied with.

(j) For Model 737–600, –700, and –800 series airplanes: Modification of the escape slide latch assembly in accordance with Boeing Service Bulletin 737–25–1404, Revision 1, dated April 18, 2002, terminates the corresponding action required by paragraph (a) of AD 2001–15–01. All other applicable actions required by paragraph (a) of AD 2001–15–01 must be fully complied with.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office, FAA, ATTN: Robert K. Hettman, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6457, fax (425) 917–6590; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Issued in Renton, Washington, on February 10, 2008.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–2887 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 231 and 241

[Release Nos. 33–8870A; 34–56945A; File No. S7–29–07]

RIN 3235–AK00

Concept Release on Possible Revisions to the Disclosure Requirements Relating to Oil and Gas Reserves

AGENCY: Securities and Exchange Commission.

ACTION: Correction to concept release.

SUMMARY: This document contains corrections to the concept release to obtain information about the extent and nature of the public's interest in revising oil and gas reserves disclosure requirements which exist in their current form in Regulation S–K and Regulation S–X under the Securities Act of 1933 and the Securities Exchange Act of 1934 which was published on Tuesday, December 18, 2007 (72 FR 71610).

DATES: Comments should be received on or before February 19, 2008.

FOR FURTHER INFORMATION CONTACT: Mellissa Campbell Duru, Attorney-Advisor at (202) 551–3740, Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The concept release that is the subject of these corrections relate to possible revisions to the disclosure requirements relating to oil and gas reserves.

Correction of Publication

Accordingly, the publication on December 18, 2007, of the Concept Release which was the subject of FR Doc. E7–24384 beginning on page 71610 is corrected as follows:

1. On page 71610 in the first column, 8th line from the bottom, ''S7–XX–07'' is corrected to read ''S7–29–07''.

2. On page 71610 in the second column, 5th line from the top, ''S7–XX–07'' is corrected to read ''S7–29–07''.

Dated: February 11, 2008.

Nancy M. Morris,

Secretary.

[FR Doc. E8–2854 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 210

Rules of General Application and Adjudication and Enforcement

AGENCY: International Trade Commission.

ACTION: Extension of time to comment on the proposed rulemaking.

SUMMARY: The United States International Trade Commission (''Commission'') proposed to amend its Rules of Practice and Procedure concerning rules of general application, adjudication, and enforcement and published a notice of its proposal on December 20, 2007. 72 FR 72280 (Dec. 20, 2007). The Commission required written comments to be filed by 5:15 p.m. within 60 days after publication of the notice of proposed rulemaking. Two entities have requested six week extensions of time to file their written comments. The Commission has determined to extend the deadline by six weeks.

DATES: To be assured of consideration, written comments must be received by 5:15 p.m. on March 31, 2008.

ADDRESSES: You may submit comments, identified by docket number MISC–022, by any of the following methods:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

—*Agency Web Site: http://www.usitc.gov.* Follow the instructions for submitting comments on the Web site at *http://www.usitc.gov/secretary/edis.htm.*

—*E-mail: james.worth@usitc.gov.* Include docket number MISC–022 in the subject line of the message.

—*Mail:* For paper submission. U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

—*Hand Delivery/Courier:* U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436. From the hours of 8:45 a.m. to 5:15 p.m.

Instructions: All submissions received must include the agency name and docket number (MISC–022) or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *http://www.usitc.gov,* including any personal information provided. For paper copies, a signed original and 14 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Marilyn R. Abbott, Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

Docket: For access to the docket to read background documents or comments received, go to *http://www.usitc.gov* and/or the U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: James Worth, Office of the General Counsel, United States International Trade Commission, telephone 202–205–3065. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.*

SUPPLEMENTARY INFORMATION: The proposed amendments to the Rules of Practice and Procedure are necessary to

make certain technical corrections, to clarify certain provisions, to harmonize different parts of the Commission's rules, and to address concerns that have arisen in Commission practice. The intended effect of the proposed amendments is to facilitate compliance with the Commission's Rules and improve the administration of agency proceedings. The Commission encourages members of the public to comment, in addition to any other comments they wish to make on the proposed amendments, on whether the proposed amendments are in language that is sufficiently clear for users to understand.

The Commission required written comments to be filed by 5:15 p.m. within 60 days after publication of the notice of proposed rulemaking. On January 25, 2008, Michael Doane, President of the ITC Trial Lawyers Association (''ITCTLA''), submitted a letter to the Commission requesting a six week extension of time for filing comments to the proposed amendments to the rules. On January 26, 2008, Michael Kirk, Executive Director of the American Intellectual Property Law Association, also submitted a letter to the Commission requesting a six week extension of time for filing comments to the proposed amendments to the rules. The Commission has determined to extend the deadline by six weeks to March 31, 2008.

If the Commission decides to proceed with this rulemaking after reviewing the comments filed in response to this notice, the proposed rule revisions will be promulgated in accordance with the Administrative Procedure Act (5 U.S.C. 553), and will be codified in 19 CFR parts 201 and 210.

Background

Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures, rules, and regulations as it deems necessary to carry out its functions and duties. This rulemaking seeks to update certain outdated provisions and improve other provisions of the Commission's existing Rules of Practice and Procedure. The Commission proposes amendments to its rules covering investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in order to increase the efficiency of its section 337 investigations. This rulemaking effort began in 2003 when the ITCTLA submitted a report to the Commission which suggested several rule changes that it believed would make the Commission rules more effective. In the course of considering the ITCTLA proposals, the Office of the General Counsel and the Office of Unfair Import Investigations also suggested various rule changes. The Commission invites the public to comment on all of these proposed rules amendments. In any comments, please consider addressing whether the proposed amendments are in language that is clear and easy to understand. In addition, in any comments, please consider addressing how the proposed rules amendments could be improved, and/or offering specific constructive alternatives where appropriate.

Consistent with its ordinary practice, the Commission issued these proposed amendments in accordance with the rulemaking procedure in section 553 of the APA. This procedure entails the following steps: (1) Publication of a notice of proposed rulemaking; (2) solicitation of public comments on the proposed amendments; (3) Commission review of public comments on the proposed amendments; and (4) publication of final amendments at least thirty days prior to their effective date.

By order of the Commission.

Issued: February 12, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–2871 Filed 2–14–08; 8:45 am]

BILLING CODE 7020–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2006–0641; A–1–FRL–8527–4]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Massachusetts. The SIP revision consists of technical revisions to Massachusetts regulation 310 CMR 7.38, ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.'' The amendments better define the emissions monitoring techniques for various types of tunnel ventilation systems, and provide flexibility in emission monitoring requirements. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before March 17, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2006–0641 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:* ''EPA–R01–OAR–2006–0641,'' 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.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality 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: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: February 1, 2008.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

[FR Doc. E8–2746 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

[Docket No. 070718364–7908–02]

RIN 0648–AV19

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations implementing Amendment 25 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) and a provision of the Coast Guard and Maritime Transportation Act of 2006 (Coast Guard Act). These proposed regulations would amend the Crab Rationalization Program. Amendment 25 to the FMP satisfies the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 requirement for the Secretary of Commerce to amend the FMP to authorize conversion of catcher vessel owner quota shares and processor quota shares to newly created converted catcher processor owner quota shares. The Secretary approved Amendment 25 on April 12, 2007. The Coast Guard Act mandates the Secretary to issue processing quota share to Blue Dutch, LLC, under specific conditions. This proposed action is necessary to implement Amendment 25 and the Coast Guard Act. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Coast Guard Act, the FMP, and other applicable law.

DATES: Comments must be received no later than March 17, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by ''RIN 0648–AV19'', by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at *http://www.regulations.gov*.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586–7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to NMFS at the above address, and by email to *David__Rostker@omb.eop.gov* or fax to 202–395–7285.

Copies of Amendment 25 and the Regulatory Impact Review (RIR) for this action may be obtained from the NMFS Alaska Region at the address above or from the Alaska Region website at *http://www.fakr.noaa.gov/sustainablefisheries.htm*.

FOR FURTHER INFORMATION CONTACT: Glenn Merrill, 907–586–7228, *glenn.merrill@noaa.gov* or Gretchen Harrington, 907–586–7228, *gretchen.harrington@noaa.gov*.

SUPPLEMENTARY INFORMATION: The king and Tanner crab fisheries in the exclusive economic zone of the Bering Sea/Aleutian Islands are managed under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Consolidated Appropriations Act of 2004 (Public Law 108–199, section 801). Amendments 18 and 19 to the FMP amended the FMP to include the Crab Rationalization Program. A final rule implementing these amendments was published on March 2, 2005 (70 FR 10174).

Crab Rationalization Program (Program)

To implement the Program in 2005, NMFS initially issued processing quota shares (PQS), catcher vessel owner quota share (CVO QS), and catcher processor owner quota share (CPO QS) to eligible applicants. NMFS issued PQS and QS for nine crab fisheries in the BSAI. In 2006, NMFS initially issued Bristol Bay red king crab (*Paralithodes camtschaticus*) and snow crab (*Chionoecetes opilio*) PQS to the Blue Dutch, LLC, under the requirements of section 417 of the Coast Guard Act.

CVO QS represents an exclusive but revocable privilege that authorizes the holder to receive an annual allocation to harvest a specific percentage of the total allowable catch (TAC) from a fishery. The annual allocations of TACs, in pounds, are referred to as individual fishing quotas (IFQs).

PQS represents an exclusive but revocable privilege to receive deliveries of a specific portion of the annual TAC from a fishery. An annual allocation of PQS is referred to as individual processing quota (IPQ) and expressed in pounds of crab. Harvesters holding CVO IFQ must deliver a portion of their IFQ to processors with a like amount of IPQ available.

For most crab fisheries, CVO QS and PQS is designated for specific geographic regions. Crab harvested with regionally designated CVO QS is required to be delivered to a processor in the designated region. Likewise, a processor with regionally designated PQS is required to accept delivery of and process crab in the designated region. Two regional designations were created for the snow crab and Bristol Bay red king crab fisheries. The North Region consists of all areas in the Bering Sea north of 56°20′ N. latitude. The South Region is all other areas. The regional designation of CVO QS and PQS preserves the historic geographic distribution of landings in the fisheries.

CPO QS represents an exclusive but revocable privilege to harvest a percentage of the TAC and process that crab onboard. Under the Program, CPO QS does not have regional designations and is not required to be delivered to a processor holding available IFQ.

Coast Guard Act

On July 11, 2006, the President signed the Coast Guard Act which contained in section 417 a provision mandating the Secretary of Commerce to issue PQS for the Bristol Bay red king crab and the Bering Sea snow crab fisheries to Blue Dutch, LLC, under two specific conditions.

First, NMFS must issue Blue Dutch PQS equal to 0.75 percent of the total number of PQS units. NMFS issued an initial administrative determination on July 31, 2006, to issue Blue Dutch 3,015,229 units of Bristol Bay red king crab PQS and 7,516,253 units of snow crab PQS. NMFS assigned a regional designation to the PQS units issued to Blue Dutch according to the procedures established in the regulations at 50 CFR 680.40(b)(2)(iv).

Second, NMFS must issue IPQ for that PQS whenever the TAC for that fishery is more than 2 percent higher than the most recent TAC in effect for that fishery prior to September 15, 2005. The TAC used for this calculation is the total TAC, which includes the CDQ allocation. Accordingly, NMFS determined that it will issue Bristol Bay red king crab IPQ to Blue Dutch when the TAC for that fishery is greater than 15,732,480 lb (7,136.1 mt). NMFS will issue snow crab IPQ to Blue Dutch when the TAC for that fishery is greater than 21,350,640 lb (9,684.5 mt). This proposed rule is necessary to specify in regulations the statutory thresholds for annually issuing IPQ to Blue Dutch to ensure the regulations implementing the Program conform to the Coast Guard Act. The proposed rule prohibits the transfer of the PQS units issued under the Coast Guard Act because the Act explicitly requires NMFS to issue the PQS to Blue Dutch.

Amendment 25

On January 12, 2007, the President signed the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA, Public Law 109–479), which added a new requirement in section 122(a) for the Secretary of Commerce, not later than 90 days after the date of enactment of that act, to amend the FMP to modify the Program to authorize conversion of North CVO QS and North PQS to newly created converted CPO QS.

Amendment 25 to the FMP complies with the MSRA by amending the FMP to authorize an eligible entity and its commonly owned affiliates to combine North PQS and North CVO QS and exchange these shares for newly created converted CPO QS. While the MSRA does not specifically define which fisheries are subject to this provision, converted CPO QS would be created for only the snow crab and Bristol Bay red king crab fisheries, because these were the only fisheries for which the eligible entities were initially issued North PQS and North CVO QS, as specified in the MSRA.

NMFS published the notice of availability for Amendment 25 on February 5, 2007 (72 FR 5255), with a public comment period that closed on April 6, 2007. NMFS received one public comment on Amendment 25. The commenter opposed Amendment 25 because she is quite concerned about the legislation. The Secretary of Commerce approved Amendment 25 on April 12, 2007. This proposed rule is necessary to implement Amendment 25.

This proposed rule would authorize two types of quota share conversions and define the entities eligible to make those conversions.

First, an eligible entity holding PQS, along with its commonly owned affiliates, could combine its North CVO QS for Bristol Bay red king crab or snow crab with its North PQS for that fishery and exchange these shares for converted CPO QS on an annual basis. Entities could do this under the following two conditions: (1) if NMFS initially issued the entity both CPO QS and PQS under the Program, and that PQS, in combination with the PQS of its commonly owned affiliates, is less than 7 percent of the total PQS pool for that year; or (2) if NMFS initially issued the entity CPO QS under the Program and PQS under the Coast Guard Act. An eligible entity would be limited to converting only the PQS that it, along with its commonly owned affiliates, was initially issued by NMFS.

Second, an eligible entity holding CVO QS, along with its commonly owned affiliates, could combine its North PQS for Bristol Bay red king crab or snow crab with its North CVO QS for that fishery and exchange these shares for converted CPO QS on an annual basis. The only entity that could do this would be an entity to which NMFS initially issued CPO QS and PQS under the Program, and that PQS, in combination with the PQS of its commonly owned affiliates, is more than 7 percent of the total PQS pool for that year. This eligible entity would be limited to converting only the CVO QS that it, along with its commonly owned affiliates, was initially issued by NMFS.

According to the NMFS Official Record, three individual entities are eligible for these new provisions. Yardarm Knot, Inc., and Blue Dutch, LLC, would be eligible for the first type of conversion. Trident Seafoods, Inc., would be eligible for the second type of conversion. These entities would elect on an annual basis whether to receive converted CPO QS and the amount of North CVO QS and North PQS they wish to convert by completing the annual application for converted CPO QS/IFQ permit and submitting that application along with the annual application for crab IFQ/IPQ permit by August 1 for that crab fishing year.

Entities applying for a converted CPO QS permit and resulting CPO IFQ would be required to provide information on any person who is affiliated, as the term ''affiliation'' is defined at § 680.2, to that entity and indicate the amount of PQS and CVO QS in either the BBR or BSS crab QS fishery with a north region designation for issuance as converted CPO QS.

The proposed rule specifies a number of provisions for converted QS/IFQ to conform with the MSRA and the Program's implementing regulations. Converted CPO QS and the resulting CPO IFQ would not be transferable. This restriction on transfers is consistent with the MSRA eligibility standards that only entities that meet the specific requirements of the Act are eligible to receive converted CPO QS. However, CPO IFQ derived from converted CPO QS may be issued to a cooperative.

The proposed rule specifies that (1) eligible entities would receive one unit of North CPO QS in exchange for one unit of North CVO QS and 0.9 units of North PQS and (2) the amount of IFQ derived from the converted CPO QS issued to each entity could not exceed one million pounds per fishery during any calendar year.

Additionally, the proposed rule would implement the area of validity in section 122(a)(4) of the MSRA by requiring that any crab harvested under a CPO IFQ permit derived from converted CPO QS must be offloaded in the North Region, defined in the Program as the Bering Sea subarea north of 56°20′ N. latitude.

Converting PQS and CVO QS to converted CPO QS would allow entities to harvest and process crab onboard a catcher processor. Conversion could reduce each eligible entity's operating costs associated with purchasing crab, processing crab on land or in a stationary floater processor, and complying with the Program's arbitration system. NMFS can not predict the annual amount of converted CPO QS that would be annually issued because the participants would annually elect to exercise this provision and need not request conversion of all CVO QS and PQS held.

Sections 122(b) and (c) of the MSRA include additional requirements for fees and off-loading for converted CPO QS; however, the statute does not require the Secretary of Commerce to implement these requirements and therefore they are not part of Amendment 25 and will not be implemented by Federal rulemaking. The MSRA requires the holder of converted CPO QS to pay a fee of five percent of the ex-vessel value of the crab harvested with those shares to any local governmental entities in the North Region, if the PQS used to produce the converted CPO QS was originally derived from the processing activities that occurred in a community under the jurisdiction of those local governmental entities. The State of Alaska may collect from the holder of the converted CPO QS a fee of one percent of the ex-vessel value of the crab harvested with those shares. Additionally, crab harvested with converted CPO QS shall be off-loaded in those communities receiving the local governmental entities fee revenue.

Section 122(d) of the MSRA also provides that, as part of its periodic review of the Program, the North Pacific Fishery Management Council may review the effects on communities in the North Region of allowing the conversion to CPO QS. Under this section, if the Council determines that Amendment 25 adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, changes to the Program necessary to mitigate those adverse effects.

Section 122(e) of the MSRA requires an additional FMP amendment and rule making to modify the use caps for processing North Region snow crab. Under this section, custom processing arrangements do not count against any use cap for the processing of snow crab in the North Region by a shore-based crab processor. NMFS issued an enforcement policy on January 19, 2007, that provides guidance to the industry on NMFS' enforcement and interpretation of this section, which is effective until superseded by future rulemaking. At its December meeting, the Council adopted Amendment 27 to the FMP that would implement this MSRA provision. NMFS intends to publish a proposed rule for Amendment 27 in the spring of 2008.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis/Social Impact Assessment was prepared for the Program that describes the management background, the purpose and need for the Program, the management alternatives, and the environmental, social, and economic impacts (see **ADDRESSES**). With this proposed rule, NMFS is continuing to implement the Program.

Department of Commerce Chief Counsel for Regulations has certified to the Small Business Administration, under Section 605(b) of the Regulatory Flexibility Act, that this proposed rule would not have a significant economic impact on a substantial number of small entities. NMFS finds that the proposed action is not likely to have the potential to have a significant economic impact on any small entities participating in these fisheries because no small entities will be directly regulated by this action.

Section 122(a) of the MSRA defines the entities eligible to elect to exercise this provision. According to the NMFS Official Record, three individual entities are eligible under the MSRA for these new provisions; Yardarm Knot, Inc., Blue Dutch, LLC, and Trident Seafoods Corporation. These three entities do not qualify as small entities according to the Small Business Administration criteria.

The Small Business Administration has established size criteria for all major industry sectors in the United States, including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of $4 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the $4 million criterion for fish harvesting operations.

Yardarm Knot and its affiliates own two large catcher processors, the Highland Light and the Westward Wind. The Highland Light primarily targets pollock, and the Westward Wind participates in the Bristol Bay red king crab and Bering Sea snow crab and Tanner crab fisheries. In addition, Yardarm Knot operates a salmon processing plant in Naknek that employs up to 450 people during the peak season. Yardarm Knot substantially exceeds the 500 employee threshold applicable to shore-based processing entities.

Blue Dutch operates vessels in the crab and groundfish fisheries in the North Pacific. Blue North Fisheries (an affiliate of Blue Dutch) has a fleet of seven catcher processors, ranging in size from 124 ft to 180 ft. The fleet primarily participates in the hook-and-line Pacific cod fishery in the Bering Sea. Since Blue Dutch operates no shore-based facilities, it is not regulated by this action as a shore-based facility. Instead it is subject to regulation as an at-sea operation and as a catcher vessel operation. Catch by Blue Dutch and its affiliates substantially exceeds the $4.0 million annual gross receipts threshold applicable to at-sea operations and catcher vessels.

Trident Seafoods operates 3 factory trawlers that primarily target pollock in the Bering Sea. Trident also owns seven at-sea processors that produce salmon, herring, crab, and groundfish products, eleven catcher vessels that target pollock and Pacific cod, and five catcher vessels that primarily catch Bristol Bay red king crab, Bering Sea snow crab, and Tanner crab (*C. bairdi*). Trident operates large shore-side processing plants in Akutan, St. Paul, Kodiak, and Sand Point, Alaska, in addition to smaller plants in other Alaska communities. The Akutan facility is the largest seafood processing plant in North America, and processes pollock, crab, and halibut. The St. Paul plant primarily processes crab, and the Sand Point and Kodiak facilities process Pacific cod, sablefish, crab, halibut, pollock, salmon, and other groundfish. Trident's corporate offices are located in Seattle, Washington, and the company also operates fish processing facilities in Seattle, Anacortes, and Bellingham, Washington; Motley, Minnesota; and Newport, Oregon. Trident substantially exceeds the 500 employee threshold criterion applicable to shore-based processors.

A Regulatory Impact Review was prepared to assess all costs and benefits of available regulatory alternatives. The Regulatory Impact Review describes the potential size, distribution, and magnitude of the economic impacts that this action may be expected to have. Copies of the RIR prepared for this proposed rule are available from NMFS (see **ADDRESSES**).

Collection–of–Information

This proposed rule contains a collection–of–information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public reporting burden for annual application for converted CPO QS and CPO IFQ permit is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection–of–information.

Public comment is sought regarding whether (1) this proposed collection–of–information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; (2) ways to enhance the quality, utility, and clarity of the information to be collected; and (3) ways to minimize the burden of the collection–of–information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection–of–information to the National Marine Fisheries Service (see **ADDRESSES**), and e–mail to *David__Rostker@omb.eop.gov*, or fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 680

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 11, 2008.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 680 is proposed to be amended as follows:

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 680 is revised to read as follows:

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L 109–479.

2. In § 680.2, add the definition of ''Converted CPO QS'' in alphabetical order to read as follows:

§ 680.2 Definitions.

* * * * *

Converted CPO QS means CPO QS for the BBR and BSS crab QS fisheries that is issued to the entities defined in § 680.40(c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) based on the procedures established in § 680.40(c)(5).

* * * * *

3. In § 680.4, revise paragraph (b)(1) and add paragraphs (b)(3) and (n) to read as follows:

§ 680.4 Permits.

* * * * *

(b) * * *

(1) Crab QS is issued by the Regional Administrator to persons who qualify for an initial allocation under § 680.40 or receive QS by transfer under § 680.41. Once issued, a crab QS permit is valid until modified under paragraphs (b)(2) or (b)(3) of this section, or by transfer under § 680.41; or until the permit is revoked, suspended, or modified pursuant to § 679.43 of this chapter or under 15 CFR part 904. To qualify for a crab QS permit, the applicant must be a U.S. citizen.

* * * * *

(3) A converted CPO QS permit is valid until the end of the crab fishing year for which the permit is issued.

* * * * *

(n) *Contents of annual application for converted CPO QS/IFQ permit.* (1)(i) A complete application must be received by NMFS no later than August 1 of the crab fishing year for which a person or crab harvesting cooperative is applying to receive converted CPO QS and the IFQ derived from that converted CPO QS. If a complete application is not received by NMFS by this date, that person or crab harvesting cooperative will not receive converted CPO QS and the IFQ derived from that converted CPO QS for that crab fishing year.

(ii) To receive converted CPO QS/IFQ this application must be accompanied by a timely and complete application for crab IFQ/IPQ described at paragraph (f) of this section or a timely and complete application for a crab harvesting cooperative IFQ permit described at paragraph (m) of this section.

(2) For the application to be considered complete, all fees required by NMFS must be paid, and any EDR required under § 680.6 must be submitted to the DCA. In addition, the applicant must include the following information:.

(i) *Entity identification.* Indicate the entity (Entity A, B, or C) described in § 680.40(c)(5)(ii) through (c)(5)(iv) for which you are applying to receive converted CPO QS.

(ii) *Applicant information.* Enter applicant's name and NMFS Person ID; applicant's permanent business mailing address and any temporary mailing address the applicant wishes to use; and applicant's business telephone number, facsimile number, and e-mail address.

(A) For Entity A or B.

(*1*) Identify the amount of CVO QS in either the BBR or BSS crab QS fishery with a north region designation for issuance as converted CPO QS; and

(*2*) Identify the amount of PQS in either the BBR or BSS crab QS fishery initially issued to you by NMFS with a north region designation for issuance as converted CPO QS.

(B) For Entity C.

(*1*) Identify the amount of CVO QS in either the BBR or BSS crab QS fishery initially issued to you by NMFS with a north region designation for issuance as converted CPO QS; and

(*2*) Identify the amount of PQS in either the BBR or BSS crab QS fishery with a north region designation for issuance as converted CPO QS.

(iii) *Affiliate information for Entities A and B.* (A) For Entities A and B described in § 680.40(c)(5)(ii) and (c)(5)(iii), indicate the permanent business mailing address and any temporary mailing address; business telephone number, facsimile number, and e-mail address of any person who is affiliated with you based on information provided in an annual application for IFQ/IPQ that is approved by the Regional Administrator for that crab fishing year;

(B) Indicate the amount of PQS in either the BBR or BSS crab QS fishery initially issued to that person with a north region designation for issuance as converted CPO QS.

(C) Indicate the amount of CVO QS in either the BBR or BSS crab QS fishery with a north region designation held by that person for issuance as converted CPO QS.

(iv) *Affiliate information for Entity C.* (A) For Entity C described in § 680.40(c)(5)(iv), indicate the permanent business mailing address and any temporary mailing address; business telephone number, facsimile number, and e-mail address of any person who is affiliated with you based on information provided in an annual application for IFQ/IPQ that is approved by the Regional Administrator for that crab fishing year;

(B) Indicate the amount of PQS in either the BBR or BSS crab QS fishery with a north region designation for issuance as converted CPO QS.

(C) Indicate the amount of CVO QS in either the BBR or BSS crab QS fishery issued to that person with a north region

designation for issuance as converted CPO QS.

(v) *Certification of applicant and affiliates.* The applicant and any persons who are affiliated with the applicant and named on the application must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, proof of authorization must accompany the application.

4. In § 680.7, add paragraph (c)(6) to read as follows:

§ 680.7 Prohibitions.

* * * * *

(c) * * *

(6) For any person who is not an entity defined in § 680.40(c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) to:

(i) Hold converted CPO QS.

(ii) Use the CPO IFQ derived from that converted CPO QS outside of a crab harvesting cooperative.

* * * * *

5. In § 680.40, add paragraphs (c)(5), (c)(6), (e)(3), and (j)(4) to read as follows:

§ 680.40 Quota Share (QS), Processor QS (PQS), Individual Fishing Quota (IFQ), and Individual Processor Quota (IPQ) issuance.

* * * * *

(c) * * *

(5) *Issuance of converted CPO QS.* (i) For each crab fishing year, the Regional Administrator may issue converted CPO QS for the BBR or BSS crab QS fishery with a north region designation to an entity described in paragraphs (c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) of this section if NMFS has approved an application for converted CPO QS/IFQ for that crab fishing year.

(ii) Entity A is comprised only of Yardarm Knot, Inc. (NMFS ID # 675).

(iii) Entity B is comprised only of Blue Dutch, LLC (NMFS ID # 3163).

(iv) Entity C is comprised only of Trident Seafoods, Inc. (NMFS ID # 8184).

(v) NMFS will issue Entity A, B, or C described in paragraphs (c)(5)(ii) through (c)(5)(iv) of this section one unit of converted CPO for each unit of CVO QS and 0.9 units of PQS indicated in an approved application for converted CPO QS/IFQ.

(vi) For each crab fishing year, the Regional Administrator will not issue CPO QS for the BBR or BSS crab QS fishery:

(A) To Entity A described in paragraph (c)(5)(ii) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of PQS units with a north region designation initially issued by NMFS to Yardarm Knot, Inc. (NMFS ID # 675), and any affiliates of Yardarm Knot Inc. as listed on an annual application for converted CPO QS/IFQ for that crab fishing year;

(B) To Entity B described in paragraph (c)(5)(iii) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of PQS units with a north region designation initially issued by NMFS to Blue Dutch, LLC, (NMFS ID # 3163) under paragraph (e)(3) of this section and any affiliates of Blue Dutch, LLC, as listed on an annual application for annual application for converted CPO QS/IFQ for that crab fishing year; and

(C) To Entity C described in paragraph (c)(5)(iv) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of CVO QS units with a north region designation initially issued by NMFS to Trident Seafoods, Inc., (NMFS ID # 8184) and any affiliates of Trident Seafoods Inc. as listed on an annual application for converted CPO QS/IFQ for that crab fishing year;

(vii) CPO IFQ derived from converted CPO QS may be issued to a crab harvesting cooperative only if the entity described in paragraph (c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) of this section holding the converted CPO QS is a member of that crab harvesting cooperative.

(6) *Offloading requirements for CPO IFQ derived from converted CPO QS.* Any crab harvested under a CPO IFQ permit derived from converted CPO QS must be offloaded in the Bering Sea subarea north of 56°20′ N. lat.

* * * * *

(e) * * *

(3) *PQS issued to Blue Dutch, LLC.* (i) Pursuant to Public Law 109–241, NMFS issued 3,015,229 units of PQS for the BBR crab QS fishery and 7,516,253 units of PQS for the BSS crab QS fishery.

(ii) PQS units issued to Blue Dutch, LLC, under paragraph (e)(3)(i) of this section were assigned a regional designation according to the procedures established in paragraph (b)(2)(iv) of this section.

(iii) PQS units issued to Blue Dutch, LLC, under paragraph (e)(3)(i) of this section may not be transferred to any other person.

* * * * *

(j) * * *

(4) *IPQ issued to Blue Dutch, LLC*—(i) *BBR IPQ.* For each crab fishing year that the total allowable catch for BBR CR crab is greater than 15,732,480 lb (7,136.2 mt), NMFS will issue IPQ for the 3,015,229 units of PQS issued to Blue Dutch, LLC, pursuant to Public Law 109–241.

(ii) *BSS PQS.* For each crab fishing year that the total allowable catch for BSS CR crab is greater than 21,350,640 lb (9,684.6 mt), NMFS will issue IPQ for the 7,516,253 units of PQS issued to Blue Dutch, LLC, pursuant to Public Law 109–241.

* * * * *

6. In § 680.41:

a. Paragraphs (c)(1)(iv) through (c)(1)(vi) are redesignated as paragraphs (c)(1)(vi) through (c)(1)(viii), respectively.

b. New paragraphs (c)(1)(iv) and (c)(1)(v) are added.

c. Paragraph (c)(1)(i) is revised.

The additions and revision read as follows:

§ 680.41 Transfer of QS, PQS, IFQ, and IPQ.

* * * * *

(c) * * *

(1) * * *

Quota type	Eligible person	Eligibility requirements
(i) PQS not issued under § 680.40(e)(3)(i)	Any person	None.
* * * * * * *		
(iv) Converted CPO QS	N/A	Converted CPO QS may not be transferred.
(v) CPO IFQ derived from Converted CPO QS	N/A	CPO IFQ derived from Converted CPO may not be transferred.
* * * * * * *		

* * * * *

7. In § 680.42, paragraph (a)(5) is revised, and paragraph (a)(7) is added to read as follows:

§ 680.42 Limitations on use of QS, PQS, IFQ, and IPQ.

(a) * * *

(5) IFQ that is used by a crab harvesting cooperative is not subject to the use caps in this paragraph (a) except as provided for in paragraph (a)(7) of this section.

* * * * *

(7) In a calendar year, an entity as described in § 680.40(c)(5)(ii), (c)(5)(iii), or (c)(5)(iv), may not use more than 1,000,000 lb (453.6 mt) of IFQ derived from converted CPO QS in the BBR or BSS crab QS fisheries.

* * * * *

[FR Doc. E8–2895 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 73, No. 32
Friday, February 15, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0001]

Notice of Availability of a Risk Analysis for the Foot-and-Mouth Disease Status of the Republic of South Africa

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that a risk analysis has been prepared by the Animal and Plant Health Inspection Service concerning the foot-and-mouth disease status of the Republic of South Africa and the related disease risks associated with importing animals and animal products into the United States from the Republic of South Africa. This risk analysis will be used as a basis for determining whether to relieve certain prohibitions and restrictions on the importation of ruminants and swine and the fresh meat and other animal products of ruminants and swine into the United States from the Republic of South Africa. We are making this risk analysis available to the public for review and comment.

DATES: We will consider all comments we receive on or before April 15, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0001* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0001, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0001.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Javier Vargas, Animal Scientist, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–0756.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various animal diseases, including rinderpest and foot-and-mouth disease (FMD). These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations lists regions of the world that are considered free of rinderpest and FMD. Section 94.11 lists regions of the world considered free of rinderpest and FMD but from which the importation of meat and other animal products into the United States is subject to additional restrictions because of those regions' proximity to or trading relationships with FMD-affected regions.

In an interim rule effective November 6, 2000, and published in the **Federal Register** on February 9, 2001 (66 FR 9641–9643, Docket No. 00–122–1), we amended the regulations by removing the Republic of South Africa from the list of regions considered to be free of rinderpest and FMD. We also removed the Republic of South Africa from the list of regions in § 94.11 that are considered to be free of these diseases, but are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions. These actions were necessary because FMD had been confirmed in two provinces in the Republic of South Africa. The effect of the interim rule was to prohibit or restrict the importation of ruminants and swine and the fresh meat and other animal products of ruminants and swine into the United States from the Republic of South Africa.

Although we removed the Republic of South Africa from the list of regions considered to be free of rinderpest and FMD, we recognized that the Republic of South Africa's National Department of Agriculture responded immediately to the detection of the disease by imposing restrictions on the movement of ruminants, swine, and ruminant and swine products from the affected areas and by initiating measures to eradicate the disease. We stated that we intended to reassess the situation in the region at a future date in accordance with Office International des Epizooties (OIE) standards. We solicited comments concerning our interim rule ending April 10, 2001; we received no comments by that date.

In this notice, we are announcing the availability for review and comment of a document entitled ''Evaluation of the Foot-and-Mouth Disease Status of the Republic of South Africa'' (October 2007). This risk analysis assesses the FMD status of the Republic of South Africa and the related disease risks associated with importing animals and animal products into the United States from the Republic of South Africa. This risk analysis will be considered as part of our decisionmaking process regarding whether to relieve certain prohibitions and restrictions on the importation of ruminants and swine and the fresh meat and other animal products of ruminants and swine into the United States from the Republic of South Africa. The importation of live swine and certain swine products would continue to be restricted because the Republic of South Africa has not been evaluated by APHIS for African swine fever, classical swine fever, and swine vesicular disease. We are making the risk analysis available for public comment for 60 days.

The risk analysis may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the risk analysis by

calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the risk analysis when requesting copies.

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2912 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0024]

Draft Guideline: Target Animal Safety for Veterinary Live and Inactivated Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: The International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) has developed a draft guideline titled ''Target Animal Safety for Veterinary Live and Inactivated Vaccines.'' This draft guideline provides guidance for designing and executing studies to evaluate the safety of the final formulation of veterinary live and inactivated vaccines in animals. Because the draft guideline may have an effect on the requirements for vaccines that are regulated by the Animal and Plant Health Inspection Service under the Virus-Serum-Toxin Act, we are requesting comments on the scope of the guideline and its provisions so that we may include any relevant public input on the draft in the Agency's comments to the VICH Steering Committee.

DATES: We will consider all comments that we receive on or before April 15, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0024* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0024, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0024.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Center for Veterinary Biologics-Policy Evaluation and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION: The International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) is a unique project conducted under the auspices of the World Organization for Animal Health that brings together the regulatory authorities of the European Union, Japan, and the United States and representatives from the animal health industry in the three regions. The purpose of VICH is to harmonize technical requirements for veterinary products (both drugs and biologics). Regulatory authorities and industry experts from Australia and New Zealand participate in an observer capacity. The World Federation of the Animal Health Industry (COMISA, the Confederation Mondiale de L'Industrie de la Sante Animale) provides the secretarial and administrative support for VICH activities.

The United States Government is represented in VICH by the Food and Drug Administration (FDA) and the Animal and Plant Health Inspection Service (APHIS). The FDA provides expertise on veterinary drugs, while APHIS fills a corresponding role for veterinary biological products. As VICH members, APHIS and FDA participate in efforts to enhance harmonization and have expressed their commitment to seeking scientifically based, harmonized technical requirements for the development of veterinary drugs and biological products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for veterinary drugs and biologics among regulatory agencies in different countries.

The draft guideline ''Target Animal Safety for Veterinary Live and Inactivated Vaccines'' (VICH Topic GL44) has been made available by the VICH Steering Committee for comments by interested parties. The guideline is intended to provide guidance for designing and executing studies to evaluate the safety of the final formulation of veterinary live and inactivated vaccines prior to approval for licensing/registration. Because the draft guideline applies to some veterinary vaccines regulated by APHIS under the Virus-Serum-Toxin Act—particularly with regard to the safety of the dose of the vaccine on the health and welfare of the target animal—we are requesting comments on its provisions so that we may include any relevant public input on the draft in the Agency's comments to the VICH Steering Committee.

The draft guideline reflects current APHIS thinking regarding designing and executing studies to assess the safety of the final formulation of live and inactivated veterinary vaccines in target animals. In accordance with the VICH process, once a final draft of the document has been approved, the guideline will be recommended for adoption by the regulatory bodies of the European Union, Japan, and the United States. As with all VICH documents, each final guideline will not create or confer any rights for or on any person and will not operate to bind APHIS or the public. Further, the VICH guidelines specifically provide for the use of alternative approaches if those approaches satisfy applicable regulatory requirements.

Ultimately, APHIS intends to consider the VICH Steering Committee's final guideline for use by U.S. veterinary biologics licensees, permittees, and applicants. In addition, we may consider using the final guideline as the basis for proposed amendments to the regulations in 9 CFR chapter I, subchapter E (Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors). Because we anticipate that applicable provisions of the final versions of ''Target Animal Safety for Veterinary Live and Inactivated Vaccines'' may be introduced into APHIS' veterinary biologics regulatory program in the future, we encourage your comments on the draft guideline.

The draft guideline may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the draft guideline by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 21 U.S.C. 151 *et seq.*

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2913 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0018]

Oregon State University; Availability of an Environmental Assessment and Finding of No Significant Impact for a Controlled Release of Genetically Engineered Populus Species and Hybrids

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed controlled field release of genetically engineered (transgenic) clones of *Populus* species and hybrids. The purpose of this controlled field release is to examine the effects of the genetic constructs on the intended traits of reproductive sterility, reduced stature, reduced light response, and modified lignin content. After assessing the application, reviewing pertinent scientific information, and considering public comments, we have concluded that this field release will not present a plant pest risk, nor will it have a significant impact on the quality of the human environment. Based on the environmental analysis that there are no significant impacts associated with this controlled field release, the Animal and Plant Health Inspection Service has determined that a finding of no significant impact is appropriate and therefore an environmental impact statement need not be prepared for this field release.

EFFECTIVE DATE: February 15, 2008.

ADDRESSES: You may read the environmental assessment (EA), finding of no significant impact (FONSI) and decision notice, and our response to the comments we received on the EA in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming. The EA, FONSI and decision notice, and our response to public comments are also available on the Internet at *http://www.aphis.usda.gov/brs/aphisdocs/06_25001r_ea.pdf*.

FOR FURTHER INFORMATION CONTACT: Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–7324. To obtain copies of the environmental assessment, contact Ms. Cynthia Eck, Document Control Officer, at (301) 734–0667; e-mail: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release in the environment of a regulated article.

On September 7, 2006, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 06–250–01r) from Oregon State University, in Corvallis, OR, for a controlled field release of genetically engineered *Populus alba* and *Populus* hybrids. A previous environmental assessment (EA) was prepared for a subset of trees in this release under Permit 95–031–01R. Under that permit, trees engineered with sterility constructs were allowed to flower. Since the researcher intends to add more trees to the permit and allow these additional trees to flower, this new EA has been prepared which updates the previous EA.

Permit application 06–250–01r describes 95 genetic constructs that can be categorized into reproductive sterility genes, genes affecting stature or light response, genes aimed to modify tree chemistry, and activation tagging mutants aimed at the development of ''experimental domesticates.'' These DNA sequences were introduced into *Populus* plants using disarmed *Agrobacterium tumefaciens* and also contain regulatory sequences from the plant pests cauliflower mosaic virus, tobacco mosaic virus, *Aspergillus nidulans*, and *Agrobacterium tumefaciens*. The subject *Populus* plants are considered regulated articles under the regulations in 7 CFR part 340 because they were created using donor sequences from plant pests.

On July 18, 2007, APHIS published a notice [1] in the **Federal Register** (72 FR 39378–39379, Docket No. APHIS–2007–0018) announcing the availability of an EA for controlled release of genetically engineered *Populus* species and hybrids. During the 30-day comment period, which ended on August 17, 2007, APHIS received five comments. Comments opposing the granting of the permit were submitted by two individuals and a public interest group. Comments supporting the granting of the permit were submitted by the permit applicant and a limited liability company. APHIS has addressed the issues raised during the comment period and has provided responses as an attachment to the finding of no significant impact (FONSI).

Pursuant to the regulations in 7 CFR part 340 promulgated under the Plant Protection Act, APHIS has determined that this field release will not pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative C of the EA, to issue the permit with supplemental permit conditions, will not have a significant impact on the quality of the human environment. You may read the FONSI and decision notice on the Internet or in the APHIS reading room (see **ADDRESSES** above). Copies may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI were prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for

[1] To view the notice, the EA, and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2007–0018*.

implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2909 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0023]

SemBioSys Genetics, Inc.; Availability of an Environmental Assessment and Finding of No Significant Impact for a Proposed Field Release of Genetically Engineered Safflower

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed field release of a safflower line genetically engineered to express, within its seeds, human proinsulin fused to an *Arabidopsis* oleosin molecule. After our assessment of the application, review of pertinent scientific information, and consideration of comments provided by the public, we have concluded that this field release will not present a risk of introducing or disseminating a plant pest, nor will it have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for these field releases.

EFFECTIVE DATE: February 15, 2008.

ADDRESSES: You may read the environmental assessment (EA), finding of no significant impact (FONSI), and any comments we received on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming. The EA, FONSI and decision notice, and responses to comments are available on the Internet at: *http://www.aphis.usda.gov/brs/aphisdocs/06_363103r_ea.pdf*.

FOR FURTHER INFORMATION CONTACT: Dr. Patricia Beetham, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–0664. To obtain copies of the EA, FONSI and decision notice, and response to comments, contact Ms. Cynthia Eck at (301) 734–0667; e-mail: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release in the environment of a regulated article.

On December 18, 2006, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 06–363–103r) from SemBioSys Genetics, Inc. of West Sacramento, CA, for a field trial using a line of transgenic safflower. Permit application 06–363–103r describes a transgenic safflower (*Carthamus tinctorius*) cultivar that has been genetically engineered to express a fusion protein consisting of oleosin from *Arabidopsis thaliana* and human proinsulin exclusively within its seeds. Expression of this fusion protein is controlled by the phaseolin promoter and terminator sequences from *Phaseolus vulgaris* L. (common bean). Constructs were inserted into the recipient organisms via a disarmed *Agrobacterium tumefaciens* vector system. The seeds from these safflower plants will be ground up and used for the development of proinsulin purification technology and are not for commercial production.

The subject safflower is considered a regulated article under the regulations in 7 CFR part 340 because it has been genetically engineered utilizing a recombinant DNA technique that uses a vector derived from *Agrobacterium tumefaciens*.

On June 22, 2007, APHIS published a notice [1] in the **Federal Register** (72 FR 34426–34427, Docket No. APHIS–2007–0023) announcing the availability of an environmental assessment (EA) for the proposed field release. During the 30-day comment period, APHIS received seven comments. There was one individual who was opposed to the use of biotechnology in food crops in general, but did not cite specific plant pest risk issues associated with this EA. Another commenter raised specific issues regarding the EA that mirrored the concerns of one of the five public interest groups that also sent in comments on the EA. In total, five public interest groups wrote letters in opposition to allowing the planting of this GE safflower. APHIS has responded to these comments in an attachment to the finding of no significant impact (FONSI).

Pursuant to the regulations in 7 CFR part 340 promulgated under the Plant Protection Act, APHIS has determined that this field release will not pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative B of the EA (the preferred alternative), to issue the permit with supplemental permit conditions, will not have a significant impact on the quality of the human environment. Therefore, APHIS has determined that a FONSI is appropriate for this proposed action. You may read the FONSI and decision notice on the Internet or in the APHIS reading room (see **ADDRESSES** above). Copies of the EA are also available from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI were prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

[1] To view the notice, the EA, and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2007–0023*.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2910 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0152]

Importation of Solid Wood Packing Material; Record of Decision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the supplement to the Importation of Solid Wood Packing Material Final Environmental Impact Statement.

ADDRESSES: Copies of the record of decision and the supplement to the final environmental impact statement on which the record of decision is based are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

The record of decision may also be viewed on the APHIS Web site at *http://www.aphis.usda.gov/plant_health/ea/swpm.shtml*. Supporting and related materials, including the final and supplemental environmental impact statements, may also be viewed on the Internet by visiting *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0152*.

FOR FURTHER INFORMATION CONTACT: Mr. David A. Bergsten, APHIS Interagency NEPA Contact, Environmental Services, PPD, APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1238; (301) 734–6103.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a record of decision based on its supplemental environmental impact statement (SEIS) for the Importation of Solid Wood Packing Material Final Environmental Impact Statement, August 2003 (FEIS).

The SEIS and FEIS address Federal actions described in a final rule APHIS published in the **Federal Register** on September 16, 2004 (69 FR 55719–55733, Docket No. 02–032–3). The final rule amended the regulations for the importation of unmanufactured wood articles to adopt an international standard entitled ''Guidelines for Regulating Wood Packaging Material in International Trade.'' The FEIS was prepared with regard to that final rule in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations.

On October 24, 2006, APHIS published in the **Federal Register** (71 FR 62240, Docket No. APHIS–2006–0152) a notice of its intent to prepare the SEIS for the purpose of reevaluating and refining the estimates of methyl bromide usage associated with the alternatives considered in the FEIS. On March 9, 2007, the Environmental Protection Agency (EPA) published in the **Federal Register** (72 FR 10749) a notice of the availability of the draft SEIS. Comments were accepted on the draft SEIS until June 25, 2007.

In October 2007, APHIS published and distributed the final SEIS, which included discussion of the three comments received on the draft SEIS. On November 23, 2007, EPA published in the **Federal Register** (72 FR 65732) a notice of the availability of the final SEIS. The NEPA implementing regulations at 40 CFR 1506.10 require a 30-day waiting period between the time a final EIS is published and the time an agency makes a decision on an action covered by the EIS. APHIS did not receive any comments on the final SEIS by the time this waiting period ended on December 24, 2007.

APHIS has reviewed the final SEIS and has concluded that it has fully analyzed the issues covered by the draft SEIS and the comments and suggestions submitted by commenters. APHIS has now prepared a record of decision on the adopted SEIS and is making that record available to the public.

The Record of Decision for the Importation of Solid Wood Packing Material Supplement to the Final Environmental Impact Statement, prepared pursuant to the Council on Environmental Quality's NEPA implementing regulations at 40 CFR 1505.2, is set out below in its entirety.

Record of Decision for the Importation of Solid Wood Packing Material Supplement to the Final Environmental Impact Statement

This Record of Decision (ROD) has been developed in compliance with the agency decision-making requirements of NEPA. The purpose of this ROD is to document APHIS' decision to adopt the September 16, 2004, final rule. Alternatives have been fully described and evaluated in the Supplement to the Final Environmental Impact Statement (SEIS) and in the Final Environmental Impact Statement (FEIS).

This ROD is intended to: (a) State the APHIS decision, present the rationale for its selection, and describe its implementation; (b) identify the alternatives considered in reaching the decision; and (c) state whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

National Environmental Policy Act

On November 23, 2007, the U.S. Environmental Protection Agency (EPA) published in the **Federal Register** [72 FR 65732] a notice of availability of the final supplement to the environmental impact statement titled ''Importation of Solid Wood Packing Material.'' The FEIS considered the environmental impacts from importation of wood packaging materials that could result from our adoption of the proposed rule. The SEIS reevaluates and refines the estimates of methyl bromide usage associated with the alternatives considered in the FEIS.

Pursuant to the implementing regulations for NEPA in cases requiring an EIS, APHIS must prepare a record of decision to express the agency determination from review of the EIS documentation. The NEPA implementing regulations require that a record of decision state what decision is being made; identify alternatives considered in the environmental impact statement process; specify the environmentally preferred alternative; discuss preferences based on relevant factors—economic and technical considerations, as well as national policy considerations, where applicable; and state how all of the factors discussed entered into the decision. In addition, the record of decision must indicate whether the ultimate decision has been designed to avoid or minimize environmental harm and, if not, why not.

The Decision

This decision described in the ROD addresses impacts from the final rule published by APHIS in the **Federal Register** on September 16, 2004 (69 FR 55719–55733, Docket No. 02–032–3). After a thorough reevaluation and refinement of the estimates of methyl bromide usage associated with the alternatives considered in the FEIS and in the SEIS, APHIS has decided to continue to enforce the 2004 regulations that establish requirements stipulated in the International Plant Protection Convention (IPPC) guidelines for importation of wood packaging material into the United States from other countries. This includes specific treatment requirements for either heat treatment or fumigation with methyl bromide of the wood

packaging material. The quantitative range determined in the SEIS (822–2,351 MT) for the refined methyl bromide estimate is narrower than the range determined in the FEIS (384–4,630 MT), but that range is encompassed within the broader range presented in the FEIS. The limited changes in methyl bromide usage projected in the SEIS do not justify changes to the previous findings in the Record of Decision for the FEIS.

Alternatives Considered in the Impact Statement Process

The SEIS considers the same range of alternatives as the FEIS, but focuses on the potential impacts from treatments with methyl bromide. The range of alternatives includes (1) No action, essentially maintaining the exemption from treatment requirements for importation of wood packaging material from foreign countries except as regulated under the September 18, 1998, interim rule that required treatment of wood packaging material from China (China interim rule, 63 FR 50099–50111, Docket No. 98–087–1), (2) extension to all countries of the treatments in the China interim rule, (3) adoption of the IPPC Guidelines, (4) establishment of a comprehensive risk reduction program, and (5) use of substitute (non-solid wood) packaging material only.

Environmentally Preferable Alternative

The environmentally preferable alternative would be to prohibit importation of wood packaging material, which would virtually eliminate all associated pest risks, as well as the need for quarantine treatments. This regulatory approach (alternative 5 above) would require all commodities that are to be imported to the United States to be transported with only substitute packaging material. Restriction to only substitute packaging materials is, however, more trade-restrictive than necessary to achieve an adequate level of phytosanitary protection. For the foreseeable future, switching to substitute packaging materials would be costly or technically infeasible for many exporters, especially in developing countries. In addition, depending upon the type of substitute packing material, the environmental impacts from the manufacturing process for substitute packing material may increase overall impacts and other associated risks that are not major concerns with the present regulations.

Preferences Among Alternatives

The preference among the alternatives for the final rule was and remains to adopt the IPPC Guidelines (alternative 3 above). The preference for this alternative is based principally on the determination that it meets the Agency's obligations under the Plant Protection Act (7 U.S.C. 7701 *et seq.*) (PPA), and other legislation such as NEPA and the Clean Air Act.

The no action alternative (alternative 1 above) was rejected because, if left unchecked, pests introduced by imported wood packaging material have the potential to cause significant economic damage to the agricultural and forest resources of the United States.

The alternative of extending the China interim rule to all wood packaging material worldwide (alternative 2 above) would not ensure long-term exclusion of some wood pests of quarantine concern, such as certain deep wood-borers, fungi, rots, and wilts. Additionally, adoption of the China interim rule requirements would result in the greatest additional use of methyl bromide of all the alternatives.

The preferred alternative (alternative 3 above), adoption of the IPPC treatment standards for all importing countries, addresses the pest threats already covered by the China interim rule for beetle families such as Cerambycidae. In addition, it protects against nine other families of wood boring pests.

The comprehensive risk reduction program (alternative 4 above) would consist of an array of mitigation methods (e.g., inspection, various heat treatments, various fumigants and other chemical treatments, irradiation, etc.) more extensive than that contained in either the China Interim Rule or the IPPC Guidelines. Many of the methods are in various phases of research and development and, therefore, do not provide an adequate basis for any final decisions about program implementation.

Mandating the use of substitute packing material (alternative 5 above) requires use of materials that likely cost more than wood packaging material that is either heat treated or fumigated with methyl bromide. The availability of these substitute packing materials is also an issue of concern for exporters in some developing countries.

Please see the FEIS and SEIS for a full discussion of the reasons why adopting the IPPC standard was considered the preferred alternative.

Factors in the Decision

APHIS' mission is guided by the PPA, under which the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests or noxious weeds have been determined by Congress to be necessary and appropriate for the protection of the agriculture, environment, and economy of the United States. The PPA also has been designed to facilitate exports, imports, and interstate commerce in agricultural products and other commodities. In order to achieve these objectives, use of pesticides, including methyl bromide, has often been prescribed.

Methyl bromide is an ozone depleting substance that is strictly regulated under the Montreal Protocol and the Clean Air Act. While the goal of these authorities and agreements is to limit and ultimately phase out all ozone depleting substances, certain exemptions and exclusions are recognized, including an exemption for methyl bromide use for plant quarantine and preshipment purposes, including those purposes provided for in the final wood packaging material rule. The exemption is not unconditional, however. The United States, like other signatories to the Montreal Protocol, must review its national plant health regulations with a view to removing the requirement for the use of methyl bromide for quarantine and preshipment applications where technically and economically feasible alternatives exist.

This rule authorizes the use of heat treatment and methyl bromide fumigation to treat wood packaging material from other countries in order to meet the mandates of the PPA. In addition, the agency is working to promote environmental quality with ongoing work to identify and add to our regulations valid technically and economically feasible alternatives to methyl bromide.

Avoid or Minimize Environmental Harm

The environment can be harmed by the use of methyl bromide which can delay the recovery of the stratospheric ozone layer. However, any lack of quarantine application of methyl bromide or heat treatment to wood packaging material poses potential adverse effects to agriculture and forested ecosystems among environmental components that could be devastating. Adequate enforcement of effective quarantine measures is required to protect the environment. By ensuring that quarantine use of methyl bromide remains limited, the Agency strikes a proper balance in its efforts to minimize environmental harm. APHIS is committed to monitoring these efforts through the NEPA process, and otherwise. Furthermore, where appropriate, measures such as gas recapture technology are encouraged by APHIS to minimize methyl bromide emissions and preclude harm to environmental quality. The prudent use of heat treatment and substitute packaging material by developed countries is expected to promote this regulatory approach in developing countries as their trade opportunities expand.

Other

Methyl bromide used in quarantine applications prescribed by the United States contributes just a small fraction of the total anthropogenic bromine released into the atmosphere. Nevertheless, the Montreal Protocol is action-forcing in the sense that signatories must review their national plant health regulations with a view to finding alternatives to exempted uses of methyl bromide. The EPA has also cautioned that, regardless of the incremental contribution, it is important to recognize that any additional methyl bromide releases delay recovery of the stratospheric ozone layer.

A considerable amount of research and development of methyl bromide alternatives has been conducted within the USDA and continues today. Under the Clean Air Act, EPA has also established a program to identify alternatives to ozone depleting substances, including methyl bromide, but EPA's listing of an acceptable alternative does not always adequately address its suitability for a particular use. We must not put agriculture and ecosystems at risk based upon unproven technology.

APHIS is firmly committed to the objectives of the Montreal Protocol to reduce and ultimately eliminate reliance on methyl bromide for quarantine uses, consistent with its responsibilities to safeguard this country's agriculture and ecosystems. Achieving the objectives of both reducing (and ultimately eliminating) methyl bromide emissions as well as safeguarding agriculture and ecosystems in the most expeditious, cost-

effective way possible, requires close coordination within the Federal Government of research, development, and testing efforts. APHIS is determined to cooperate actively with the Agricultural Research Service, EPA, the Office of Management and Budget, and others involved in this effort to find effective alternatives to methyl bromide quarantine uses.

The most recent effort by APHIS to reduce quarantine use of methyl bromide is through cooperative work with the IPPC on a draft International Standard for Phytosanitary Measures (ISPM). This ISPM titled ''Developing a Strategy to Reduce or Replace the Use of Methyl Bromide for Phytosanitary Purposes'' has been under review since June 2007 by contracting parties to the IPPC.

In a notice summarizing EPA comments on recent environmental impact statements and proposed regulations that was published in the **Federal Register** on July 20, 2007 (72 FR 39807–39808), EPA expressed a lack of objections to the draft SEIS and APHIS' adoption of the IPPC Guidelines.

The record of decision has been prepared in accordance with: (1) NEPA, (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2908 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0029]

Planet Biotechnology, Inc.; Availability of an Environmental Assessment and Finding of No Significant Impact for a Field Release To Produce Antibodies in Genetically Engineered Nicotiana Hybrids

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared an environmental assessment for a proposed field release involving a *Nicotiana* hybrid line that has been genetically engineered to produce an antimicrobial antibody that binds to a bacterium (*Streptococcus mutans*) associated with tooth decay in humans. The purpose of this field release is to generate plant biomass from which the antibody will be extracted after harvest. The environmental assessment provides a basis for our conclusion that this field release will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for this field release.

EFFECTIVE DATE: February 15, 2008.

ADDRESSES: You may read the environmental assessment (EA), the finding of no significant impact (FONSI), and the comments we received on this docket in our reading room. The reading room is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming. The EA, FONSI and decision notice, and responses to comments are available on the Internet at: *http://www.aphis.usda.gov/brs/aphisdocs/05_35403r_ea.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Dr. Margaret Jones, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–4880. To obtain copies of the EA, FONSI and decision notice, and responses to comments, contact Ms. Cynthia Eck at (301) 734–0667; e-mail: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release in the environment of a regulated article.

On December 21, 2005, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 05–354–03r) from Planet Biotechnology, Inc., of Hayward, CA, for a field trial using a transgenic *Nicotiana* hybrid. Permit application 05–354–03r describes a *Nicotiana* hybrid line (*Nicotiana tabacum* X *Nicotiana glauca*), designated as 06PBCarHG1, that produces a chimeric antimicrobial antibody (trade name CaroRx™) that binds to the bacterium (*Streptococcus mutans*) associated with tooth decay in humans. Expression of the gene sequence is controlled by the cauliflower mosaic virus (CaMV) promoter and terminated by NOS from *Agrobacterium tumefaciens* and utilizes the selectable marker NPTII from *Escherichia coli*. Constructs were inserted into the recipient organisms via a disarmed *Agrobacterium tumefaciens* vector system. The antibodies generated from this planting will be extracted after harvest.

The subject *Nicotiana* hybrid is considered a regulated article under the regulations in 7 CFR part 340 because it has been genetically engineered using genetic sequences from plant pathogens.

On June 13, 2007, APHIS published a notice [1] in the **Federal Register** (72 FR 32607–32608, Docket No. APHIS–2007–0029) announcing the availability of an environmental assessment (EA) for the proposed release of a transgenic *Nicotiana* hybrid line. During the 30-day comment period, APHIS received six comments. All six comments were opposed to APHIS' issuance of this permit and genetically engineered crops in general, but only one raised specific issues regarding the EA. APHIS has provided responses to these comments as an attachment to the finding of no significant impact (FONSI).

Pursuant to the regulations promulgated under the Plant Protection Act, APHIS has determined that this field release will not pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative B of the EA (the preferred alternative), to issue the permit with supplemental permit conditions, will not have a significant impact on the quality of the human environment. Therefore, APHIS has determined that a FONSI is appropriate for this proposed action. You may read the FONSI and Decision Notice on the Internet or in the

[1] To view the notice, the EA, and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0029.*

APHIS reading room (see **ADDRESSES** above). Copies may also be obtained from the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The EA and FONSI were prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 11th day of February 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–2911 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Correction of the December 3, 2007, Federal Register Notice Announcing Opportunities for Designation in Georgia, Cedar Rapids (IA), and the Montana Areas, and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice correction.

SUMMARY: On December 3, 2007, GIPSA published a notice in the **Federal Register** announcing that the designations of the following official agencies will end on June 30, 2008: Georgia Department of Agriculture (Georgia); Mid-Iowa Grain Inspection, Inc. (Mid-Iowa); and Montana Department of Agriculture (Montana). We asked persons interested in providing official services in the areas served by these agencies to submit an application for designation. The date that the applications and comments were due was incorrectly listed as January 2, 2009, instead of January 2, 2008. This notice provides interested persons a period of time to submit an application for designation or to comment on the official agencies named above.

EFFECTIVE DATE: Applications and comments must be received by February 25, 2008.

ADDRESSES: Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604. Fax: (202) 690–2755, E-mail: *Karen.W.Guagliardo@usda.gov*.

FOR FURTHER INFORMATION CONTACT: Karen Guagliardo at 202–720–7312, e-mail *Karen.W.Guagliardo@usda.gov*.

SUPPLEMENTARY INFORMATION: GIPSA is publishing this notice to correct an error concerning the date to submit applications for designation or to comment on the current official agencies serving the Georgia, Cedar Rapids (IA), and Montana areas.

Correction

In the **Federal Register** issue of Monday, December 3, 2007, beginning on page 67885 (72 FR 67885) in make the following correction:

1. On page 67885, in the second column, delete the date January 2, 2009, and insert the date February 25, 2008. This action corrects the date, and allows an additional period for late applications and comments.

Authority: 7 U.S.C. 71–87k.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E8–2949 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity To Comment on the Applicants for Maryland, New Jersey, and New York

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: GIPSA requests comments on the applicants for designation to provide official services in Maryland, New Jersey, and New York.

- Maryland Department of Agriculture (Maryland) applied for Maryland.
- D. R. Schaal Agency, Inc. (Schaal) applied for New Jersey and New York.
- Kankakee Grain Inspection, Inc. (Kankakee) applied for Maryland, New Jersey, and New York.
- Mid-Iowa Grain Inspection, Inc. (Mid-Iowa) applied for Maryland, New Jersey and New York.

DATES: Comments must be postmarked or electronically dated on or before March 17, 2008.

ADDRESSES: We invite you to submit comments on these applicants. You may submit comments by any of the following methods:

- Hand Delivery or Courier: Deliver to Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- Fax: Send by facsimile transmission to (202) 690–2755, attention: Karen Guagliardo.
- E-mail: Send via electronic mail to *Karen.W.Guagliardo@usda.gov*.
- Mail: Send hardcopy to Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments and reading any comments posted online.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Karen Guagliardo at 202–720–7312, e-mail *Karen.W.Guagliardo@usda.gov*.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 5, 2007, **Federal Register** (72 FR 68555), GIPSA asked persons interested in providing official services in Maryland, New Jersey, and New York to submit an application for designation.

There were four applicants for the Maryland, New Jersey, and New York areas open for designation: Kankakee, Mid-Iowa, and Schaal, all currently designated official agencies, and Maryland, a state organization not currently designated. Kankakee and Mid-Iowa applied for Maryland, New Jersey, and New York. Schaal applied for New Jersey and New York. Maryland applied for Maryland.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicants. All

comments must be submitted to the Compliance Division at the above address or at *http://www.regulations.gov*. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Authority: 7 U.S.C. 71–87k.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E8–2878 Filed 2–14–08; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Special Subsistence Permits and Harvest Logs for Pacific Halibut in Waters Off Alaska.

OMB Approval Number: 0648–0512.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 325.

Number of Respondents: 109.

Average Hours Per Response: Permit applications, 10 minutes; harvest logs, 30 minutes; appeals, 4 hours.

Needs and Uses: The special Pacific halibut permits and harvest logs were created to monitor Pacific halibut subsistence use for ceremony and education by Alaska Native tribes. These ceremonial and educational permits are issued in addition to the Pacific halibut subsistence registration described in OMB Control No. 0648–0460.

Affected Public: State, Local or Tribal Government.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: February 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–2925 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region BSAI Crab Permits.

OMB Approval Number: 0648–0514.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 4,419.

Number of Respondents: 1,800.

Average Hours Per Response: The individual fishing quota or processor quota permit application and applications to become an Eligible Crab Community Organization: 2 hours, 30 minutes; registered crab receiver permit applications and fee submission forms, 30 minutes; hired master applications and federal crab vessel permit applications, 21 minutes; application for eligibility to receive crab shares by transfer and applications to transfer shares, 2 hours; Right of First Refusal contracts, 40 hours; Right of First Refusal waivers, 30 minutes; appeals of denied permits, 4 hours.

Needs and Uses: The National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands (BSAI) Crab. The Crab Rationalization Program (Program) allocates Bering Sea and Aleutian Islands crab resources among harvesters, processors, and coastal communities. This collection-of-information addresses the permits, transfers, and cost recovery procedures for the Program.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; State, Local or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: February 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–2926 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region Bering Sea and Aleutian Islands Crab Arbitration.

OMB Approval Number: 0648–0516.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 743.

Number of Respondents: 49.

Average Hours Per Response: Market report and non-binding price formula report, 40 hours; annual arbitration organization report, 4 hours; arbitration organization miscellaneous reporting, 1 hour; establish price for arbitration negotiations, 45 minutes.

Needs and Uses: The National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Crab (FMP). The Crab Rationalization Program allocates Bering Sea and Aleutian Islands crab resources among harvesters, processors, and coastal communities. This collection-of-information addresses the Crab Rationalization Arbitration System.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: February 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–2927 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NMFS Alaska Region Bering Sea and Aleutian Islands Crab Economic Data Reports.

OMB Approval Number: 0648–0518.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 1,478.

Number of Respondents: 131.

Average Hours Per Response: Annual catcher vessel report: 7 hours, 30 minutes; annual catcher/process report: 12 hours, 30 minutes; Annual stationary floating crab processor and shoreside processor reports, 10 hours; verification of data, 2 hours.

Needs and Uses: The National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Crab (FMP). The Crab Rationalization Program (CR Program) allocates Bering Sea and Aleutian Islands crab resources among harvesters, processors, and coastal communities. This collection-of-information addresses the CR Program's mandatory economic data collection reports (EDRs). The EDR data is used to assess the efficacy of the CR Program.

Affected Public: Not-for-profit institutions; State, Local or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: February 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–2928 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XF66

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene its Law Enforcement Advisory Panel (LEAP).

DATES: The meeting will be held on Tuesday, March 11, 2008, from 1 pm to 5 pm.

ADDRESSES: The meeting will be held at the Hilton, 5400 Seawall Blvd., Galveston, TX 77551; telephone: (877) 425–4753.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Council will convene the LEAP to review a generic amendment that would potentially allow offshore aquaculture in the Gulf of Mexico. The LEAP will also review Amendment 30B to the Reef Fish Fishery FMP that may establish additional restrictions on harvest of gag to maintain the rebuilding plan for this overfished stock and relax restriction on red grouper based on favorable analyses from the last stock assessment. Furthermore, the LEAP will review Draft Amendment 29 to the Reef Fish FMP that could establish a grouper/tilefish limited access privilege program (LAPP) or individual fishing quota (IFQ) program. Finally, the LEAP will receive a presentation on the potential for new marine protected areas (MPAs), and review a draft offshore aquaculture bill.

The LEAP consists of principal law enforcement officers in each of the Gulf States, as well as the NMFS, U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, and the NOAA General Counsel. A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348–1630.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the LEAP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) 5 working days prior to the meeting.

Dated: February 12, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–2886 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XF63

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting of the North Pacific Fishery Management Council Pacific Northwest Crab Industry Advisory Committee (PNCIAC)

SUMMARY: The North Pacific Fishery Management Council's (Council) Crab Committee will meet.

DATES: The meeting will be held on February 28, 2008, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Leif Erikson Hall, 2247 NW 57th Street, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram, North Pacific Fishery Management Council; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The PNCIAC will review the Bering Sea Aleutian Island king and Tanner Crab fisheries proposals to be acted upon at the March 3–9, 2008, Alaska Board of Fisheries meeting in Anchorage, AK; informational update and discussion of the NPFMC motion on Economic Data Report.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: February 12, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–2876 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XF64

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Limited Access Privilege (LAP) Program Workgroup and Committee, LAP Program Committee, a joint meeting of its Executive Committee and Finance Committee, Snapper Grouper Committee, Law Enforcement Advisory Panel, a joint meeting of its Habitat Committee and Ecosystem-Based Management Committee, Spiny Lobster Committee, Shrimp Committee, Allocation Committee, Standard Operations, Policy and Procedures (SOPPs) Committee, Scientific and Statistical Committee (SSC) Selection Committee, and a meeting of the full Council. In addition, the Council will also hold a public comment period on Amendment 15B to the Snapper Grouper Fishery Management Plan (FMP). Redstone Consulting Group will provide a presentation on Limited Access Privilege Programs.

DATES: The meetings will be held March 3–7, 2008. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, GA, 31527; telephone: (1–800) 535–9547 or (912) 635–2600, fax: (912) 635–2818. Copies of documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366 or toll free at (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. Joint LAP Program Workgroup and Committee Meeting: March 3, 2008, 1 p.m. until 6 p.m.

The LAP Program Workgroup will provide a presentation to the LAP Program Committee on its final report and recommendations regarding a Limited Access Privilege Program for the commercial snapper grouper fishery in the Council's area of jurisdiction.

2. Redstone Consulting Group Presentation on LAP Programs: March 3, 2008, 6:30 p.m. until 7:30 p.m.

The Redstone Consulting Group will provide a presentation on Limited Access Privilege Programs.

3. LAP Program Committee Meeting: March 4, 2008, 8 a.m. until 12 noon

The LAP Program Committee will discuss LAP Programs, possible actions, timing issues, and provide directions to staff.

4. Joint Executive and Finance Committees Meeting: March 4, 2008, 1:30 p.m. until 2:30 p.m.

The Executive and Finance Committees will meet to review the final Calendar Year (CY) Council budget, the CY 2008–2010 FMP/Amendment/Framework timelines and modify as appropriate. The Committees will also receive a report on the President's Fiscal Year 2009 budget and review and develop comments on H.R. Bill 4087 introduced by Congressman Jones from North Carolina.

5. Snapper Grouper Committee Meeting: March 4, 2008, 2:30 p.m. until 6:30 p.m. and March 5, 2008, 8 a.m. until 12 noon.

The Snapper Grouper Committee will review public hearing comments on Amendment 15B to the Snapper Grouper FMP and modify the amendment as necessary. The Committee will then approve a recommendation that the Council submit Amendment 15B to the Secretary of Commerce for review and approval. Amendment 15B includes actions to modify current recreational sale allowances, define allocations for snowy grouper and red porgy, implement a plan to monitor and assess bycatch, implement measures to minimize the impacts of incidental take on sea turtles and small tooth sawfish, modify commercial permit renewal and transferability requirements, and update management reference points for golden tilefish.

The Snapper Grouper Committee will also review Amendment 16 to the Snapper Grouper FMP, modify as appropriate, and approve the amendment for public hearings. Amendment 16 includes measures to end overfishing for gag grouper and vermilion snapper. The Committee will also review and discuss public scoping

comments on Amendment 17 and provide directions to staff on options to be developed. Amendment 17 includes measures to respond to stock assessments for red snapper, greater amberjack, and mutton snapper, specify Annual Catch Limits for species in the snapper grouper fishery management unit currently undergoing overfishing, specify Accountability Measures as appropriate, extend the management unit through the Mid-Atlantic Council's area of jurisdiction, and other items. The Committee will also receive a report on a pre-closure survey of proposed Marine Protected Areas, and an update on spearfishing issues at Gray's Reef National Marine Sanctuary.

6. Law Enforcement Advisory Panel Meeting: March 4, 2008, 1 p.m. until 6 p.m. (Concurrent Sessions)

The Law Enforcement Advisory Panel (AP) will meet to discuss law enforcement's role in the development of a LAP Program. The AP will also discuss and comment on the following issues: snapper grouper amendment issues, spiny lobster issues and a future amendment, open water aquaculture, circle hook enforcement, special management areas, and the sale of recreationally caught fish.

7. Joint Habitat and Ecosystem-based Management Committee Meeting: March 5, 2008, 1:30 p.m. until 5:30 p.m.

The Habitat and Ecosystem-based Management Committees will receive a presentation on Vessel Monitoring Systems and review input received from the Habitat, Coral, Deepwater Shrimp and Golden Crab Advisory Panels regarding the Fishery Ecosystem Plan (FEP) Comprehensive Amendment, modify as needed, and approve the amendment for public hearings. The Committee will also review the FEP and approve for public hearing. In addition, the Committee will review and comment on proposed critical habitat for staghorn and elkhorn corals, review and approve the Council's Energy Policy, receive a report on deepwater coral research, and discuss habitat issues as necessary.

8. Spiny Lobster Committee Meeting: March 6, 2008, 8 a.m. until 10 a.m.

The Spiny Lobster Committee will review the scoping comments on the Generic Import Amendment to the Spiny Lobster FMP. The amendment addresses regulations regarding the importation of spiny lobster. The Committee will also review the status of changes to lobster regulations by the State of Florida, and plan a timeline for an amendment to address Annual Catch Limits for spiny lobster.

9. Shrimp Committee Meeting: March 6, 2008, 10 a.m. until 12 noon

The Shrimp Committee will review scoping comments regarding Amendment 7 to the Shrimp FMP and provide directions to staff regarding options to be included in the amendment. Amendment 7 addresses landings requirements currently in place for South Atlantic endorsements for rock shrimp permits.

10. Allocation Committee Meeting: March 6, 2008, 1:30 p.m. until 3:30 p.m.

The Allocation Committee will review public scoping comments and provide direction to staff regarding options to include in a Comprehensive Allocation Amendment. The amendment will address allocations between recreational and commercial sectors and possible allocations within those sectors.

11. SOPPs Committee Meeting: March 6, 2008, 3:30 p.m. until 4:30 p.m.

The SOPPs Committee will receive an update on the status of Secretarial review of the Council's SOPPs and develop changes as necessary.

12. SSC Selection Committee Meeting: March 6, 2008, 4:30 p.m. until 5:30 p.m. (Closed Session)

The SSC Selection Committee will meet in closed session and discuss any guidance from the National Marine Fisheries Service (NMFS) affecting the SSC resulting from the reauthorized Magnuson-Stevens Act amendments. The Committee will also review applicants and provide recommendations for appointments as appropriate.

13. Personnel Committee Meeting: March 6, 2008, 5:30 p.m. until 6:30 p.m. (Closed Session)

The Personnel Committee will meet in closed session to discuss personnel issues.

14. Council Session: March 7, 2008, 8 a.m. until 12:30 p.m.

From 8 a.m. - 8:15 a.m., the Council will call the meeting to order, adopt the agenda, and approve the December 2007 meeting minutes.

From 8:15 a.m. - 8:45 a.m., the Council will receive a report from the Snapper Grouper Committee, take public comment on Amendment 15B, and approve Amendment 15B for submission to the Secretary of Commerce for review and approval. The Council will also approve Amendment 16 for public hearings and take actions regarding Committee recommendations as appropriate.

Note: The Council will take final public comment on Amendment 15B to the Snapper Grouper Fishery Management Plan at 8:15 a.m. on March 7, 2008.

From 8:45 a.m. - 9 a.m., the Council will receive a report from the LAP Program Committee and take action as appropriate.

From 9 a.m. - 9:15 a.m., the Council will receive a report from the Joint Habitat and Ecosystem-Based Management Committees. The Council will approve the FEP and the FEP Comprehensive Amendment for public hearings. The Council will consider other Committee recommendations and take action as appropriate.

From 9:15 a.m. - 9:30 a.m., the Council will receive a report from the Joint Executive and Finance Committees and take action as appropriate.

From 9:30 a.m. - 9:45 a.m., the Council will receive a report from the Spiny Lobster Committee take action as appropriate.

From 9:45 a.m. - 10 a.m., the Council will receive a report from the Shrimp Committee and take action as appropriate.

From 10 a.m. - 10:15 a.m., the Council will receive a report from the Allocation Committee and take action as appropriate.

From 10:15 a.m. - 10:30 a.m., the Council will receive a report from the SOPPs Committee and take action as appropriate.

From 10:30 a.m. - 10:45 a.m., the Council will receive a report from the SSC Selection Committee and take action as appropriate.

From 10:45 - 12:30 p.m., the Council will receive a report regarding the Council Coordinating Committee Meeting, receive status reports from NOAA Fisheries' Southeast Regional Office, NOAA Fisheries' Southeast Fisheries Science Center, agency and liaison reports, review Experimental Fishing Permit applications as necessary, and discuss other business including upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the

public has been notified of the Council's intent to take final action to address the emergency.

Except for advertised (scheduled) public hearings and public comment, the times and sequence specified on this agenda are subject to change.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 29, 2008.

Dated: February 12, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–2888 Filed 2–14–08; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Notice; Establishment of Energy Markets Advisory Committee

The Commodity Futures Trading Commission has determined to establish a new advisory committee, the Energy Markets Advisory Committee. The purpose of the committee is to conduct public meetings, to submit reports and recommendations to the Commission, and otherwise to serve as a vehicle for discussion and communication on matters of concern to exchanges, firms, end users and regulators regarding energy markets and their regulation by the Commission. The Energy Markets Advisory Committee will have no operational responsibilities. The Commission will seek to achieve a balanced membership by appointing representatives of a cross section of the groups and interests involved in or affected by the Commission's actions in the energy area.

The charter of the Energy Markets Advisory Committee will become effective upon its filing pursuant to 5 U.S.C. App. 2 § 9(c). The Commission expects to file the charter promptly upon completion of the 15 day notice period specified by 41 CFR 102–3.65(b).

The Commission has determined that establishment of the Energy Markets Advisory Committee is in the public interest and is necessary to enable the Commission to carry out its responsibilities in the most effective and responsive manner. Since the enactment of the Commodity Futures Modernization Act of 2000, there have been important new developments in energy markets that create a need for consideration of adjustments in current regulatory and legislative approaches to ensure that the Commission has the means to protect market integrity and competition, while preserving opportunities for innovation and increases in efficiency. This is particularly true in light of evidence that some of the newer energy markets that have emerged since the Modernization Act have taken on some of the characteristics and price-discovery functions of traditional futures markets. Moreover, there is every reason to expect that both the importance of markets for managing risks associated with the price and availability of energy and innovation in the structure and operation of such markets will continue to expand, raising new regulatory issues in the future. In these circumstances, an advisory committee focused on energy markets will significantly advance the Commission's ability to carry out its mission.

Interested persons may obtain information by writing to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

Issued in Washington, DC on February 11, 2008, by the Commission.

David A. Stawick,

Secretary of the Commission.

[FR Doc. E8–2953 Filed 2–14–08; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). The topic of the meeting on March 11–12, 2008 is to review new start and continuing research and development projects requesting Strategic Environmental Research and Development Program funds in excess of $1 M. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

DATES: Tuesday, March 11, 2008 from 9 a.m. to 4 p.m., Wednesday, March 12, 2008 from 9 a.m. to 3:30 p.m.

ADDRESSES: SERDP Program Office Conference Center, 901 North Stuart Street, Suite 804, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Ms. Sharee Malcolm, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2119.

Dated: February 8, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 08–677 Filed 2–14–08; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearings for the Atlantic Fleet Active Sonar Training Draft Environmental Impact Statement/ Overseas Environmental Impact Statement

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and regulations implemented by the Council on Environmental Quality (40 CFR parts 1500 to 1508), and Presidential Executive Order 12114, the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS) on February 8, 2008, which evaluates the potential environmental effects associated with the use of mid- and high-frequency active sonar technology and the improved extended echo ranging (IEER) system during Atlantic Fleet Active Sonar Training (AFAST) activities within and adjacent to existing Navy Operating Areas (OPAREAs) located along the East Coast of the United States and in the Gulf of Mexico. Navy OPAREAs include designated ocean areas near fleet concentration areas (i.e., homeports). OPAREAs are where the majority of routine Navy training and research, development, test, and evaluation (RDT&E) activities occur. However, Navy training exercises are not confined to the OPAREAs. Some training exercises or portions of exercises are conducted seaward of the OPAREAs and a limited amount of active sonar use is conducted in water areas shoreward of the OPAREAs. A Notice of Intent for this Draft EIS/OEIS was published in the **Federal Register** on 29 September 2006 (71 FR 57489).

The Navy will conduct six public hearings to receive oral and written comments on the Draft EIS/OEIS. Federal agencies, state agencies, and local agencies and interested individuals are invited to be present or represented at the public hearings. This notice announces the dates and locations of the public hearings for this Draft EIS/OEIS.

DATES AND ADDRESSES: An open house session will precede the scheduled public hearing at each of the locations listed below and will allow individuals to review the information presented in the AFAST Draft EIS/OEIS. Navy representatives will be available during the open house sessions to clarify information related to the AFAST Draft EIS/OEIS. All meetings will start with an open house session from 5 p.m. to 7 p.m. A formal presentation and public comment period will be held from 7 p.m. to 9 p.m. Public hearings will be held on the following dates and at the following locations: March 4, 2008 at the Tidewater Community College, Advanced Technology Center, Technology Theater, Faculty Drive, Virginia Beach, Virginia; March 6, 2008 at Boston University, Kenmore Classroom Building, Room 101, 565 Commonwealth Avenue, Boston, Massachusetts; March 11, 2008 at the Crystal Coast Civic Center, 1st Floor, Quads 1 and 2, 3505 Arendell Street, Morehead City, North Carolina; March 13, 2008 at the Charleston Harbor Resort and Marina, Atlantic Ballroom, 20 Patriots Point Road, Mount Pleasant, South Carolina; March 18, 2008 at the Florida Community College at Jacksonville, Nathan H. Wilson Center for the Arts, Lakeside Conference Room, 11901 Beach Boulevard, Jacksonville, Florida; and March 19, 2008 at the Florida State University, Panama City Campus, Auditorium, 4750 Collegiate Drive, Panama City, Florida.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command, Atlantic, Attention, Code EV22 (Atlantic Fleet Sonar Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508–1278; phone 757–322–4767 for a recorded message; or *http://afasteis.gcsaic.com*.

SUPPLEMENTARY INFORMATION: The Proposed Action is to designate areas where mid- and high-frequency active sonar and the IEER system training, maintenance, and RDT&E activities will occur, and to conduct these activities. AFAST training and RDT&E activities involving active sonar and the IEER system are collectively described as active sonar activities in the AFAST Draft EIS/OEIS. These active sonar activities are not new and do not involve significant changes in systems, tempo, or intensity from past activities. The purpose of the Proposed Action is to provide active sonar training for U.S. Navy Atlantic Fleet ship, submarine, and aircraft crews, and to conduct RDT&E activities to support the requirements of the Fleet Readiness Training Plan (FRTP) and stay proficient in Anti-Submarine Warfare (ASW) and Mine Warfare (MIW) skills. The FRTP is the Navy's training cycle that requires naval forces to build up in preparation for operational deployment and to maintain a high level of proficiency and readiness while deployed.

The FRTP requires Basic Unit Level Training (ULT), Intermediate ULT, and Sustainment Training. The Navy meets these requirements during Independent ULT, Coordinated ULT, and Strike Group Training. At the beginning of the cycle, basic combat skills are learned and practiced during basic Independent ULT activities. Basic skills are then refined during Coordinated ULT. Strike Group Training is integrated training using progressively more difficult, complex, and large-scale exercises conducted at an increasing tempo. This training provides the warfighter with the skills necessary to function as part of a coordinated fighting force in a hostile environment with the capacity to accomplish multiple missions.

Surface ships and submarines participating in the training also must conduct active sonar maintenance pier side and during transit to the training exercise location. The active sonar maintenance is required to ensure that the sonar system is operating properly before engaging in the training exercise or when the sonar systems are suspected of operating at levels below optimal performance.

Additionally, RDT&E provides the Navy the capability of developing new active sonar systems and ensuring their safe and effective implementation for the Atlantic Fleet. The RDT&E activities analyzed in the AFAST Draft EIS/OEIS are similar to, and coincident with, Atlantic Fleet training events and have not been previously evaluated in other environmental planning documents.

The Navy's need for training and RDT&E is found in Title 10 of the USC, Section 5062 (10 U.S.C. 5062). Title 10 U.S.C. 5062 requires the Navy to be ''organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea.'' The current and emerging training and RDT&E activities addressed in this Draft EIS/OEIS are conducted in fulfillment of this legal requirement.

The Draft EIS/OEIS evaluates the potential environmental impacts of four alternatives. Under Alternative 1, Designate Fixed Active Sonar Areas, fixed active sonar areas would be designated using an environmental analysis to determine locations that would minimize environmental effects to biological resources while still meeting operational requirements. These areas would be available for use year-round. Under Alternative 2, Designate Seasonal Active Sonar Areas, active sonar training areas would be designated using the same environmental analysis conducted under Alternative 1. The areas would be adjusted seasonally to minimize effects to marine resources while still meeting minimum operational requirements. Under Alternative 3, Designate Areas of Increased Awareness, the results of the environmental analysis conducted for Alternative 1 and 2 were used in conjunction with a qualitative environmental analysis of sensitive habitats to identify areas of increased awareness. Active sonar would not be conducted within these areas of increased awareness. The No Action Alternative can be regarded as continuing with the present course of action. Under the No Action Alternative, the Navy would continue conducting active sonar activities within and adjacent to existing OPAREAs rather than designate active sonar areas or areas of increased awareness. The No Action Alternative is the Navy's Operationally Preferred Alternative.

The Navy analyzed potential impacts on multiple resources including, but not limited to, the marine environment, marine life, and socioeconomic resources. No significant adverse impacts are identified for any resource area in any geographic location within the AFAST Study Area that cannot be mitigated, with the exception of exposure of marine mammals and sea turtles to underwater sound. NMFS has received a request for Letter of Authorization (LOA) in accordance with the Marine Mammal Protection Act to authorize the incidental take of marine mammals that may result from the implementation of the activities analyzed in the AFAST Draft EIS/OEIS. In addition, the AFAST Draft EIS/OEIS will serve as the Biological Evaluation (BE) to enter into consultation with NMFS in accordance with Section 7 of the Endangered Species Act (ESA) to authorize the incidental take of endangered or threatened marine mammals and sea turtles that may result from the implementation of the

activities analyzed in the AFAST Draft EIS/OEIS. ESA consultation is complete once NMFS prepares a final Biological Opinion and issues an incidental take statement.

The AFAST Draft EIS/OEIS was distributed to Federal, State, and local agencies, elected officials, and other interested individuals and organizations on February 8, 2007. The public comment period will end on March 31, 2008. Copies of the AFAST Draft EIS/OEIS are available for public review at the following libraries: Portland Public Library, 5 Monument Square, Portland, Maine; New London Public Library, 63 Huntington Street, New London, Connecticut; Kirn Memorial Library, 301 East City Hall Avenue, Norfolk, Virginia; Carteret County Public Library, 210 Turner Street, Morehead City, North Carolina; Charleston County Public Library, 68 Calhoun Street, Charleston, South Carolina; Jacksonville Public Library, 303 North Laura Street, Jacksonville, Florida; Bay County Public Library, 25 West Government Street, Panama City, Florida; Corpus Christi Public Library—Central Library, 805 Comanche, Corpus Christi, Texas; Boston Public Library—Central Library, 700 Boylston Street, Boston, Massachusetts; Ann Arundel County Public Library, 1410 West Street, Annapolis, Maryland; and Camden County Public Library, 1410 Highway 40 East, Kingsland, Georgia.

The AFAST Draft EIS/OEIS is also available for electronic public viewing at *http://afasteis.gcsaic.com*. A paper copy of the Executive Summary or a single CD with the AFAST Draft EIS/OEIS will be made available upon written request by contacting Naval Facilities Engineering Command, Atlantic, Attention: Code EV22 (Atlantic Fleet Sonar Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508–1278, Fax: 888–875–6781.

Federal, State, and local agencies and interested parties are invited to be present or represented at the public hearing. Written comments can also be submitted during the open house sessions preceding the public hearings. Oral statements will be heard and transcribed by a stenographer; however, to ensure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS/OEIS and will be responded to in the Final EIS/OEIS. Equal weight will be given to both oral and written statements.

In the interest of available time, and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be limited to three (3) minutes. If a long statement is to be presented, it should be summarized at the public hearing with the full text submitted either in writing at the hearing, or mailed or faxed to Naval Facilities Engineering Command, Atlantic, Attention: Code EV22 (Atlantic Fleet Sonar Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508–1278, Fax: 888–875–6781. In addition, comments may be submitted on-line at *http://afasteis.gcsaic.com* during the comment period. All written comments must be postmarked by March 31, 2008 to ensure they become part of the official record. All comments will be addressed in the Final EIS/OEIS.

Dated: February 8, 2008.

T.M. Cruz,

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

[FR Doc. E8–2810 Filed 2–14–08; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 15, 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: February 11, 2008.

Angela C. Arrington,

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

Office of Vocational and Adult Education

Type of Review: Extension.

Title: Guide for the Development of a State Plan under the Adult Education and Family Literacy Act (Title II of the Workforce Investment Act of 1998).

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 59.

Burden Hours: 2,655.

Abstract: The Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Investment Act of 1998 (WIA), Public Law 105–220 provides formula funding to States to support adult education instruction at the State level. Section 224 of Public Law 105–220 required States submit to the Department their plan for how they address the requirements of the Act, including agreeing upon levels of performance identified in section 212. Congress did not enact new legislation prior to the expiration of the law in 2003, however, they continue to extend program appropriations for each additional year in annual appropriation laws, respectively. While it is unlikely that Congress will reauthorize the expired Workforce Investment Act of 1998 (WIA) this year, appropriations for FY 2008 was signed into law by the President on December 27, 2007. This Guide will continue to, as it has since the expiration of WIA advise States on how to continue their Adult Education programs. 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 3591. 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., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. 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. E8–2825 Filed 2–14–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools; Overview Information; Carol M. White Physical Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215F.

DATES:

Applications Available: February 15, 2008.

Deadline for Transmittal of Applications: March 24, 2008.

Deadline for Intergovernmental Review: May 23, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Carol M. White Physical Education Program (PEP) provides grants to local educational agencies (LEAs) and community-based organizations (CBOs) to initiate, expand, or enhance physical education programs, including after-school programs, for students in kindergarten through 12th grade. Grant recipients must implement programs that help students make progress toward meeting State standards.

Priorities: In accordance with 34 CFR 75.105(b)(iv), this priority is from sections 5503 and 5504(a) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA), (20 U.S.C. 7261b, 7261c).

Absolute Priority: For FY 2008, and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

The initiation, expansion, and improvement of physical education programs (which may include after-school programs) in order to make progress toward meeting State standards for physical education for kindergarten through 12th grade students by (1) providing equipment and support to enable students to participate actively in physical education activities; and (2) providing funds for staff and teacher training and education.

A physical education program funded under this absolute priority must provide for one or more of the following:

(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

(3) Development of, and instruction in, cognitive concepts about motor skills and physical fitness that support a lifelong healthy lifestyle.

(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

(5) Instruction in healthy eating habits and good nutrition.

(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

Competitive Preference Priority: Within this absolute priority, we give competitive preference to applications that address the following priority.

This priority is from 34 CFR 75.225. Under 34 CFR 75.105(c)(2)(i) we award an additional 5 points to an application that meets this priority.

This priority is:

This priority is for applications from novice applicants.

The term novice applicant means any applicant for a grant from the Department of Education that—

(1) Has never received a grant or subgrant under the program from which it seeks funding;

(2) Has never been a member of a group application, submitted in accordance with 34 CFR 75.127 through 75.129, that received a grant under the program from which it seeks funding; and

(3) Has not had an active discretionary grant from the Federal Government in the five years before the deadline date for transmittal of applications under this competition. For the purpose of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127 through 75.129, to qualify as a novice applicant all group members must meet the requirements described.

Invitational Priority: Within this absolute priority, we are particularly interested in applications that address the following invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

This priority is for projects that propose programs to address problems identified by the applicant in a self-assessment, using the Physical Education and Other Physical Activity Programs and Nutrition Services modules of the Centers for Disease Control and Prevention's School Health Index (SHI) that are appropriate for the schools to be served by the grant. Applicants addressing this priority in their applications are invited to include their SHI scores for these two modules in their application for funding, and to plan on completing the same Physical Education and Other Physical Activity Programs and Nutrition Services modules of the SHI at the end of the project period.

CBOs are invited to partner with a LEA or school to complete the Physical Education and Other Physical Activity Programs and Nutrition Services modules of the SHI since the self-assessment tool is designed to assess school-based programs and policies related to physical activity and nutrition services.

Information about the SHI is available at the Centers for Disease Control and Prevention's Web site at *http://www.cdc.gov/healthyyouth.*

Program Authority: 20 U.S.C. 7261–7261f.

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, 99, and 299. (b) The notice of final eligibility requirement for the Office of Safe and Drug-Free Schools discretionary grant programs published in the **Federal Register** on December 4, 2006 (71 FR 70369).

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

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

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $33,850,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards later in FY 2008 and in FY 2009 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $100,000–$500,000.

Estimated Average Size of Awards: $300,000.

Estimated Number of Awards: 112.

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

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (a) LEAs, including charter schools that are considered LEAs under State law, and CBOs, including faith-based organizations provided that they meet the applicable statutory and regulatory requirements.

(b) The Secretary limits eligibility under this discretionary grant competition to LEAs or CBOs that do not currently have an active grant under the PEP program. For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

2. (a) *Cost Sharing or Matching:* In accordance with section 5506 of the ESEA, the Federal share of the project costs may not exceed (a) 90 percent of the total cost of a program for the first year for which the program receives assistance; and (b) 75 percent of such cost for the second and each subsequent year.

(b) *Supplement-Not-Supplant:* This competition involves supplement-not-supplant funding requirements.

Funds made available under this program must be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities in accordance with Section 5507 of the ESEA.

3. *Other:* An application for funds under this program may provide for the participation, in the activities funded, of (a) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or (b) home-schooled students, and their parents and teachers.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/programs/whitephysed/applicant.html.* To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.215F.

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

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

3. *Submission Dates and Times:*

Applications Available: February 15, 2008.

Deadline for Transmittal of Applications: March 24, 2008.

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

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

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

Deadline for Intergovernmental Review: May 23, 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:* Funds may not be used for construction activities or for extracurricular activities, such as team sports and Reserve Officers' Training Corps program activities.

Not more than five percent of grant funds provided under this program to an LEA or CBO for any fiscal year may be used for administrative expenses.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section in this notice. Information about prohibited activities and use of funds also is included in the application package for this competition.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Carol M. White Physical Education Program, 84.215F, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Carol M. White Physical 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 (i.e., search for 84.215, not 84.215F).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about

submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

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

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this 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 submit your application in paper format.

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

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

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

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

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

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, 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.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.215F),
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 84.215F), 7100 Old Landover Road,
Landover, MD 20785–1506.

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

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

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

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

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

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

(1) A private metered postmark.

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

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

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

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

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215F), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:*

If you mail or hand deliver your application to the Department—

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

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

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* An additional factor we consider in selecting an application for an award is equitable distribution of awards among LEAs and CBOs serving urban and rural areas.

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:* There are reporting requirements under this program, including under section 5505(a) of the ESEA and 34 CFR 75.118 and 75.720. In accordance with section 5505(a) of the ESEA, grantees under this program are required to submit an annual report that—

(1) Describes the activities conducted during the preceding year; and

(2) Demonstrates that progress has been made toward meeting State standards for physical education.

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).

This annual report must also address progress toward meeting the performance and efficiency measures established by the Secretary for this program and described in the next section of this notice.

At the end of the project period, a final performance and financial report must be submitted as specified by the Secretary in 34 CFR 75.720. For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for collecting data to use in assessing the effectiveness of PEP.

(a) Physical Activity Measures (Performance):

(i) The percentage of students served by the grant who engage in 150 minutes of moderate to vigorous physical activity per week (elementary school students); and

(ii) The percentage of students served by the grant who engage in 225 minutes of moderate to vigorous physical activity per week (middle and high school students).

(b) Cost Per Outcome Measure (Efficiency):

The cost (based on expenditures of the grant as well as matching funds) per student who achieves the level of physical activity required to meet the physical activity measure (150 minutes of moderate to vigorous physical activity per week for elementary school students, and 225 minutes of moderate to vigorous physical activity per week for middle and high school students).

These measures constitute the Department's measures of success for this program. Consequently, applicants for a grant under this program are advised to give careful consideration to these measures in conceptualizing the approach and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their performance and final reports about progress toward these measures. For specific requirements on grantee reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Dana Carr, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E332, Washington, DC 20202. Telephone: (202) 708–5939 or by e-mail: *dana.carr@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: February 12, 2008.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E8–2936 Filed 2–14–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Ultra-Deepwater Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

This notice announces a meeting of the Ultra-Deepwater Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat.770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 13, 2008, 10 a.m. to 12 p.m.

ADDRESSES: TMS, Inc., 955 L'Enfant Plaza North, SW., Suite 1500, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Ultra-Deepwater Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, section 999.

Tentative Agenda

9:30 a.m.–10 a.m.—Registration.

10 a.m.–11:45 a.m.—Welcome & Roll Call; Opening Remarks by the Committee Chair; report by the Editing Subcommittee; facilitated discussions by the members regarding final report; approval of Committee final report.

11:45 a.m.–12 p.m.—Public Comments

12 p.m.—Adjourn

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 3 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on February 12, 2008.

Rachel Samuel,

Deputy Committee, Management Officer.

[FR Doc. E8–2877 Filed 2–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Ultra-Deepwater Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

This notice announces a meeting of the Ultra-Deepwater Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 5, 2008, 8 a.m. to 12 p.m.; 1 p.m. to 5 p.m.

ADDRESSES: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Ultra-Deepwater Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, section 999.

Tentative Agenda

7:30 a.m.–8 a.m. Registration.

8 a.m.–12 p.m. Welcome & Introductions, Opening Remarks by the Designated Federal Officer, Subcommittee presentations and reports.

1 p.m.–4:30 p.m. Facilitated Discussions by the members regarding subcommittee reports; approval of final Committee recommendations.

4:30 p.m.–5 p.m. Public Comments.

5 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on February 12, 2008.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8–2891 Filed 2–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Unconventional Resources Technology Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Open Meeting.

This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 13, 2008, 1 to 3 p.m.

ADDRESSES: TMS, Inc., 955 L'Enfant Plaza North, SW., Suite 1500, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, section 999.

Tentative Agenda

12:30 p.m.–1 p.m. Registration.
1 p.m.–2:45 p.m. Welcome & Roll Call; Opening Remarks by the Committee Chair; report by the Editing Subcommittee; facilitated discussions by the members regarding final report; approval of Committee final report.
2:45 p.m.–3 p.m. Public Comments.
3 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 3 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on February 12, 2008.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8–2892 Filed 2–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Unconventional Resources Technology Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, March 4, 2008, 8 a.m. to 12 p.m.; 1 p.m. to 5 p.m.;

ADDRESSES: Hilton Alexandria Old Town, 1767 King Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, Section 999.

Tentative Agenda

7:30 a.m.–8 a.m.—Registration
8 a.m.–12 p.m.—Welcome & Introductions, Opening Remarks by the Designated Federal Officer, Subcommittee presentations and reports.
1 p.m.–4:30 p.m.—Facilitated Discussions by the members regarding subcommittee reports; approval of final Committee recommendations.
4:30 p.m.–5 p.m.—Public Comments
5 p.m.—Adjourn

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on February 12, 2008.

Rachel Samuel,

Deputy Committee, Management Officer.

[FR Doc. E8–2899 Filed 2–14–08; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8530–4]

Frontier Fertilizer Superfund Site; Proposed Notice of Administrative Order on Consent for Certain Remedial Activities in Connection With the Frontier Fertilizer Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given that a proposed Administrative Order on Consent (''Agreement'') concerning certain remedial activities by a Bona Fide Prospective Purchaser in connection with remediation of the Frontier Fertilizer Superfund Site (''Site'') in Davis, California has been negotiated by the United States Environmental Protection Agency (''EPA'') and Target Corporation (''Respondent'') subject to the final review and approval of the EPA and the U.S. Department of Justice. The proposed Agreement concerns relocation and abandonment of groundwater wells on Respondent's property pursuant to the Comprehensive

Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, 9606 and 9622 (''CERCLA''). Respondent's property is adjacent to the Frontier Fertilizer facility, and wells on Respondent's property are necessary for implementation of the remedial action at the Site. The Agreement requires that wells on Respondent's property be relocated under the oversight of EPA. The proposed Agreement includes EPA's covenant not to sue or to take administrative action against the Respondent, provided that the Respondent complies with all the terms and conditions of the Agreement. The Agreement also commits the Respondent to reimburse oversight costs incurred by EPA in connection with the work conducted under CERCLA at the Respondent's property.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed Agreement. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before March 17, 2008.

Availability: The proposed Agreement may be obtained from Judith Winchell, Docket Clerk, telephone (415) 972–3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD–7) at United States EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference ''Frontier Fertilizer Superfund Site,'' and ''Docket No. R9–2008–01''.

FOR FURTHER INFORMATION CONTACT: Michele Benson, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: *benson.michele@epa.gov*; phone: (415) 972–3918.

Dated: January 15, 2008.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. E8–2958 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2007–1197; FRL–8530–3]

Agency Information Collection Activities; Proposed Collection; Comment Request; Disinfectants/ Disinfection Byproducts, Chemical and Radionuclides Rules Renewal Information Collection Request (ICR); EPA ICR No. 1896.08, OMB Control No. 2040–0204

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on June 30, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 15, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2007–1197, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: OW-Docket@epa.gov.*
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Water Docket, MC: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA Headquarters West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2007–1197. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Richard Naylor, Drinking Water Protection Division, Office of Ground Water and Drinking Water, (MC: 4606M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–3847; fax number: 202–564–3755; e-mail address: *naylor.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2007–1197, which is available for online viewing at *http://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 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 *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in

the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested In?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are new and existing public water systems (PWS), primacy agencies, and EPA.

Title: Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules Renewal Information Collection Request (ICR).

ICR numbers: EPA ICR No. 1896.08, OMB Control No. 2040–0204.

ICR status: This ICR is currently scheduled to expire on June 30, 2008. 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 Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules ICR examines PWS, primacy agency and EPA burden and costs for recordkeeping and reporting requirements in support of the chemical drinking water regulations. These recordkeeping and reporting requirements are mandatory for compliance with 40 CFR parts 141 and 142. The following chemical regulations are included: The Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), the Chemical Phase Rules (Phases II/IIB/V), the 1976 Radionuclides Rule and 2000 Radionuclides Rule, the Total Trihalomethanes (TTHM) Rule, the Disinfectant Residual Monitoring and Associated Activities under the Surface Water Treatment Rule, the Arsenic Rule, and the Short-Term Revisions to the Lead and Copper Rule (LCR). Future chemical-related rulemakings, such as Radon, will be added to this consolidated ICR after the regulations are finalized and the initial, rule-specific, ICRs are due to expire.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.40 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 161,274.

Frequency of response: Varies by requirement (i.e., on occasion, monthly, quarterly, semi-annually, annually, biennially, and every 3, 6, and 9 years).

Estimated total average number of responses for each respondent: 112.

Estimated total annual burden hours: 6,944,275 hours.

Estimated total annualized capital/startup costs: $6,918,000.

Estimated total annual maintenance and operational costs: $197,945,204.

Are There Changes in the Estimates From the Last Approval?

There is an increase of about 262,962 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase is primarily due to restructuring adjustments (i.e., incorporation of the approved burden hours from the previously stand-alone ICRs for the Stage 2 DBPR and the Revisions to the LCR rules).

What Is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 11, 2008.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E8–2881 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8530–1]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability of EPA's Responsiveness Summary Concerning EPA's November 5, 2007, Public Notice of Final Decisions to Add Waters and Pollutants to Louisiana's 2006 section 303(d) List.

On November 5, 2007 EPA published a notice in the **Federal Register** at 72 FR 62476–62477 providing the public the opportunity to review its final decision 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). Based on the Responsiveness Summary, an amended action is warranted and a total of five water body pollutant combinations were removed from EPA's Final Action on Louisiana's 2006 section 303(d) List. As a result of this amended Final Action, EPA is adding 133 water body pollutant combinations to Louisiana's 2006 section 303(d) List. A total of 478 water body pollutant combinations are now included in Louisiana's 2006 Final section 303(d) List. The basis for these decisions is described in EPA's Responsiveness Summary and the amended Record of Decision.

ADDRESSES: Copies of EPA's Responsiveness Summary Concerning EPA's November 5, 2007, Public Notice of Final Decisions to Add Waters and Pollutants to Louisiana's 2006 section 303(d) 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. Diane Smith at 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*. 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 2 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).

Consistent with EPA's regulations, Louisiana submitted to EPA its 2006 listing decisions under section 303(d) on February 12, 2007. On October 19, 2007, EPA approved Louisiana's 2006 listing of 347 water body-pollutant combinations and associated priority rankings. EPA disapproved Louisiana's 2006 listing decisions not to list 136 water quality limited segments. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2006 section 303(d) Lists.

Dated: February 7, 2008.

Miguel I. Flores,

Director, Water Quality Protection Division, Region 6.

[FR Doc. E8–2894 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8530–2; Docket ID No. EPA–HQ–ORD–2008–0057]

Draft Toxicological Review of Thallium: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Comment Period.

SUMMARY: EPA is announcing a public comment period for the external review draft document titled, ''Toxicological Review of Thallium: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' (NCEA–S–2949). The EPA intends to consider comments and recommendations from the public and the expert panel meeting, which will be scheduled at a later date and announced in the **Federal Register**, when EPA finalizes the draft document. The public comment period will provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments submitted in accordance with this notice to the external peer-review panel prior to the meeting for their consideration.

EPA is releasing this draft document solely for the purpose of pre-dissemination public review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

The draft document and EPA's peer-review charge are available via the Internet on NCEA's home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea*. When finalizing the draft document, EPA intends to consider any public comments that EPA receives in accordance with this notice.

DATES: The public comment period begins February 15, 2008, and ends April 15, 2008. Technical comments should be in writing and must be received by EPA by April 15, 2008. EPA intends to submit comments from the public received by this date for consideration by the external peer review panel.

ADDRESSES: The draft ''Toxicological Review of Thallium: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' is available via the Internet on the National Center for Environmental Assessment's (NCEA) home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea*. A limited number of paper copies are available from NCEA's Technical Information Staff, telephone: 703–347–8561; facsimile: 703–347–8691. If you are requesting a paper copy, please provide your name, mailing address, and the document title. The 1988 Midwest Research Institute (MRI) study referenced in the draft Toxicological Review of Thallium is available by calling EPA's IRIS Hotline at 202–566–1676, by facsimile at 202–566–1749, or by e-mail at *hotline.iris@epa.gov*.

Comments may be submitted electronically via *http://www.regulations.gov,* by mail, by facsimile, or by hand delivery/courier.

Please follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the Office of Environmental Information Docket; telephone: 202–566–1752; facsimile: 202–566–1753; or e-mail: *ORD.Docket@epa.gov.*

If you have questions about the document, contact Susan Rieth, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8582; facsimile: 703–347–8689; or e-mail: *rieth.susan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Integrated Risk Information System (IRIS)

IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at *http://www.epa.gov/iris*) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

II. How To Submit Technical Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2008–0057 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Fax:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by e-mail or hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2008–0057. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: February 11, 2008.

Rebecca Clark,

Deputy Director, National Center for Environmental Assessment.

[FR Doc. E8–2882 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6696–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2007 (72 FR 17156).

Draft EISs

EIS No. 20070411, ERP No. D–FRC–E05103–NC, Yadkin—Yadkin-Pee Dee Hydro Electric Project (Docket Nos. P–2197–073 & P–2206–030), Issuance of New Licenses for the Existing and Proposed Hydropower Projects, Yadkin—Yadkin-Pee Dee Rivers, Davidson, Davie, Montgomery, Rowan, Stanly, Anson and Richmond Counties, NC.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20070508, ERP No. D–AFS–J65500–00, Wild and Scenic River Suitability Study for National Forest System Lands on the Ashley, Dixie, Fishlake, Manti-La Sal, Uinta and Wasatch-Cache National Forests in UT and Portion of National Forests extend into Colorado and Wyoming, several

counties, UT, Montrose County, CO, and Uinta County, WY.

Summary: EPA has environmental concerns about potential water quality impacts and recommends that the final EIS evaluate and compare the environmental impacts by alternative, of removing interim protections from the 86 eligible stream segments. Rating EC1.

Final EISs

EIS No. 20070530, ERP No. F–COE-E39071–00, Wolf Creek Dam/Lake Cumberland Project, Emergency Measures in Response to Seepage, Mississippi River, South Central Kentucky and Central Tennessee.

Summary: EPA continues to have environmental concerns about water quantity and water quality impacts.

EIS No. 20070556, ERP No. F–NGB–E11062–MS, Camp Shelby Joint Force Training Center, Implementation of Installation Mission Support Activities, Renewal of Special Use Permit, De Soto National Forest, in portions of Forrest, George and Perry Counties, MS.

Summary: EPA's previous issues have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20070557, ERP No. F–IBW–G36112–TX, PROGRAMMATIC—Rio Grande Flood Control Projects, Proposing a Range of Alternatives for Maintenances Activities and Future Improvements, along the Texas-Mexico Border.

Summary: No formal comment letter was sent to the preparing agency.

Dated: February 12, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8–2950 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6695–9]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements filed 02/04/2008 through 02/08/2008 pursuant to 40 CFR 1506.9.

EIS No. 20080044, Draft EIS, BIA, OR, Cascade Locks Resort and Casino Project, Application for the Fee-to-Trust Transfer of 25 Acres of Land within the City of Cascade Locks, Confederated Tribes of the Warm Springs Reservation of Oregon, Cascade Locks, Hood River County, OR, *Comment Period Ends:* 05/15/2008, *Contact:* Gerald Henrikson 503–231–6927.

EIS No. 20080045, Draft EIS, BIA, CA, North Fork Rancheria of Mono Indians Fee-to-Trust and Casino/Hotel Project, Proposed 305-Acres-Fee-to-Trust Land Acquisition in Unincorporated Madera County, CA, *Comment Period Ends:* 03/31/2008, *Contact:* John Rydzik 916–978–6042.

EIS No. 20080046, Final Supplement, WAP, CA, Sacramento Area Voltage Support Project, Selected Preferred Alternative B, Proposal to Build a Double-Circuit 230-kV Transmission Line, Placer, Sacramento and Sutter Counties, CA, *Wait Period Ends:* 03/17/2008, *Contact:* Catherine Cunningham 720–962–7260.

EIS No. 20080047, Draft EIS, USN, 00, Atlantic Fleet Active Sonar Training Program, To Provide Mid- and High-Frequency Active Sonar Technology and the Improved Ext ended Echo Ranging (IEER) System during Atlantic Fleet Training Exercises, Along the East Coast of United States (US) and in the Gulf of Mexico, *Comment Period Ends:* 03/31/2008, *Contact:* Karen Foskey 703–602–2859.

EIS No. 20080048, Draft EIS, BLM/DEQ, MT, Montana Tunnels Mine Project, Proposed M-Pit Mine Expansion to Existing Mine Pit to Access and Mine Additional Ore Resources, Jefferson County, MT, *Comment Period Ends:* 03/31/2008, *Contact:* David Williams 406–533–7655. Bureau Land Management and the Montana Department of Environmental (DEQ) are Co-Lead Agencies for the above project.

This document is available on the Internet at: http://www.deq.mt.gov.

EIS No. 20080049, Draft EIS, FRC, 00, Midcontinent Express Pipeline Project, (Docket Nos. CP08–6–000), Construction and Operation to Facilitate the Transport of 1,500, 000 dekatherms per day of Natural Gas from Production Fields in eastern TX, OK, and AR to Market Hub, located in various counties and parishes in OK, TX, LA, MS and AL , *Comment Period Ends:* 03/31/2008, *Contact:* Andy Black 1–866–208–3372.

EIS No. 20080050, Draft EIS, FRA, NJ, Portal Bridge Capacity Enhancement Project, To Replace the nearly 100-Year-Old Portal Bridge and Eliminate Capacity Constraints on the Northeast Corridor between Swift Interlocking and Psychics Transfer Station, Hackensack River, Hudson County, NJ, *Comment Period Ends:* 03/31/2008, *Contact:* David Valenstein 202–493–6368.

EIS No. 20080051, Final EIS, AFS, MT, Beaverhead-Deerlodge National Forest Draft Revised Land and Resource Management Plan, Implementation, Beaverhead, Butte-Silver Bow, Deerlodge, Granite, Jefferson, Madison Counties, MT, *Wait Period Ends:* 03/17/2008, *Contact:* Leaf Magnuson 406–683–3950.

EIS No. 20080052, Final EIS, FTA, FL, Tier 1 Programmatic—Jacksonville Rapid Transit System (RTS), Improvement to Transportation in Four Primary Transit Corridors Radiating from Downtown Jacksonville, Duval County, FL, *Wait Period Ends:* 03/17/2008, Contact: Tajsha LaShore 404–865–5606.

EIS No. 20080053, Draft EIS, FHW, DC, South Capitol Street Project, Replacement of the Fredrick Douglass Memorial Bridge, from Firth Sterling Avenue, SE. to Independence Avenue and the Suitland Parkway from Martin Luther King, Jr. Avenue, SE. to South Capitol Street, Washington, District of Columbia, *Comment Period Ends:* 03/31/2008, *Contact:* Michael Hicks 202–219–3513.

EIS No. 20080054, Draft EIS, DOE/DEQ, MT, MATL 230-kV Transmission Line Project, To Construct, Operate, Maintain, and Connect a 230-kV Electric Transmission Line, Issuance of Presidential Permit for Right-to-Way Grant, Cascade, Teton, Chouteau, Pondera, Toole and Glacier Counties, MT, *Comment Period Ends:* 03/31/2008, *Contact:* Ellen Russell 202–586–9624. Department of Energy and the Montana Department of Environmental Quality (DEQ) are Co-Lead Agencies for the above project.

EIS No. 20080055, Final EIS, AFS, 00, National Forest System Land Management Planning, Implementation, Proposed Land Management Planning Rule at 36 CFR Part 219 to Finish Rulemaking, *Wait Period Ends:* 03/17/2008, *Contact:* Dave Sire 202–205–1006.

EIS No. 20080056, Final EIS, AFS, AK, Tongass Land and Resource Management Plan, Plan Amendment, Implementation, Tongass National Forest, AK, *Wait Period Ends:* 03/17/2008, *Contact:* Lee Kramer 907–789–6246.

Amended Notices

EIS No. 20080025, Draft EIS, FTA, TX, Northwest Corridor Light Rail Transit Line (LRT) to Irving/Dallas/Fort Worth International Airport, Construction, Dallas County, TX, *Comment Period Ends:* 03/11/2008, *Contact:* A.J. Ossi 202–366–1613.

Revision of FR Notice Published on 01/25/2008: Correction to Lead Agency from FAA to FTA.

EIS No. 20080040, Draft EIS, IBR, CA, Folsam Lake State Recreation Area & Folsam Powerhouse State Historic Park, General Plan/Resource Management Plan, Implementation, Placer County, CA, *Comment Period Ends:* 03/24/2008, *Contact:* Laura Cabollero 916–989–7172. *Revision to FR Notice Published 02/08/2008:* Correction to the County and State.

Dated: February 12, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8–2951 Filed 2–14–08; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank).

SUMMARY: The advisory committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress

Time and Place: Wednesday, March 5, 2008 from 9 a.m. to 12 p.m. The meeting will be held at Ex-Im Bank in the Main Conference Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: Agenda items include an understanding of the ECA environment and the factors to consider when designing credit underwriting processes and programs.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If you plan to attend, a photo ID must be presented at the guard's desk as part of the clearance process into the building, and you may contact Susan Houser to be placed on an attendee list. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to February 25, 2008, Susan Houser, Rom 1273, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3232 or TDD (202) 565-3377.

Further Information: For further information, contact Susan Houser, Room 1273, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565–3232.

Howard A. Schweitzer,

General Counsel.

[FR Doc. 08–681 Filed 2–14–08; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy on Bank Merger Transactions

AGENCY: Federal Deposit Insurance Corporation (''FDIC'').

ACTION: Amendment of statement of policy.

SUMMARY: The FDIC is amending its Statement of Policy on Bank Merger Transactions (''Statement of Policy'') in order to conform it to the Bank Merger Act, as amended by the Financial Services Regulatory Relief Act of 2006 (''FSRRA''). The FSRRA (i) eliminated the need for the FDIC to obtain a competitive factors report from the other three Federal banking agencies in processing a merger application and (ii) eliminated both the post-approval waiting period and the need to obtain any competitive factors reports, when the merger solely involves an insured depository institution and one or more affiliates. In addition, the FDIC is amending its Statement of Policy in order to remove any discussion of ''Oakar Transactions'' since the Federal Deposit Insurance Reform Act of 2005 consolidated the former Savings Association Insurance Fund (''SAIF'') and the former Bank Insurance Fund (''BIF'') into the Deposit Insurance Fund. Finally, the FDIC is amending its Statement of Policy in order to conform the description of the factors to be considered in evaluating a merger more closely to the language of the Bank Merger Act, and for other technical reasons.

DATES: February 15, 2008.

FOR FURTHER INFORMATION CONTACT: Brett A. McCallister, Review Examiner (816) 234–8099 x4223, in the Division of Supervision and Consumer Protection; Julia E. Paris, Senior Attorney (202) 898–3821 or Robert C. Fick, Counsel, (202) 898–8962, in the Legal Division.

SUPPLEMENTARY INFORMATION:

I. Background

On October 13, 2006, the President signed into law the FSRRA, Public Law No. 109–351. The stated purpose of the law is to reduce regulatory burden and improve productivity for insured depository institutions. Many of the provisions of this law amended statutes that the FDIC administers. One of those statutes is the Bank Merger Act.[1] In addition, the Federal Deposit Insurance Reform Act of 2005 (''FDIRA'')[2] consolidated the SAIF and the BIF into the Deposit Insurance Fund. As a result, the FDIC is amending its Statement of Policy[3] to conform it to the Bank Merger Act, as amended by FSRRA, and to the changes made by FDIRA. The FDIC is not seeking comment on the amendments that it is making to the Statement of Policy, and the amendments are effective upon publication in the **Federal Register**.

II. FSRRA Amendments to the Bank Merger Act

A. Section 606 of FSRRA

Four Federal banking agencies must utilize the Bank Merger Act to approve merger transactions subject to their respective jurisdiction; those agencies are the FDIC, the Federal Reserve Board (''FRB''), the Office of the Comptroller of the Currency (''OCC''), and the Office of Thrift Supervision (''OTS''). Prior to FSRRA, the Federal banking agency responsible for processing a particular merger application had to request and obtain a competitive factors report from each of the other three Federal banking agencies. Section 606 of FSRRA amended section 18(c)(4) of the Federal Deposit Insurance Act (''FDI Act''), 12 U.S.C. 1828(c)(4), to eliminate that requirement. Section 606 did not, however, eliminate the requirement that the responsible agency obtain a competitive factors report from the Attorney General of the United States; that requirement remains unchanged. In addition, section 606 also added the requirement that in processing a merger application, the FRB, the OCC, or the OTS, as the case may be, must submit a copy of each request for a competitive factors report to the FDIC.

Section 606 also made two changes to the Bank Merger Act that apply to mergers that solely involve an insured depository institution and one or more affiliates (''Affiliate Mergers''). First, for Affiliate Mergers, section 606 amended section 18(c)(4) of the FDI Act, 12 U.S.C. 1828(c)(4), to eliminate the need for the responsible Federal banking agency to request competitive factors reports from either the other Federal banking agencies or the Attorney General of the

[1] Section 18(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(c).

[2] Pub. L. 109–171, 120 Stat. 9 (Feb. 8, 2006).

[3] The FDIC's Statement of Policy on Bank Merger Transactions was published in the **Federal Register** at 63 FR 44761 on August 20, 1998; subsequent amendments were published at 67 FR 48178 on July 23, 2002 and at 67 FR 79278 on December 27, 2002.

United States. Prior to FSRRA the responsible Federal banking agency had to request competitive factors reports for Affiliate Mergers. Second, section 606 revised section 18(c)(6) of the FDI Act, 12 U.S.C. 1828(c)(6), to eliminate the post-approval waiting period for Affiliate Mergers. Prior to FSRRA the applicant in an Affiliate Merger had to wait up to thirty days after obtaining the agency's approval before it could consummate the transaction.

Therefore, the FDIC is conforming its Statement of Policy to the Bank Merger Act, as amended by the FSRRA. Accordingly, the FDIC is hereby amending paragraphs 4 and 5 of Section II of the Statement of Policy to read as follows:

FDIC Statement of Policy on Bank Merger Transactions

* * * * *

II. Application Procedures

* * * * *

4. *Reports on competitive factors.* As required by law, the FDIC will request a report on the competitive factors involved in a proposed merger transaction from the Attorney General. This report must ordinarily be furnished within 30 days, and the applicant upon request will be given an opportunity to submit comments to the FDIC on the contents of the competitive factors report.

5. *Notification of the Attorney General.* After the FDIC approves any merger transaction, the FDIC will immediately notify the Attorney General. Generally, unless it involves a probable failure, an emergency exists requiring expeditious action, or it is solely between an insured depository institution and one or more of its affiliates, a merger transaction may not be consummated until 30 calendar days after the date of the FDIC's approval. However, the FDIC may prescribe a 15-day period, provided the Attorney General concurs with the shorter period.

* * * * *

III. Consolidation of the SAIF and the BIF

In addition to changes necessitated by the FSRRA, the FDIC is amending its Statement of Policy to reflect the enactment of the FDIRA. Section 2102(a) of FDIRA merged the BIF and the SAIF into a single new fund, the Deposit Insurance Fund. Among the many consequences of this legislative action, it obviated the need for special rules governing merger transactions that involved a member of the BIF and a member of the SAIF, commonly known as Oakar transactions. As a result, the discussion in the Statement of Policy addressing Oakar transactions is no longer necessary. Thus the FDIC is amending the Statement of Policy to remove paragraph 3 *Optional Conversion* of Section IV Related Considerations. The removed paragraph read as follows:

FDIC Statement of Policy on Bank Merger Transactions

* * * * *

IV. Related Considerations

* * * * *

3. *Optional conversion.* Section 5(d)(3) of the Federal Deposit Insurance Act, 12 U.S.C. 1815(d)(3), provides for ''optional conversions'' (commonly known as Oakar transactions) which, in general, are merger transactions that involve a member of the Bank Insurance Fund and a member of the Savings Association Insurance Fund. These transactions are subject to specific rules regarding deposit insurance coverage and premiums. Applicants may find additional guidance in § 327.31 of the FDIC rules and regulations (12 CFR 327.31).

Additionally, as a consequence of deleting the above paragraph, the FDIC is renumbering the following paragraphs in Section IV Related Considerations. Accordingly, *Branch Closings; Legal Fees and Other Expenses;* and *Trade Names* are renumbered as paragraphs 3, 4, and 5 respectively.

IV. Technical Amendments

The FDIC is also taking this opportunity to conform the description of the factors to be considered in evaluating a merger more closely to the language of the Bank Merger Act. Specifically, the FDIC is inserting text omitted from the description of the antitrust factor in Section I Introduction and Section III Evaluation of Merger Applications and also inserting a reference to the anti-money laundering factor omitted from Section I Introduction.

In addition, the FDIC is revising certain text in the discussion of the evaluation of certain anticompetitive mergers involving failing banks. The second paragraph of subsection 4 *Consideration of the public interest* of section III Evaluation of Merger Applications can be read to indicate that the FDIC may approve a merger involving a failing bank contrary to its statutory duty to resolve an institution in the manner that results in the least cost to the Deposit Insurance Fund.[4] As a result, the FDIC is revising that paragraph to simply state that where a proposed merger transaction is the least costly alternative to the probable failure of an insured depository institution, the FDIC may approve the merger transaction even if it is anticompetitive.

Finally, a change is being made to reflect the new address of the FDIC's Public Information Center.

Accordingly, the third and fourth unnumbered paragraphs of Section I Introduction; paragraph 6 of Section II Application Procedures; and paragraph 4 of Section III Evaluation of Merger Applications of the Statement of Policy are hereby amended to read as follows:

FDIC Statement of Policy on Bank Merger Transactions

* * * * *

I. Introduction

* * * * *

The Bank Merger Act prohibits the FDIC from approving any proposed merger transaction that would result in a monopoly, or would further a combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States. Similarly, the Bank Merger Act prohibits the FDIC from approving a proposed merger transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade. An exception may be made in the case of a merger transaction whose effect would be to substantially lessen competition, tend to create a monopoly, or otherwise restrain trade, if the FDIC finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. For example, the FDIC may approve a merger transaction to prevent the probable failure of one of the institutions involved.

In every proposed merger transaction, the FDIC must also consider the financial and managerial resources and future prospects of the existing and proposed institutions, the convenience and needs of the community to be served, and the effectiveness of each insured depository institution involved in the proposed merger transaction in combating money-laundering activities, including in overseas branches.

II. Application Procedures

* * * * *

6. *Merger decisions available.* Applicants for consent to engage in a

[4] *See* 12 U.S.C. 1823(c)(4).

merger transaction may find additional guidance in the reported bases for FDIC approval or denial in prior merger transaction cases compiled in the FDIC's annual ''Merger Decisions'' report. Reports may be obtained from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226. Reports may also be viewed at *http://www.fdic.gov.*

III. Evaluation of Merger Applications

* * * * *

4. *Consideration of the public interest.* The FDIC will deny any proposed merger transaction whose overall effect likely would be to reduce existing competition substantially by limiting the service and price options available to the public in the relevant geographic market(s), unless the anticompetitive effects of the proposed merger transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. For this purpose, the applicant must show by clear and convincing evidence that any claimed public benefits would be both substantial and incremental and generally available to seekers of banking services in the relevant geographic market(s) and that the expected benefits cannot reasonably be achieved through other, less anticompetitive means.

Where a proposed merger transaction is the least costly alternative to the probable failure of an insured depository institution, the FDIC may approve the merger transaction even if it is anticompetitive.

By Order of the Board of Directors.

Dated at Washington, DC, the 19th day of December, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E8–2885 Filed 2–14–08; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

TIME AND DATE: The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, February 20, 2008. The closed portion of the meeting will follow immediately the open portion of the meeting.

PLACE: Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street NW., Washington DC 20006.

STATUS: The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

MATTER TO BE CONSIDERED AT THE OPEN PORTION: *Amendment to the Capital Structure Plan of the Federal Home Loan Bank of Seattle.*

MATTER TO BE CONSIDERED AT THE CLOSED PORTION: Periodic Update of Examination Program Development and Supervisory Findings.

CONTACT PERSON FOR MORE INFORMATION: Shelia Willis, Paralegal Specialist, Office of General Counsel, at 202–408–2876 or *williss@fhfb.gov.*

Dated: February 12, 2008.

By the Federal Housing Finance Board.

Neil R. Crowley,

Acting General Counsel.

[FR Doc. 08–742 Filed 2–13–08; 1:24 pm]

BILLING CODE 6725–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Feasibility of secure messaging for pediatric patients with chronic disease: Pilot implementation in pediatric respiratory medicine.*'' In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by April 15, 2008.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at *doris.lefkowitz@ahrq.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@ahrq.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Feasibility of Secure Messaging for Pediatric Patients With Chronic Disease: Pilot Implementation in Pediatric Respiratory Medicine

AHRQ proposes to evaluate how the implementation of a secure email messaging (e-messaging) system between clinicians and adolescent patients affects: (1) Time spent by providers communicating with patients, (2) Emergency Department utilization for medication refills, and (3) qualitative satisfaction with care of the patients. The study will be conducted in the Yale University School of Medicine Pediatric Respiratory Medicine Clinic.

Several studies have evaluated the use of e-mail between providers and patients and found that it is typically satisfactory to both, has not been abused by patients, and has not been used inappropriately for urgent items. Studies have not evaluated the use of e-mailing or secure messaging by children or adolescents with chronic diseases as well as their families. The setting of chronic disease provides a natural forum for discussion about the use of such technologies since these families may need more frequent contact with their care-providers, need more frequent medication refills, and may have close relationships with their providers that encourage a communication genre such as secure messaging.

In particular, because many adolescents are comfortable with text messaging and email, the investigators hypothesize that adolescent patients themselves may feel empowered to contact their providers using this medium. This potential shift to having adolescents communicate with the providers presents two main hypotheses of interest. (1) Adolescents may be more prone to send a message that may be of an urgent nature because of the sense that messaging is''instant'' as well as a possible feeling of more privacy. This issue presents the concern that adolescents in particular could send a secure message about information that is potentially urgent in nature such as a severe asthma exacerbation or suicidal ideation. Such messages will need immediate attention. (2) Adolescents may be more apt to disclose questions about their care that they would not have otherwise brought up with the provider. By giving adolescents a medium where they feel comfortable communicating, clinicians may be able to better meet the medical and psychosocial needs of adolescents and their families.

Method of Collection

The project will include 300 patient/family participants and 138 provider participants. Data will be collected from (1) e-messaging content, to understand what children, adolescents and their parents will send in secure messages to their provider; (2) a survey, to determine the demographic characteristics of the patients and their family; and (3) qualitative interviews with patients and their families and clinic staff, to assess their attitudes and satisfaction with e-messaging.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours. Each of the 300 patient/family participants will complete a demographic survey and use the e-messaging system, sending an average of one e-message per month. Thirty of the patient/family participants will be randomly selected to participate in a qualitative interview. Each of the 138 provider participants will use the e-messaging system, responding to about twenty-six e-messages per year, and keep a pre- and post-intervention log of patient/provider communications. Ten provider participants will be randomly selected to participate in a qualitative interview. The total burden for all participants is estimated to be 2,148 hours.

Exhibit 2 shows the estimated annualized cost burden for the participants' time to participate in this study. The total cost burden for all participants is estimated to be $72,664.

EXHIBIT 1.—ESTIMATED ANNUALIZED BURDEN HOURS

Interview participants	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Patient/Family Participants:				
Demographic Survey	300	1	1	300
E-messaging	300	12	15/60	900
Qualitative Interview	30	1	30/60	15
Provider Participants:				
E-messaging	138	26	15/60	900
Qualitative Interviews	10	1	30/60	5
Pre-intervention Provider Log	138	1	6/60	14
Post-intervention Provider Log	138	1	6/60	14
Total	438	na	na	2,148

EXHIBIT 2.—ESTIMATED ANNUALIZED COST BURDEN

Interview participants	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Patient/Family Participants:				
Demographic Survey	300	300	$26.20	$7,860
E-messaging	300	900	26.20	23,580
Qualitative Survey	30	15	26.20	393
Provider Participants:				
E-messaging	138	900	43.78	39,402
Qualitative Interviews	10	5	43.78	219
Pre-intervention Provider Log	138	13.8	43.78	605
Post-intervention Provider Log	138	13.8	43.78	605
Total	438	na	na	72,664

* For Patient/Family Participants: Based upon the mean of the average wages for all occupations, National Compensation Survey, ''U.S. Department of Labor, Bureau of Labor Statistics.''

* For Provider Participants: Based upon the mean of the average wages for physicians ($65.54/hr) and nurses ($43.85/hr) in the New York, New Jersey, Connecticut and Pennsylvania region, National Compensation Survey, ''U.S. Department of Labor, Bureau of Labor Statistics.'' For Pulmonary Fellows: Based upon internal Yale University School of Medicine data.

Estimated Annual Costs to the Federal Government

The total cost to the Federal Government for this project is $399,970 over a two year period. The average annual cost is $199,985. The following is a breakdown of the average annual costs:

Direct Costs:	
Personnel	$159,488.5
Consultancies	5,475
Data support	5,336.5
Indirect Costs:	
Indirect costs	29,685
Total	199,985

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection.

All comments will become a matter of public record.

Dated: February 6, 2008.

Carolyn M. Clancy,

Director.

[FR Doc.08–659 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: *''Improving Quality through Health IT: Testing the Feasibility and Assessing the Impact of Using Existing Health IT Infrastructure for Better Care Delivery.''* In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by April 15, 2008.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Improving Quality Through Health IT: Testing the Feasibility and Assessing the Impact of Using Existing Health IT Infrastructure for Better Care Delivery

AHRQ proposes to assess how the use of health information technology (IT) can improve care delivery and outcomes in community health centers. AHRQ is specifically interested in improving the quality of care provided in a community clinic setting through better management of laboratory information. The study will measure the impact of health IT tools on two problems: duplicate laboratory tests and the failure to follow up on laboratory test results of HIV patients and women screened for cervical cancer. In addition, AHRQ will measure the impact of health IT on compliance with evidence-based guidelines for laboratory tests. The study will also investigate whether disparities between vulnerable populations and the general population exist in both laboratory screening rates and rates of abnormal laboratory test results without follow up. To assess the extent of these problems and the impact of health IT, AHRQ will evaluate both quantitative and qualitative components. The qualitative component will use interviews with key informants in two community health centers to gather data on laboratory information processes, laboratory information communication problems and use of health IT tools.

Method of Collection

Quantitative data will be collected directly from the clinical data warehouse used by the participating community health centers to routinely collect laboratory data. The collection will be accomplished using database reports. Qualitative data will be collected through key informant interviews conducted in each of the two participating community health centers. Key informants will include physicians, nurses, medical assistants, IT personnel, and administrators. The total number of interviews to be conducted at both sites is forty-one.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours. A total of forty-one in-person interviews will be conducted with administration and clinical personnel: eighteen interviews from administrative personnel and twenty-three interviews from clinical personnel. The question set is the same for both clinical and administrative personnel. The estimated time per response is 1.5 hours for a total of 61.5 burden hours.

Exhibit 2 shows the estimated annualized burden for the respondents' time to provide the requested data. The hourly rate of $32.13 is a weighted average of the administrative personnel hourly wage of $19.68 and the clinical personnel hourly wage of $41.88. The total cost burden is $1,976.

EXHIBIT 1.—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
In-person interviews	41	1	1.5	61.5
Total	43	na	na	61.5

EXHIBIT 2.—ESTIMATED ANNUALIZED COST BURDEN

Data collection	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
In-person interviews	41	61.5	$32.13	$1,976
Total	41	na	na	1,976

*Based upon the actual site personnel wages. Clinical personnel averages are weighted by the number of physicians, nurses and medical assistants in the sample. Administrative personnel averages are weighted by the number of administrators, lab, IT and other support personnel. Total average is weighted by relative number of administrative and clinical personnel being interviewed.

Estimated Annual Costs to the Federal Government

The total cost to the Federal Government for this project is $393,457 over a two-year period. The average annual cost is $196,728. the following is a breakdown of average annual costs:

Direct Costs:	
Personnel	$108,320
Consultancies	24,400
Data support	5,000
Travel	2,575
Supplies	100
IRB review	125
Indirect Costs:	
Indirect costs 40%	56,208

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection.

All comments will become a matter of public record.

Dated: February 6, 2008.

Carolyn M. Clancy,

Director.

[FR Doc. 08–660 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–08–0493]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960, send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

2009 and 2011 National Youth Risk Behavior Surveys (YRBS) (OMB No. 0920–0493)—Reinstatement—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this request is to obtain OMB approval to continue data collection for the National Youth Risk Behavior Survey (YRBS), a school-based survey that has been conducted biennially since 1991. OMB approval for the 2005 YRBS and 2007 YRBS expired November 30, 2007 (OMB No. 0920–0493). CDC seeks a three-year approval to conduct the YRBS in Spring 2009 and Spring 2011. Minor changes incorporated into this reinstatement request include: An updated title for the information collection, to accurately reflect the years in which the survey will be conducted; minor changes to the burden estimate; and minor changes to the data collection instrument.

The YRBS assesses priority health risk behaviors related to the major preventable causes of mortality, morbidity, and social problems among both youth and young adults in the United States. Data on health risk behaviors of adolescents are the focus of approximately 40 national health

objectives in Healthy People 2010, an initiative of the U.S. Department of Health and Human Services (HHS). The YRBS provides data to measure at least 10 of the health objectives and 3 of the 10 Leading Health Indicators established by Healthy People 2010. In addition, the YRBS can identify racial and ethnic disparities in health risk behaviors. No other national source of data measures as many of the Healthy People 2010 objectives addressing adolescent behaviors as the YRBS. The data also will have significant implications for policy and program development for school health programs nationwide.

In Spring 2009 and Spring 2011, the YRBS will be conducted among nationally representative samples of students attending public and private schools in grades 9–12. Information supporting the YRBS also will be collected from school administrators and teachers. The table below reports the number of respondents annualized over the 3-year project period.

There are no costs to respondents except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Administrators	Recruitment Script for the Youth Risk Behavior Survey.	230	1	30/60	115
Teachers	Data Collection Checklist for the Youth Risk Behavior Survey.	400	1	15/60	100
Students	Youth Risk Behavior Survey	8,000	1	45/60	6,000
Total					6,215

Dated: February 7, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–2832 Filed 2–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–08–0337]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960, send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Blood Lead Surveillance System (OMB No. 0920–0337)—Revision—National Center for Environmental Health (NCEH), Coordinating Center for Environmental Health and Injury Prevention (CCEHIP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Blood Lead Surveillance System (NBLSS) would like to continue its effort to collect information related to lead exposure among children less than six years old. The overarching goal of this system is to establish Childhood Lead Surveillance Systems at the state and national levels. This is a revision request in addition to a 3-year revision with an increase in the burden hours and inclusion of the adult blood lead surveillance system. As part of this effort we would like to revise this application to include 3 additional State and local Childhood Lead Poisoning Prevention Programs (CLPPP) who report to the NBLSS. These three programs were added to help provide a more comprehensive picture of childhood lead poisoning in the United States.

The objectives for developing this system are three-fold. First, we would like to use surveillance data to estimate the extent of elevated blood-lead levels (BLLs) among children less than 6 years old. This is important because it will allow us to systematically track the management and follow-up of those children found to be poisoned with lead.

Our next objective for the development of this system is to examine potential sources of lead exposure. Although we've been successful in eliminating atmospheric lead with the use of unleaded gasoline and have continued to make strides in the elimination of household sources of lead commonly found in paint and dust, recent events have highlighted other potentially hidden sources of lead. This system will allow us to track the burden of such hidden sources and will help us eliminate such threats with the establishment of laws aimed at preventing the importation of such goods into our nation. The establishment of such laws will of course be a joint effort between several federal agencies; however, this surveillance system will help facilitate our efforts.

The final objective of this system is to facilitate the allocation of resources for lead poison prevention activities. The allocation of federal resources to State surveillance systems are based on reports of blood-lead tests from laboratories. Ideally, laboratories report results of all lead tests to the state health department. State health departments

then send reports to CDC using de-identified data. It is from these reports that CDC is able to determine funding levels.

In addition to reporting child blood lead levels, many laboratories also report adult blood lead levels. Thus, this OMB request would also like to include the Adult Blood Lead Epidemiology and Surveillance Program (ABLES). The ABLES Program is a state-based surveillance system under which participating States provide information to CDC's National Institute for Occupational Safety and Health (NIOSH) on laboratory reported blood lead levels among adults. For all adults (16 and older) the State will provide data on all laboratory reports when the adult's blood lead level is equal to or greater than 25 mcg/dl. These data are to be consolidated into a single data submission by task time periods.

The ABLES program ultimately aims to collect the complete list of variables for all blood lead tests, including blood lead levels less than 25 mcg/dl, and urges all States to progressively supply this information as it becomes available. All data submissions must be delivered in the supplied format providing a field for 20 variables, even if some variables have no data available at the time.

The use of both Childhood Lead Surveillance System and the ABLES Program will allow us to systematically track pockets of exposure to lead. It will also allow us to fully understand exposure potential and ways in which to prevent future sources of lead poisoning. Both systems are invaluable and will no doubt help us as we continue our stride in the elimination of lead poisoning in our nation.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of response per respondent	Average burden per response (in hrs.)	Total burden hours
State and Local Health Departments for Child Surveillance	42	4	2	336
State and Local Health Departments for Adult Surveillance	40	4	2	320
Total				656

Dated: February 6, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–2836 Filed 2–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10242, CMS–10165, CMS–10251, CMS–R–218 and CMS–10252]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Revisions to Payment Policies Under the Physician Fee Schedule, Other Changes to Payment Under Part B, and Revisions to Payment Policies for Ambulance Services for CY 2008 (42 CFR 424.36—Signature Requirements); *Use:* Section 42 CFR 424.33(a)(3) states that all claims must be signed by the beneficiary or the beneficiary's representative (in accordance with 42 CFR 424.36(b)). Section 42 CFR 424.36(a) states that the beneficiary's signature is required on a claim unless the beneficiary has died or the provisions of 424.36(b), (c), or (d) apply. The statutory authority requiring a beneficiary's signature on a claim submitted by a provider is located in section 1835(a) and in 1814(a) of the Social Security Act (the Act), for Part B and Part A services, respectively. The authority requiring a beneficiary's signature for supplier claims is implicit in sections 1842(b)(3)(B)(ii) and in 1848(g)(4) of the Act. Because it is very difficult to obtain a beneficiary's signature (or the signature of a person authorized to sign on behalf of the beneficiary) on a claim when the beneficiary is being transported by ambulance in emergency situations, CMS is proposing that, for emergency ambulance transport services, an ambulance provider or supplier may submit the claim without a beneficiary's signature, as long as certain documentation requirements are met. The information collected will be used by CMS contractors (both, fiscal intermediaries and carriers) that process and pay emergency ambulance transport claims. *Form Number:* CMS–10242 (OMB#: 0938–New); *Frequency:* Reporting: Hourly, Daily, Weekly, Monthly and Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 9,000; *Total Annual Responses:* 6,500,000; *Total Annual Hours:* 541,667.

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Electronic Health Record; *Use:* The purpose of this demonstration project is to reward the delivery of high-quality care supported by the adoption and use of electronic health records in small to medium-sized primary care physician practices. While this is separate and distinct from the Medicare Care Management Performance (MCMP) Demonstration, it expands upon the foundation created by the MCMP Demonstration, which was mandated by Section 649 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003. The electronic health record demonstration will be operational for a 5-year period and will be operated

under section 402 demonstration waiver authority. The information to be obtained as part of the application form is necessary to document basic information for physician practices that intend to participate in this demonstration initiative. *Form Number:* CMS–10165 (OMB#: 0938–0965); *Frequency: Once; Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 2400; *Total Annual Responses:* 2400; *Total Annual Hours:* 520.

3. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* State Plan Pre-print for Integrated Medicare and Medicaid Programs; *Use:* Information submitted via the State Plan Amendment (SPA) pre-print will be used by CMS Central and Regional Offices to analyze a State's proposal to implement integrated Medicare and Medicaid programs. The pre-print is an optional document for use by States to highlight the arrangements between a State and Medicare Advantage Special Needs Plans that are also providing Medicaid services. State Medicaid Agencies will complete the SPA pre-print and submit it to CMS for a comprehensive analysis. The pre-print provides the opportunity for States to confirm that their integrated care model complies with both Federal statutory and regulatory requirements. The pre-print contains assurances, check-off items, and areas for States to describe policies and procedures for subjects such as enrollment, marketing and quality assurance. Based on comments received during the 60-day comment period, both the instructions and pre-print have been revised. *Form Numbers:* CMS–10251 (OMB#: 0938–NEW); *Frequency:* Reporting—Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 30; *Total Annual Hours:* 600.

4. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Information Collection Requirements Contained in 45 CFR Part 162; HIPAA Standards for Electronic Transactions; *Use:* This submission contains information collection requirements in HCFA–0149–F, CMS–0003–P, CMS–0005–P, and CMS–003/005–F. This collection establishes standards for electronic transactions and for code sets to be used in those transactions. The collection standardizes the approximately 400 formats of electronic health care claims used in the United States. The use of these standards significantly reduces the administrative burden associated with paper documents, lowers operating costs, and improves data quality for health care providers and health plans; *Form Number:* CMS–R–218 (OMB# 0938–0866); *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 3,400,000; *Total Annual Responses:* 3,400,000; *Total Annual Hours:* 1.

5. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Certificate of Destruction for Data Acquired from the Centers for Medicare and Medicaid Services; *Use:* The Certificate of Destruction will be used by recipients of CMS data to certify that they have destroyed the data they have received through a CMS Data Use Agreement (DUA). The DUA requires the destruction of the data at the completion of the project/expiration of the DUA. The DUA addresses the conditions under which CMS will disclose and the User will maintain CMS data that are protected by the Privacy Act of 1974, § 552a and the Health Insurance Portability Accountability Act of 1996. CMS has developed policies and procedures for such disclosures that are based on the Privacy Act and the Health Insurance Portability Act (HIPAA). The Certificate of Destruction is required to close out the DUA and to ensure the data are destroyed and not used for another purpose. *Form Number:* CMS–10252 (OMB# 0938-New); *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 84.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *March 17, 2008.*

OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395–6974.

Dated: February 8, 2008.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E8–2804 Filed 2–14–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–267]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Advantage Program Requirements Referenced in 42 CFR part 422; *Use:* The information collection requirements are mandated by 42 CFR part 422. Section 4001 of the Balanced Budget Act of 1997 (BBA) added sections 1851 through 1859 to the Social Security Act to establish this program. The Medicare, Medicaid, and SCHIP Benefits Improvement Act and Protection Act of 2000, also added new requirements in addition to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

Medicare Advantage (MA) organizations (formerly M+C organizations) and potential MA organizations (applicants) use the information discussed to comply with the eligibility requirements and the MA

contract requirements. CMS will use this information to approve contract applications, monitor compliance with contract requirements, make proper payment to MA organizations, determine compliance with the new prescription drug benefit requirements established by the MMA, and to ensure that correct information is disclosed to Medicare beneficiaries, both potential enrollees and enrollees. *Form Number:* CMS–R–267 (OMB #0938–0753); *Frequency:* Yearly; *Affected Public:* Business or other for-profit, and individuals or households; *Number of Respondents:* 9,000,670; *Total Annual Responses:* 9,000,670; *Total Annual Hours:* 7,711,085.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *April 15, 2008*:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 8, 2008.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E8–2813 Filed 2–14–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0077]

Agency Information Collection Activities; Proposed Collection; Comment Request; MedWatch: The Food and Drug Administration Medical Products Reporting Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the present MedWatch Forms 3500 and 3500A (also known as MedWatch reporting forms) having an OMB expiration date of October 31, 2008. These forms are presently used to report to the agency about adverse events, product problems, and medication/device use errors that occur with FDA regulated products, including drugs, biologicals, medical devices, special nutritional products, dietary supplements, and non-prescription (over-the-counter (OTC)) human drug products marketed without an approved application.

DATES: Submit written or electronic comments on the collection of information by April 15, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

MedWatch: The FDA Medical Products Reporting Program, Form FDA 3500 and Form FDA 3500A—(OMB Control Number 0910–0291)—Extension

Under sections 505, 512, 513, 515, and 903 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355, 360b, 360c, 360e, and 393), and section 351 of the Public Health Service Act (42 U.S.C. 262), FDA has the responsibility to ensure the safety and effectiveness of drugs, biologics, and devices. Under section 502(a) of the act (21 U.S.C. 352(a)), a drug or device is misbranded if its labeling is false or misleading. Under section 502(f)(1) of the act it is misbranded if it fails to bear adequate warnings, and under section 502(j), it is misbranded if it is dangerous to health when used as directed in its labeling.

Under section 4 of the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417), 21 U.S.C. 342 is amended so that FDA must bear the burden of proof to show a dietary supplement is unsafe.

To carry out its responsibilities, the agency needs to be informed whenever an adverse event, product problem, or error with use of a medication or device occurs. Only if FDA is provided with such information will the agency be able to evaluate the risk, if any, associated with the product, and take whatever action is necessary to reduce or eliminate the public's exposure to the risk through regulatory action. To ensure the marketing of safe and effective products, certain adverse events must be reported. Requirements regarding mandatory reporting of adverse events or product problems have been codified in parts 310, 314, 600, and 803 (21 CFR 310, 314, 600, and 803), specifically §§ 310.305, 314.80, 314.98, 600.80, 803.30, 803.50, 803.53, and 803.56.

Two forms are available from the agency in order to implement these provisions for reporting of adverse events, product problems, and medication/device use errors for FDA regulated products such as medications, devices, biologics, special nutritional products, cosmetics, dietary supplements, and non-prescription (OTC) human drug products marketed without an approved application, as well as any other products that are regulated by FDA. Form FDA 3500 may be used by health care professionals and the public for voluntary (i.e., not mandated by law or regulation) reporting. Form FDA 3500A is used by industry for mandatory reporting (i.e., required by law or regulation).

Respondents to this collection of information are health care professionals, hospitals and other user-facilities (e.g., nursing homes, etc.), consumers, manufacturers of biological and drug products or medical devices, and importers.

I. Use of Form FDA 3500 (Voluntary Version)

The voluntary version of the form is used to submit all reports not mandated by Federal law or regulation. Individual health professionals are not required by law or regulation to submit reports to the agency or the manufacturer, with the exception of certain adverse reactions following immunization with vaccines as mandated by the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660). Those mandatory reports are not submitted to FDA on the 3500 or 3500A forms, but are submitted to the joint FDA/Centers for Disease Control and Prevention Vaccines Adverse Event Reporting System (VAERS) on the VAERS–1 form (see: *http://www.vaers.hhs.gov/pdf/vaers_form.pdf*).

Hospitals are not required by Federal law or regulation to submit reports associated with drug products, biological products, or special nutritional products. However, hospitals and other user facilities are required by Federal law to report medical device-related deaths and serious injuries.

II. Use of Form FDA 3500A (Mandatory Version)

A. Drug and Biologic Products

In sections 505(j) and 704 of the act (21 U.S.C. 374), Congress has required that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act. These statutory requirements regarding mandatory reporting have been codified by FDA under parts 310 and 314 (drugs) and 600 (biologics). Parts 310, 314, and 600 mandate the use of FDA Form 3500A for reporting to FDA on adverse events that occur with drugs and biologics.

Manufacturers whose name (under section 403(e)(1) of the act (21 U.S.C. 343(e)(1)) appears on the label of a dietary supplement marketed in the United States are required to report adverse reactions associated with use of the dietary supplement to FDA (the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462)).

B. Medical Device Products

Section 519 of the act (21 U.S.C. 360i) requires manufacturers and importers of devices intended for human use to establish and maintain records, make reports, and provide information as the Secretary of Health and Human Services may by regulation reasonably require to assure that such devices are not adulterated or misbranded and to otherwise assure their safety and effectiveness. The Safe Medical Device Act of 1990 (Public Law 91–4243), signed into law on November 28, 1990, amends section 519 of the act. The amendment requires that user facilities such as hospitals, nursing homes, ambulatory surgical facilities, and outpatient treatment facilities report deaths related to medical devices to FDA and to the manufacturer, if known. Serious illnesses and injuries are to be reported to the manufacturer or to FDA if the manufacturer is not known. These statutory requirements regarding mandatory reporting have been codified by FDA under part 803. Part 803 mandates the use of FDA Form 3500A for reporting to FDA on medical devices.

The Medical Device User Fee and Modernization Act of 2002 (MDUFMA) (Public Law 107–250), signed into law October 26, 2002, amended section 519 of the act. The amendment (section 303 of MDUFMA) required FDA to revise the MedWatch forms ''to facilitate the reporting of information * * *relating to reprocessed single-use devices, including the name of the reprocessor and whether the device has been reused.''

Under section 303 of the FDA Amendments Act of 2007 (Public Law 110–85), FDA must share reports for Humanitarian Device Exemption (HDE) devices. To facilitate sharing the appropriate reports, it would be helpful to obtain the HDE number in the present section G, box 5, on page 2 of FDA Form 3500A.

III. Proposed Modifications to Forms

The proposed extension to Form FDA 3500 and Form FDA 3500A will only have changes in the form instructions to reflect the range of reportable products and provide clarity of reporting. The previous forms changes (2005–2008) allow reporters to better utilize available space for data entry and offer voluntary reporters the opportunity to clearly describe the suspected adverse event, product problem or error, and provide better quality safety-related data for agency evaluation.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

FDA Center	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
CBER/CDER					
Form 3500	22,955	1	22,955	0.6	13,773

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

FDA Center	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Form 3500A (§§ 310.305, 314.80, 314.98, and 600.80)	600	579.9	347,940	1.1	382,734
CDRH					
Form 3500	3,433	1	3,433	0.6	2,060
Form 3500A (Part 803)	1,935	33	63,855	1.0	63,855
CFSAN					
Form 3500	847	1	847	0.6	508
Form 3500A	0	0	0	1.0	0
Form 3500					16,341
Form 3500A					446,589
Total					462,930

[1]CBER (Center for Biologics Evaluation and Research), CDER (Center for Drug Evaluation and Research), CDRH (Center for Devices and Radiological Health), and CFSAN (Center for Food Safety and Applied Nutrition). FDA Form 3500 is for voluntary reporting; FDA Form 3500A is for mandatory reporting.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

Dated: February 8, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–2821 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0073] (formerly Docket No. 2002N–0418)

Agency Information Collection Activities: Proposed Collection; Comment Request; Adverse Experience Reporting for Licensed Biological Products; and General Records

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to FDA's adverse experience reporting (AER) for licensed biological products, and general records associated with the manufacture and distribution of biological products.

DATES: Submit written or electronic comments on the collection of information by April 15, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

Adverse Experience Reporting for Licensed Biological Products; and General Records —21 CFR Part 600 (OMB Control Number 0910–0308)—Extension

Under the Public Health Service Act (42 U.S.C. 262), FDA is required to ensure the marketing of only those biological products which are safe and effective. FDA must, therefore, be informed of all adverse experiences occasioned by the use of licensed biological products. FDA issued the

AER requirements in part 600 (21 CFR part 600) to enable FDA to take actions necessary for the protection of the public health in response to reports of adverse experiences related to licensed biological products. The primary purpose of FDA's AER system is to flag potentially serious safety problems with licensed biological products, focusing especially on newly licensed products. Although premarket testing discloses a general safety profile of a biological product's comparatively common adverse effects, the larger and more diverse patient populations exposed to the licensed biological product provides the opportunity to collect information on rare, latent, and long-term effects. Reports are obtained from a variety of sources, including patients, physicians, foreign regulatory agencies, and clinical investigators. Information derived from the AER system contributes directly to increased public health protection because such information enables FDA to recommend important changes to the product's labeling (such as adding a new warning), to initiate removal of a biological product from the market when necessary, and to assure the manufacturer has taken adequate corrective action if necessary.

The regulation in § 600.80(c)(1) requires licensed manufacturers to report each adverse experience that is both serious and unexpected, whether foreign or domestic, as soon as possible but in no case later than 15 calendar days of initial receipt of the information by the licensed manufacturer. These are known as postmarketing 15-day Alert reports. Section 600.80(c)(1) also requires licensed manufacturers to submit any followup reports within 15 calendar days of receipt of new information or as requested by FDA. Section 600.80(e) requires licensed manufacturers to submit a 15-day Alert report for an adverse experience obtained from a postmarketing clinical study only if there is a reasonable possibility that the product caused the adverse experience. Section 600.80(c)(2) requires licensed manufacturers to report each adverse experience not reported in a postmarketing 15-day Alert report at quarterly intervals, for 3 years from the date of issuance of the biologics license, and then at annual intervals. The majority of these periodic reports will be submitted annually because a large percentage of currently licensed biological products have been licensed longer than 3 years. Section 600.80(i) requires licensed manufacturers to maintain for a period of 10 years records of all adverse experiences known to the licensed manufacturer, including raw data and any correspondence relating to the adverse experiences. Section 600.81 requires licensed manufacturers to submit, at an interval of every 6 months, information about the quantity of the product distributed under the biologics license, including the quantity distributed to distributors. These semiannual distribution reports provide FDA with important information about products distributed under biologics licenses, including the quantity, certain lot numbers, labeled date of expiration, number of dosage units, and date of release. Under § 600.90, a licensed manufacturer may submit a waiver request for any requirements that applies to the licensed manufacturer under § 600.80 and 600.81. A waiver request submitted under § 600.90 must include supporting documentation.

Manufacturers of biological products for human use must keep records of each step in the manufacture and distribution of a product including any recalls. These recordkeeping requirements serve preventative and remedial purposes by establishing accountability and traceability in the manufacture and distribution of products. These requirements also enable FDA to perform meaningful inspections.

Section 600.12 requires, among other things, concurrently with the performance of each step that all records of each step in the manufacture and distribution of a product be made and retained for no less than 5 years after the records of manufacture have been completed or 6 months after the latest expiration date for the individual product, whichever represents a later date. In addition, manufacturers must maintain records of sterilization of equipment and supplies, animal necropsy records, and records in cases of divided manufacturing of a product. Section 600.12(b)(2) requires manufacturers to maintain complete records pertaining to the recall from distribution of any product.

Respondents to this collection of information are manufacturers of biological products. Under table 1 of this document, the number of respondents is based on the estimated number of manufacturers that submitted the required information to the Center for Biologics Evaluation and Research and Center for Drug Evaluation and Research, FDA, in fiscal year (FY) 2006. Based on information obtained from FDA's database system, there were 88 licensed biologics manufacturers. This number excludes those manufacturers who produce blood and blood components and in-vitro diagnostic licensed products, because § 600.80(k) specifically exempts manufacturers of these products from adverse experience reporting requirements. The total annual responses are based on the estimated number of submissions received annually by FDA in FY 2006. However, not all manufacturers have submissions in a given year and some may have multiple submissions. There were an estimated 23,835 15-day Alert reports, 21,872 periodic reports, and 179 lot distribution reports submitted to FDA. The number of 15-day Alert reports for postmarketing studies under § 600.80(e) is included in the total number of 15-day Alert reports. FDA received 6 requests for waiver under § 600.90, all of which were granted. The hours per response are based on FDA experience. The burden hours required to complete the MedWatch Form for § 600.80(c)(1), (e), and (f) are reported under OMB control no. 0910–0291.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
600.80(c)(1) and 600.80(e)	88	270.85	23,835	1	23,835
600.80(c)(2)	88	248.55	21,872	28	612,416
600.81	88	2.03	179	1	179
600.90	6	1	6	1	6

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Total					636,436

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Under table 2 of this document, the number of respondents is based on the number of manufacturers subject to those regulations. Based on information obtained from FDA's database system, there were 303 licensed manufacturers of biological products in FY 2006. However, the number of recordkeepers listed for § 600.12(a) through (e) excluding (b)(2) is estimated to be 112. This number excludes manufacturers of blood and blood components because their burden hours for recordkeeping have been reported under 21 CFR 606.160 in OMB control no. 0910–0116. The total annual records is based on the annual average of lots released (5,291), number of recalls made (1,841), and total number of adverse experience reports received (45,707) in FY 2006. The hours per record are based on FDA experience.

FDA estimates the burden of this recordkeeping as follows:

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
600.12	112	47.24	5,291	32	169,312
600.12(b)(2)	303	6.08	1,841	24	44,184
600.80(i)	88	519.40	45,707	1	45,707
Total					259,203

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: February 8, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–2890 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0095]

Draft Guidance for Industry and Food and Drug Administration Staff; Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Influenza Viruses; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Influenza Viruses.'' FDA is issuing this draft guidance to inform industry and agency staff of its recommendations for analytical and clinical performance studies to support premarket submissions for in vitro diagnostic devices intended for the detection or detection and differentiation of influenza viruses.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115 (g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by May 15, 2008.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled '' Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Influenza Viruses '' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Tamara Feldblyum Center for Devices and Radiological Health (HFZ–440) Food and Drug Administration 2098 Gaither Rd., Rockville, MD 20850 240–276–0715.

SUPPLEMENTARY INFORMATION:

I. Background

This draft guidance document recommends studies that may be used to establish the analytical and clinical performance of in vitro diagnostic devices (IVDs) for the detection or detection and differentiation of influenza viruses. The document addresses devices that detect either influenza viral antigens or influenza viral genome (protein or nucleic acid), including those for novel influenza viruses in either human specimens or culture isolate. The guidance does not address devices that detect serological response from the host to the viral antigen, nor does it address establishing performance of non-influenza components of multi-analyte or multiplex devices. This guidance document identifies the classification regulations and product codes for existing legally marketed influenza tests

and supplements other FDA documents that discuss the specific contents of premarket submissions.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized will represent the agency's current thinking on establishing the performance characteristics of in vitro diagnostic devices for the detection or detection and differentiation of influenza viruses. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. To receive ''Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Influenza Viruses,'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1638 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets/default.htm*.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations and guidance documents. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807 subpart E have been approved under OMB Control No. 0910–0120; the collections of information in 21 CFR parts 50 and 56 have been approved under OMB Control No. 0910–0130; the collections of information in 21 CFR part 814 have been approved under OMB Control No. 0910–0231; the collections of information in 21 CFR part 812 have been approved under OMB Control No. 0910–0078; and the collections of information associated with CLIA waiver submissions and described in the draft guidance document for industry and FDA staff, ''Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications'' have been approved under OMB Control No. 0910–0598.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

Dated: February 11, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–2826 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0065 (formerly Docket No. 2005D–0203)]

Guidance for Industry on Safety Testing of Drug Metabolites; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Safety Testing of Drug Metabolites.'' This guidance provides recommendations to industry on when and how to identify and characterize drug metabolites whose nonclinical toxicity needs to be evaluated. It also provides recommendations on the timing and type of nonclinical studies that should be conducted to investigate the potential for clinical toxicity of drug metabolites. This guidance applies to small molecule nonbiologic drug products under development. This guidance finalizes the draft guidance published on June 6, 2005.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Aisar Atrakchi, Center for Drug Evaluation and Research (HFD–130), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 4384, Silver Spring, MD 20993–0002, 301–796–1036.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Safety Testing of Drug Metabolites.'' This guidance addresses drug metabolites of small molecule nonbiologic drug products and does not apply to some cancer products. It applies to drug metabolites that are not adequately evaluated in standard toxicology testing with the parent drug. This can happen if the metabolite is present only in humans or if it is present at higher levels (referred to in the guidance as ''disproportionate drug metabolite'') in humans than in any of the animal toxicology test species. The guidance provides recommendations on the timing and types of nonclinical safety

studies that should be conducted for drug metabolites that are present at greater than 10 percent of the parent drug systemic exposure as measured in plasma.

A draft version of this guidance was made available for public comment in 2005 (70 FR 32839, June 6, 2005). All of the public comments we received have been considered and the guidance was revised as appropriate.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on the safety testing of drug metabolites. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: February 8, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–2827 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Anti-Infective Drugs Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of a meeting of the Anti-Infective Drugs Advisory Committee. This meeting was announced in the **Federal Register** of January 11, 2008 (73 FR 2055). The amendment is being made to reflect a change in the *Date and Time* and *Agenda* portions of the document. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Sohail Mosaddegh, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512530. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 11, 2008, FDA announced that a meeting of the Anti-Infective Drugs Advisory Committee would be held on February 27 and 28, 2008. On page 2056, in the first column, the *Date and Time* and *Agenda* portions are amended to read as follows:

Date and Time: The meeting will be held on February 27, 2008, from 8 a.m. to 5 p.m.

Agenda: On February 27, 2008, the committee will discuss new drug application (NDA) 022–110, telavancin powder for reconstitution and intravenous administration, Theravance, Inc., proposed for the treatment of complicated skin and skin structure infection.

This notice is issued under the Federal Advisory Committee Act (U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: February 11, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–2824 Filed 2–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular and Cellular Sciences Special Emphasis Panel.

Date: February 28, 2008.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Noni Byrnes, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130, MSC 7840, Bethesda, MD 20892, (301) 435–1023, *byrnesn@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Stress.

Date: February 29, 2008.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Christine L. Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1713, *melchioc@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Innate Immunity and Inflammation.

Date: March 7, 2008.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Red Cell Cytoskeleton.

Date: March 10, 2008.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Manjit Hanspal, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, 301–435–1195.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neuroimmunology and Neurological Disorders.

Date: March 12, 2008.

Time: 3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Vilen A. Movsesyan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Parasites.

Date: March 13, 2008.

Time: 12:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marian Wachtel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3208, MSC 7858, Bethesda, MD 20892, 301–435–1148, *wachtelm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships.

Date: March 20–21, 2008.

Time: 9 a.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Malgorzata Klosek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, 301–435–2211, *klosekm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Oral, Dental and Craniofacial Sciences.

Date: March 20, 2008.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301–435–1781, *th88q@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Immunology.

Date: March 21, 2008.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: State Plaza Hotel, 2117 E Street, NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, PhD, Health Scientist Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892. 301–435–1222, *nigidas@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–687 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Anticancer Agents.

Date: March 7, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: The Legacy Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Joyce C. Pegues, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, NIH National Cancer Institute, 6116 Executive Boulevard, Room 7149, Bethesda, MD 20892–8329, 301–594–1286, *peguesj@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Pharmacodynamic Assays.

Date: March 11, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: The Legacy Hotel and Meeting Center, Bethesda, MD 20852.

Contact Person: Thomas M. Vollberg, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7142, Bethesda, MD 20892, 301–594–9582, *vollbert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Small Grants for Behavioral Research in Cancer Control.

Date: March 12, 2008.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Rhonda J. Moore, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 7151, Bethesda, MD 20892–8329, 301–451–9385, *moorerh@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Biopsy Instruments and Devices that Preserve Molecular Profiles in Tumors.

Date: March 14, 2008.

Time: 10:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6130 Executive Blvd., Conference Room J, Rockville, MD 20851, (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Officer, Special Review Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7147, Bethesda, MD 20892–8329, 301–496–7576, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Advanced Genomic Data Analysis and Visualization Methods for TCGA Data.

Date: April 2, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD.

Contact Person: Thomas M. Vollberg, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7142, Bethesda, MD 20892, 301–594–9582, *vollbert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Biosensors for Early Cancer Detection & Risk Assessment/Novel & Improved Methods to Measure Cancer Epigenetic Biomarkers.

Date: April 7, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Lalita D. Palekar, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7141, Bethesda, MD 20892–7405, 301–496–7575, *palekarl@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; System to Analyze and Support Biomarker Research and Development Strategies.

Date: April 8, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Lalita D. Palekar, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7141, Bethesda, MD 20892–7405, 301–496–7575, *palekarl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–692 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: February 28, 2008.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, 3124, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Clayton C. Huntley, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616.(301) 451–2570, *chuntley@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Contract Review.

Date: March 5, 2008.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Lynn Rust, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 402–3938, *Lr228v@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–664 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Neuroscience of Aging Review Committee, Neuroscience of Aging Review Committee (NIA–N).

Date: March 3–4, 2008.

Time: 4 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Louise L. Hsu, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–7705, *hsul@exmur.nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group, Behavior and Social Science of Aging Review Committee, Behavior and Social Science of Aging Review Committee (NIA–S).

Date: March 6–7, 2008.

Time: 4 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Jon E. Rolf, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue/Room 2C212, Bethesda, MD 20814, (301) 402–7703, *rolfj@nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group, Clinical Aging Review Committee, Clinical Aging Review Committee (NIA–C).

Date: March 6–7, 2008.

Time: 6 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suite Hotel, 4300 Military Road, NW, Washington, DC 20015.

Contact Person: Alicja L. Markowska, PhD, DSC, National Institute on Aging, National Institutes of Health, Gateway Building 2C212,

7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–688 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: March 2–4, 2008.

Time: March 2, 2008, 7 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Doubletree Hotel, Executive Meeting Center Bethesda, 8120 Wisconsin Avenue, Orchid Room, Bethesda, MD 20814.

Time: March 3, 2008, 8:30 a.m. to 5:25 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room A, Rockville, MD 20852.

Time: March 3, 2008, 6:15 p.m. to 9 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Doubletree Hotel, Executive Meeting Center Bethesda, 8120 Wisconsin Avenue, Orchid Room, Bethesda, MD 20814.

Time: March 4, 2008, 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Doubletree Hotel, Executive Meeting Center Bethesda, 8120 Wisconsin Avenue, Orchid Room, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, PhD, Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Covent Drive, Room 6A 908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–689 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Review of Continuing Clinical Trials.

Date: March 3, 2008.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Shanta Rajaram, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20852, (301) 435–6033, *rajarams@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; F30 Fellowship Review.

Date: March 10, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Willard Intercontinental Washington, 1401 Pennsylvania Avenue, NW., Washington, DC 20004.

Contact Person: Joann McConnell, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20852–9529, (301) 496–5324, *mcconnej@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–691 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, February 20, 2008, 2 p.m. to February 20, 2008, 3 p.m., National Institutes of Health, 6100 Executive Boulevard, 5B01, Rockville, MD 20852 which was published in the **Federal Register** on January 28, 2008, 73 FR 4883–4884.

The meeting will be on February 21, 2008, 10 a.m. The meeting is closed to the public.

Dated: February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–693 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2) notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for type 1 diabetes. The outcome of the evaluation will be a decision whether NIDDK should support the request and make available contract resources for development of the potential therapeutic to improve the treatment or prevent the development of type 1 diabetes and its complications. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invitations of personal privacy.

Name of Committee: Type 1 Diabetes—Rapid Access to Intervention Development Special Emphasis Panel; National Institute of Diabetes and Digestive and Kidney Diseases.

Date: February 28, 2008.

Time: 12:30 p.m.–2 p.m.

Agenda: To evaluate requests for preclinical development resources for potential new therapeutics for type 1 diabetes and its complications.

Place: 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dr. Myrlene Staten, Senior Advisor, Diabetes Translation Research, Division of Diabetes, Endocrinology and Metabolic Diseases, NIDDK, NIH, 6707 Democracy Boulevard, Bethesda, MD 20892–5460, 301 402–7886.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Type 1 Diabetes—Rapid Access to Intervention Development Special Emphasis Panel; National Institute of Diabetes and Digestive and Kidney Diseases.

Date: March 13, 2008.

Time: 10:30 a.m.–12 p.m.

Agenda: To evaluate requests for preclinical development resources for potential new therapeutics for type 1 diabetes and its complications.

Place: 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dr. Myrlene Staten, Senior Advisor, Diabetes Translation Research, Division of Diabetes, Endocrinology and Metabolic Diseases, NIDDK, NIH, 6707 Democracy Boulevard, Bethesda, MD 20892–5460, 301 407–7886.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 98.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

February 8, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–694 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, Loan Repayment Program (L30–L40).

Date: April 23, 2008.

Time: 12:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Health Science Administrator, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–665 Filed 2–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, Lister Hill National Center for Biomedical Communications.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Library of Medicine, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, Lister Hill National Center for Biomedical Communications.

Date: April 10–11, 2008.

Open: April 10, 2008, 9 a.m. to 11:30 a.m.

Agenda: Review of research and development programs and preparation of reports of the Lister Hill Center for Biomedical Communications.

Place: National Library of Medicine, Building 38, Board Room, 2nd Floor, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: April 10, 2008, 11:30 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Library of Medicine, Building 38, Board Room, 2nd Floor, 8600 Rockville Pike, Bethesda, MD 20892.

Open: April 11, 2008, 9 a.m. to 11:15 a.m.

Agenda: Review of research and development programs and preparation of reports of the Lister Hill Center for Biomedical Communications.

Place: National Library of Medicine, Building 38, Board Room, 2nd Floor, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: Karen Steely, Program Assistant, Lister Hill National Center for Biomedical Communications, National Library of Medicine, Building 38A, Room 7S709, Bethesda, MD 20892, 301–435–3137, *ksteely@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding

the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–666 Filed 2–14–08; 8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

Notice of Cancellation of the Fiscal Year (FY) 2004 Wilson-Fish Discretionary Grant Program Standing Announcement (HHS–2004–ACF–ORR–RW–0005)

AGENCY: Office of Refugee Resettlement, ACF, DHHS.

CFDA#: 93.583

Legislative Authority: This program is authorized by the Wilson/Fish Amendment, Public Law 98–473, 8 U.S.C. 1522(e)(7).

SUMMARY: This notice cancels the FY 2004 Wilson-Fish Discretionary Grant Program Standing Announcement (HHS–2004–ACF–ORR–RW–0005) that was published in the **Federal Register** of April 5, 2004 (69 FR 17692–01). The Wilson-Fish Announcement will be published in FY 2008 at the Administration for Children and Families' Grant Opportunities Web page at: *http://www.acf.hhs.gov/grants/index.html* and at *http://www.grants.gov*. The title of the new Announcement will be the Wilson-Fish Alternative Program Standing Announcement. The new Standing Announcement and application packages will also be available at *http://www.grants.gov*. Interested parties should register with *http://www.grants.gov* to receive e-mail alerts announcing publication, application due dates, and application requirements.

FOR FURTHER INFORMATION CONTACT: Carl Rubenstein, Wilson-Fish Program Manager, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20047. Telephone: (202) 205–5933. E-mail: *Carl.Rubenstein@acf.hhs.gov*.

Dated: February 11, 2008.

Brent R. Orrell,

Acting Director, Office of Refugee Resettlement.

[FR Doc. E8–2858 Filed 2–14–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1744–DR]

Arkansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–1744–DR), dated February 7, 2008, and related determinations.

DATES: *Effective Date:* February 11, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 7, 2008.

Conway, Izard, and Randolph Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidential Declared Disaster Assistance to Individuals and Households—Other Needs, 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2905 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Request for Applicants for Appointment to the National Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) is requesting individuals who are interested in serving on the National Advisory Council (NAC) to apply for appointment. As provided for in the Department of Homeland Security Appropriations Act of 2007, the Secretary of Homeland Security established the NAC to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. The NAC consists of 33 members, all of whom are experts and leaders in their respective fields. One-third of the membership was appointed for a one (1) year term-expiring on June 15, 2008. Accordingly, the following discipline areas for the one (1) year expiring terms will be open for applications and nominations: Emergency management, emergency response, health scientist, standards setting, infrastructure protection, communications, disabilities, local government official (non-elected), and tribal elected official. Qualified individuals interested in serving on the NAC are invited to apply for appointment. All ethnicities and genders are encouraged to apply.

DATES: Applications for membership should reach FEMA at the address below on or before 5 p.m. EST on Friday, March 14, 2008.

ADDRESSES: If you wish to apply for membership, your application should be submitted by:

- *E-mail: alyson.price@dhs.gov*.

- *Fax:* (202) 646–3347.
- *Mail:* Alyson Price, Designated Federal Officer, Federal Emergency Management Agency, National Advisory Council, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Alyson Price, telephone 202–646–3746; e-mail *alyson.price@dhs.gov*.

SUPPLEMENTARY INFORMATION: The National Advisory Council (NAC) is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. (Pub. L. 92–463). Section 508 of the Homeland Security Act of 2002 (Pub. L. 107–296), as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006, as set forth in the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295), directed the Secretary of Homeland Security to establish the NAC to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters.

The NAC assists FEMA in carrying out its missions by providing advice and recommendations in the development and revision of the national preparedness goal, the national preparedness system, NIMS, the National Response Plan, and other related plans and strategies. The members of the NAC are appointed by the Administrator of FEMA and are composed of Federal, State, local, tribal, and private-sector leaders and subject matter experts in law enforcement, fire, emergency medical services, hospital, public works, emergency management, State and local governments, public health, emergency response, standards-setting and accrediting organizations, representatives of individuals with disabilities and other special needs, infrastructure protection, cyber security, communications, and homeland security communities.

Some members are appointed as Special Government Employees (SGE) as defined in section 202(a) of title 18, United States Code. Specifically, the following four discipline areas will be filled by SGE appointments: Health scientist, infrastructure protection and communications. As a candidate for appointment as a SGE, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). OGE Form 450 or the information contained therein may not be released to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Applicants can obtain this form by going to the website of the Office of Government Ethics (*http://www.oge.gov*), or by contacting Alyson Price. Ms. Price's contact information is provided in **FOR FURTHER INFORMATION CONTACT** above.

Qualified individuals interested in serving on the NAC are invited to apply for appointment by submitting a resume or CV along with letters of recommendation to Ms. Price. Current NAC members whose terms are ending should notify the Designated Federal Officer of their interest in reappointment in lieu of submitting a new application, and should provide an updated resume or CV, and letters of recommendation for consideration.

The NAC meets in a plenary session approximately once per quarter. With respect to quarterly meetings, the NAC also holds at least one teleconference meeting with public call-in lines. Members serve without compensation from the Federal Government; however, consistent with the charter, they do receive travel reimbursement and per diem under applicable Federal travel regulations.

In support of the policy of the Department of Homeland Security on gender and ethic diversity, qualified women and minorities are encouraged to apply for membership.

Dated: February 6, 2008.

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2904 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1743–DR]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–1743–DR), dated February 6, 2008, and related determinations.

EFFECTIVE DATE: February 6, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2008, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from severe storms, high surf, flooding, and mudslides during the period of December 4–7, 2007, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. 777. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program also will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth R. Tingman, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

The following areas of the State of Hawaii have been designated as adversely affected by this declared major disaster:

Hawaii, Kauai, and Maui Counties for Public Assistance.

All counties within the State of Hawaii are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034,

Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidential Declared Disaster Assistance to Individuals and Households—Other Needs, 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2901 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1744–DR]

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–1744–DR), dated February 7, 2008, and related determinations.

EFFECTIVE DATE: February 7, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 7, 2008, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from severe storms, tornadoes, and flooding beginning on February 5, 2008, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs), unless you determine that the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. 777. If Other Needs Assistance is later warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Philip E. Parr, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Arkansas to have been affected adversely by this declared major disaster:

Baxter, Conway, Independence, Izard, Pope, Randolph, Sharp, Stone, Union, and Van Buren Counties for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program.

All counties within the State of Arkansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2897 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1742–DR]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1742–DR), dated February 5, 2008, and related determinations.

EFFECTIVE DATE: February 5, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 5, 2008, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms, tornadoes, and flooding during the period of January 7–10, 2008, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also

will be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. 777. If Other Needs Assistance under Section 408 of the Stafford Act is later warranted, Federal funding under that program also will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael L. Parker, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

The following areas of the State of Missouri have been designated as adversely affected by this declared major disaster:

Barry, Dallas, Laclede, Maries, McDonald, Newton, Phelps, Stone, and Webster Counties for Public Assistance. Direct Federal assistance is authorized.

All counties within the State of Missouri are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidential Declared Disaster Assistance to Individuals and Households—Other Needs, 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2900 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1744–DR]

Arkansas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–1744–DR), dated February 7, 2008, and related determinations.

EFFECTIVE DATE: February 8, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arkansas is hereby amended to include the Individual Assistance program in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 7, 2008.

Baxter, Pope, Sharp, Stone, and Van Buren Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidential Declared Disaster Assistance to Individuals and Households—Other Needs, 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–2896 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket Nos. TSA–2006–24191; Coast Guard-2006–24196]

Transportation Worker Identification Credential (TWIC); Enrollment Dates for the Ports of Tampa, FL; Cincinnati, OH; Richmond, CA; South Louisiana, LA

AGENCY: Transportation Security Administration; United States Coast Guard; DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) through the Transportation Security Administration (TSA) issues this notice of the dates for the beginning of the initial enrollment for the Transportation Worker Identification Credential (TWIC) for the Ports of Tampa, FL; Cincinnati, OH; Richmond, CA; South Louisiana, LA.

DATES: TWIC enrollment begins in Tampa on February 21, 2008; TWIC enrollment will begin in Cincinnati, Richmond, and South Louisiana on February 22, 2008.

ADDRESSES: You may view published documents and comments concerning the TWIC Final Rule, identified by the docket numbers of this notice, using any one of the following methods.

(1) Searching the Federal Docket Management System (FDMS) Web page at www.regulations.gov;

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*; or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Research Center'' at the top of the page.

FOR FURTHER INFORMATION CONTACT: James Orgill, TSA–19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220. Transportation Threat Assessment and Credentialing (TTAC), TWIC Program, (571) 227–4545; e-mail: *credentialing@dhs.gov.*

Background

The Department of Homeland Security (DHS), through the United States Coast Guard and the Transportation Security Administration (TSA), issued a joint final rule (72 FR 3492; January 25, 2007) pursuant to the Maritime Transportation Security Act (MTSA), Pub. L. 107–295, 116 Stat. 2064 (November 25, 2002), and the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Pub. L. 109–347 (October 13, 2006). This rule requires all credentialed merchant mariners and individuals with unescorted access to secure areas of a regulated facility or vessel to obtain a TWIC. In this final rule, on page 3510, TSA and Coast Guard stated that a phased enrollment approach based upon risk assessment and cost/benefit would be used to implement the program nationwide, and that TSA would publish a notice in the **Federal Register** indicating when enrollment at a specific location will begin and when it is expected to terminate.

This notice provides the start date for TWIC initial enrollment at the Ports of

Tampa, FL on February 21, 2008; Cincinnati, OH, Richmond, CA, and South Louisiana, LA on February 22, 2008. The Coast Guard will publish a separate notice in the **Federal Register** indicating when facilities within the Captain of the Port Zone St. Petersburg, including those in the Port of Tampa; Captain of the Port Zone Ohio Valley, including those in the Port of Cincinnati; Captain of the Port Zone San Francisco Bay, including those in the Port of Richmond; and Captain of the Port Zone Morgan City, including those in the Port of South Louisiana must comply with the portions of the final rule requiring TWIC to be used as an access control measure. That notice will be published at least 90 days before compliance is required.

To obtain information on the pre-enrollment and enrollment process, and enrollment locations, visit TSA's TWIC Web site at *http://www.tsa.gov/twic.*

Issued in Arlington, Virginia, on February 11, 2008.

Rex Lovelady,

Program Manager, TWIC, Office of Transportation Threat Assessment and Credentialing, Transportation Security Administration.

[FR Doc. E8–2835 Filed 2–14–08; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Columbia Inspection, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Columbia Inspection, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Columbia Inspection, Inc., 4592 East 2nd St. Suite A, Benicia, CA 94510, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The accreditation and approval of Columbia Inspection, Inc., as commercial gauger and laboratory became effective on March 8, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2935 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 116 Bryan Road Suite 101, Wilmington, NC 28412, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 29, 2007. The next triennial inspection date will be scheduled for August 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2916 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 327 Erickson Ave., Essington, PA 19029, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform

may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*.

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on July 24, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2918 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of King Laboratories, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of King Laboratories, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, King Laboratories, Inc., 5009 S. Macdill Ave., Tampa, FL 33611, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

DATES: The accreditation and approval of King Laboratories, Inc., as commercial gauger and laboratory became effective on August 23, 2007. The next triennial inspection date will be scheduled for August 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2917 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek USA, Inc., 152 Blades Lane, Suite C, Glen Burnie, MD 21061, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on August 15, 2007. The next triennial inspection date will be scheduled for August 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2914 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek USA, Inc., 312 Carolan Street, Savannah, GA 31415, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on October 4, 2007. The next

triennial inspection date will be scheduled for October 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2915 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Los Angeles Bunker Surveyors, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Los Angeles Bunker Surveyors, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Los Angeles Bunker Surveyors, Inc., 214 N. Marine Ave., Wilmington, CA 90744, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The approval of Los Angeles Bunker Surveyors, Inc., as commercial gauger became effective on July 11, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2939 Filed 2–14–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5113–N–03]

Notice of HUD-Held Multifamily and Healthcare Loan Sale (MHLS 2008–1)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of sale of mortgage loans.

SUMMARY: This notice announces HUD's intention to sell certain unsubsidized multifamily and healthcare mortgage loans, without Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale (MHLS 2008–1). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

DATES: The Bidder's Information Package (BIP) will be made available to qualified bidders on or about February 1, 2008. Bids for the loans must be submitted on the bid date, which is currently scheduled for February 27, 2008. HUD anticipates that awards will be made on or before February 28, 2008. Closings are expected to take place between March 3, 2008 and March 14, 2008.

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD Web site at *http://www.hud.gov/offices/hsg/comp/asset/mfam/mhls.cfm.* The executed documents must be mailed and faxed to Corporate Finance Services LLC (CFS) and/or Cushman & Wakefield, Sale Coordinator, *Fax:* 1–703–847–2783.

FOR FURTHER INFORMATION CONTACT: John Lucey, Deputy Director, Asset Sales Office, Room 3136, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone 202–708–2625, extension 3927. Hearing- or speech-impaired individuals may call 202–708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell in MHLS 2008–1 certain unsubsidized mortgage loans (Mortgage Loans) secured by multifamily and healthcare properties located throughout the United States. The Mortgage Loans are comprised primarily of non-performing mortgage loans. A final listing of the Mortgage Loans will be included in the BIP. The Mortgage Loans will be sold without FHA insurance and with servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into several mortgage loan pools. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position and other characteristics. Qualified bidders may submit bids on one or more pools of Mortgage Loans or may bid on individual loans. A Mortgagor who is a qualified bidder may submit an individual bid on its own Mortgage Loan. Interested Mortgagors should review the Qualification Statement to determine whether they may also be eligible to qualify to submit bids on one or more pools of Mortgage Loans or on individual loans in MHLS 2008–1.

The Bidding Process

The BIP will describe in detail the procedure for bidding in MHLS 2008–1. The BIP will also include a standardized non-negotiable loan sale agreement (Loan Sale Agreement).

As part of its bid, each bidder must submit a deposit equal to the greater of $100,000 or 10% of the bid price. In the event the bidder's aggregate bid is less than $100,000.00, the minimum deposit shall be not less than fifty percent (50%) of the bidder's aggregate bid. HUD will evaluate the bids submitted and determine the successful bids in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price. Deposits will be returned to unsuccessful bidders. Closings are scheduled to occur between March 3, 2008 and March 14, 2008.

These are the essential terms of sale. The Loan Sale Agreement, which will be included in the BIP, will contain additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

Due Diligence Review

The BIP will describe the due diligence process for reviewing loan files in MHLS 2008–1. Qualified bidders

will be able to access loan information remotely via a high-speed Internet connection. Further information on performing due diligence review of the Mortgage Loans will be provided in the BIP.

Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from MHLS 2008–1 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include any Mortgage Loans in a later sale. Mortgage Loans will not be withdrawn after the Award Date except as is specifically provided in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans. Pursuant to Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, 12 U.S.C. 1715z–11a(a).

Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loans. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the quickest and most efficient vehicle for HUD to dispose of the Mortgage Loans.

Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are ineligible to bid on any of the Mortgage Loans included in MHLS 2008–1:

(1) Any employee of HUD, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household;

(2) any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 24 of the Code of Federal Regulations, Part 24;

(3) any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for or on behalf of HUD in connection with MHLS 2008–1;

(4) any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with MHLS 2008–1;

(5) any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loans;

(6) any individual or entity which employs or uses the services of an employee of HUD (other than in such employee's official capacity) who is involved in MHLS 2008–1;

(7) any mortgagor (or affiliate of a mortgagor) that failed to submit to HUD on or before February 21, 2008, audited financial statements for fiscal years 1999 through 2006 for a project securing a Mortgage Loan;

(8) any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's multifamily housing programs and that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before February 21, 2008;

(9) any entity or individual that serviced or held any Mortgage Loan at any time during the 2-year period prior to January 1, 2008, is ineligible to bid on such Mortgage Loan or on the pool containing such Mortgage Loan, but may bid on loan pools that do not contain Mortgage Loans that they have serviced or held at any time during the 2-year period prior to January 1, 2008; and

(10) any affiliate or principal of any entity or individual described in the preceding sentence (subparagraph 9); any employee or subcontractor of such entity or individual during that 2-year period; or any entity or individual that employs or uses the services of any other entity or individual described in this subparagraph in preparing its bid on such Mortgage Loan.

Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in MHLS 2008–1.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MHLS 2008–1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MHLS 2008–1, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated there under.

Scope of Notice

This notice applies to MHLS 2008–1 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: February 8, 2008.

John L. Garvin,

Acting Deputy Assistant Secretary for Multifamily Housing, Office of Housing.

[FR Doc. E8–2833 Filed 2–14–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the Confederated Tribes of the Warm Springs Reservation of Oregon's Proposed Trust Acquisition and Resort and Casino Project, Cascade Locks, Hood River County, OR

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribes), the Oregon Department of Transportation, the City of Cascade Locks, the Port of Cascade Locks, Hood River County and the Federal Highway Administration as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) for a proposed 25-acre trust acquisition and resort and casino project to be located within the City of Cascade Locks, Hood River County, Oregon, and that the DEIS is now available for public review. Public review of the DEIS is part of an administrative process designed to evaluate tribal applications that seek to have the United States to take land into Federal trust pursuant to 25 CFR part 151. Reviewers are advised that we will consider public comments carefully prior to deciding whether to approve or disapprove this application. This notice also extends the normal 45-day public comment period to 90 days in order to accommodate heightened public interest in this proposed action, and it announces five public hearings to receive comments on the DEIS.

DATES: Written comments on the DEIS must arrive by May 15, 2008. The dates and times for the public hearings are as follows:

- March 03, 2008, 6–8:30 p.m.
- March 10, 2008, 6–8:30 p.m.
- March 12, 2008, 6–8:30 p.m.
- March 13, 2008, 6–8:30 p.m.
- March 17, 2008, 6–8:30 p.m.

ADDRESSES: You may mail or hand carry written comments to Gerald Henrikson, Project Manager, Bureau of Indian Affairs, 911 Northeast 11th Avenue, Portland, Oregon 97232. You may also fax your comments to (503) 231–6791, or submit them electronically at the project Web site, *http://www.gorgecasinoEIS.com*. (Note: The BIA cannot receive electronic comments directly via e-mail at this time.) Please include your name, return address and the caption, ''DEIS Comments, Confederated Tribes of the Warm Springs Reservation of Oregon Trust Acquisition and Resort/Casino Project,'' on the first page of your written comments.

The locations of the public hearings are as follows:

- March 03—Kah–Nee–Ta High Desert Resort and Casino, Warm Springs, OR.
- March 10—Port of Cascade Locks, Gorge Pavilion, Marine Park, 355 Wa–Na–Pa Street, Cascade Locks, OR.
- March 12—Rock Creek Center, 710 SW Rock Creek Drive, Stevenson, WA.
- March 13—Doubletree Hotel, Lloyd Center, 1000 NE Multnomah, Portland, OR.
- March 17—Hood River Middle School Auditorium, 1602 May Street, Hood River, OR.

If you would like to obtain a copy of the DEIS, please write or call Gerald Henrikson at the BIA address above or the telephone number for him provided below. An electronic version of the DEIS may be viewed at *http://www.gorgecasinoEIS.com*.

Copies of the DEIS are available for review at the BIA address above and at the following locations.

- Port of Cascade Locks, 710 Lucy Lane, Cascade Locks, OR 97014.
- Federal Highway Administration, 530 Center Street, Room 100, Salem, OR 97301.
- Cascade Locks Library, 140 SE Wa–Na–Pa Street, Cascade Locks, OR 97031.
- Multnomah County Library, Central Branch, 801 SW 10th Street, Portland, OR 97205.
- Gresham Library, 385 NW Miller Avenue, Gresham, OR 97030.
- Vancouver Community Library, 1007 E Mill Plain Boulevard, Vancouver, WA 98663.
- Hood River County, 601 State Street, Hood River, OR 97031.
- Oregon Department of Transportation, Region 1, 123 NW Flanders, Portland, OR 97209.
- Hood River County Library, 502 State Street, Hood River, OR 97014.
- Mosier City Library, 3rd Street, Mosier, OR 97040.
- Stevenson Community Library, 120 NW Vancouver Avenue, Stevenson, WA 98648.
- Fairview—Columbia Library, 1520 NE Village Street, Fairview, OR 97024.
- White Salmon Valley Community Library, #5 Town and Country Square, White Salmon, WA 98672.

Copies of the DEIS have also been sent to agencies and individuals who participated in the scoping process and to all others who had requested copies.

FOR FURTHER INFORMATION CONTACT: Gerald Henrikson, (503) 231–6927.

SUPPLEMENTARY INFORMATION: The Tribes have requested that the BIA take 25 acres of land in the City of Cascade Locks, Oregon, into trust on behalf of the Tribes. The Tribes would develop a resort and casino on the newly acquired trust land and lease adjacent lands (approximately 35 acres) from the Port of Cascade Locks for parking and other facilities related to the resort and casino development. The proposed casino project also would include a new interchange on Interstate 84 (I–84) and local transportation system improvements.

A range of project alternatives is considered in the DEIS, including: (1) The proposed Cascade Locks Resort and Casino Project, (2) a Hood River alternative, (3) a Warm Springs alternative, and (4) no action. The DEIS addresses the potential effects of each of these alternatives on geology and soils, land use, water resources, air quality, noise, plants and wildlife, endangered species, cultural resources, socioeconomic conditions (including environmental justice), transportation, public services, the visual environment, and hazardous wastes and materials. The DEIS examines the direct, indirect, and cumulative effects of each alternative on these resources and identifies mitigation measures to address adverse impacts.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), and the Department of Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: January 28, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E8–2834 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the North Fork Rancheria of Mono Indians (Tribe), California Department of Transportation, Madera Irrigation District, City of Madera, National Indian Gaming Commission and U. S. Environmental Protection Agency (EPA) as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA for the proposed 305 acre trust acquisition and the construction of a hotel/casino project to be located in unincorporated Madera County, just north of the City of Madera, California, and that the DEIS is now available for public review. Public review of the DEIS is part of an administrative process designed to evaluate tribal applications that seek to have the United States to take land into Federal trust pursuant to 25 CFR part 151. Reviewers are advised that we will consider public comments carefully

prior to deciding whether to approve or disapprove this application. This notice also announces a public hearing to receive comments on the DEIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by March 31, 2008. The public hearing will be held March 12, 2008, from 6 p.m. to 9 p.m., or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and the caption, ''DEIS Comments, North Fork Rancheria's Hotel/Casino Project,'' on the first page of your written comments.

The public hearing will be at the Hatfield Hall, Madera District Fairgrounds, 1850 West Cleveland Avenue, Madera, California.

The DEIS is available for review at the Madera County Public Library, 121 N. G. Street, Madera, California 93637, and at the Madera County Public Library, Chowchilla Branch, 300 Kings Ave., Chowchilla, California 93610. General information for the Madera County Public Library may be obtained by calling (559) 675–7871, and for the Madera County Public Library, Chowchilla Branch, by calling (559) 665–2630.

If you would like to obtain a copy of the DEIS, please write or call John Rydzik, Chief of the Division of Environmental, Cultural Resource Management and Safety, at the BIA address above or the telephone number provided below. An electronic version of the DEIS may be viewed at *http://www.NorthForkEIS.com*.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978–6042.

SUPPLEMENTARY INFORMATION: The Tribe has requested that the BIA take into Federal trust 305 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a hotel, casino, parking areas and other facilities. The proposed project is located in unincorporated Madera County, California, just north of the City of Madera and adjacent to State Route 99 (SR–99). The project site is bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and SR–99; on the south by agricultural land and residential land; and on the west by Road 23 and agricultural land.

The proposed action includes the development of an approximately 472,000 square foot hotel and casino resort and associated facilities, which would include a main gaming hall, food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include three full service restaurants, a five-tenant food court, a buffet, four bars and a lounge. The hotel would include 200 rooms, a resort style pool area and a spa. Approximately 4,500 parking spaces would be provided. Regional access to the project site is via SR–99. Road 23, Avenue 18, and Golden State Boulevard would provide direct access to the hotel/casino resort.

A range of project alternatives is considered in the DEIS, including: (1) Preferred hotel/casino; (2) reduced casino; (3) commercial development; (4) North Fork Rancheria alternate site; and (5) no action. Environmental issues addressed in the DEIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures. Input from the public, including that from a public scoping meeting the BIA held on November 15, 2004, in Madera, California, was included in the development of these alternatives and issues.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.l.

Dated: January 28, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E8–2828 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW148913]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Devon Energy Production Company, L.P. and Kerr-McGee Oil & Gas Onshore LP for competitive oil and gas lease WYW148913 for land in Converse County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof per year, and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW148913 effective October 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited

above. BLM has not issued a valid lease affecting the lands.

Julie L. Weaver,

Land Law Examiner, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–2941 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW164744]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Contex Energy Company for competitive oil and gas lease WYW164744 for land in Washakie County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof per year, and 16–2/3 percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW164744 effective October 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Julie L. Weaver,

Land Law Examiner, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–2942 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW164747)

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Contex Energy Company for competitive oil and gas lease WYW164747 for land in Washakie County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW164747 effective October 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Julie L. Weaver,

Land Law Examiner, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–2943 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW174845]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Devon Energy Production Company, L.P. and Kerr-McGee Oil & Gas Onshore LP for competitive oil and gas lease WYW174845 for land in Converse County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof per year, and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW174845 effective October 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Julie L. Weaver,

Land Law Examiner, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–2945 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability of the Record of Decision for the Sierra Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and Bureau of Land Management (BLM) regulations and policies, the BLM announces the availability of the Record of Decision (ROD)/Approved Sierra (California) Resource Management Plan (RMP) for public lands administered by the Folsom Field Office. The California State Director has signed the ROD, which constitutes the final decision of the BLM and makes the RMP effective immediately.

ADDRESSES: Copies of the ROD/Approved RMP are available upon request from the Bureau of Land Management, 63 Natoma Street, Folsom, CA 95630. The document is also available via the Internet at *http://www.blm.gov/ca/folsom*. To receive a copy of the document, contact the BLM via e-mail at *caformp@ca.blm.gov* or call (916) 978–4427.

FOR FURTHER INFORMATION CONTACT: Sandra McGinnis, (916) 978–4427, Bureau of Land Management, 63 Natoma Street, Folsom, CA 95630. You can also e-mail the Folsom Field Office at *caformp@ca.blm.gov*.

SUPPLEMENTARY INFORMATION: The planning area for the Sierra RMP encompasses portions of 15 counties in California: Yuba, Sutter, Colusa, Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, San Joaquin, Tuolumne, Mariposa, Sacramento, Stanislaus, and Merced. A total of 230,000 acres of public lands and an additional 70,000 acres of subsurface mineral estate are administered by the BLM in the planning area. The Sierra RMP has been developed through collaborative planning. Although no agencies requested formal cooperating agency status, the BLM worked with Federal, State, and local agencies to better understand resource conditions and public expectations and to address concerns to the extent possible. Federally recognized Native American tribes were contacted at various times by phone, mail, and e-mail throughout the planning process, informing them of comment opportunities and soliciting their input. The BLM consulted with the State Historic Preservation Office throughout the planning process.

The RMP addresses issues such as recreation, wild and scenic river recommendations, sensitive natural and cultural resources, livestock grazing, wildland fire risk and fuel reduction, energy and mineral development, land ownership adjustments, and motorized vehicle route designations. The RMP includes two wild and scenic river suitability recommendations: South Fork American River (8.8 miles—recreational) and North Fork and Main Mokelumne River (13.7 miles—wild, scenic, recreational). The RMP includes eight new Areas of Critical Environmental Concern (ACEC): Pine Hill Preserve (3,236 acres), Cosumnes River Preserve (2,035 acres), Spivey Pond (54 acres), Deadman's Flat (796 acres), Dutch Flat/Indiana Hill Research Natural Area (320 acres), Bagby Serpentine (5,775 acres) and North Fork Cosumnes (1,129 acres). Additionally, the RMP expands three existing ACECs: Red Hills, Ione Manzanita, and Limestone Salamander ACECs. Use of public lands in these ACECs would vary depending on their individual resources and values but would likely include limitations on motorized use, mining, and other surface disturbing activities.

The Draft RMP/EIS was made available to the public via a **Federal Register** notice on September 15, 2006. The publication of that notice initiated a 90-day public comment period, during which time the BLM hosted four public meetings throughout the planning area. Upon evaluation of the alternatives and anticipated impacts described in the Draft RMP/EIS and based on public and agency comments, the BLM prepared the Proposed RMP/Final EIS (PRMP/FEIS), which incorporated corrections and clarifying text as well as the proposal to establish a 1,129-acre ACEC along the North Fork Cosumnes River. The preferred alternative in the Draft RMP/EIS was carried forward as the Proposed RMP in the PRMP/FEIS, which became available to the public via a **Federal Register** notice on June 8, 2007. Six protests were received on the PRMP/FEIS, which resulted in minor changes that provide further clarification of some of the decisions in the RMP.

The Governor of the State of California, in his letter dated August 17, 2007, stated: ''Pursuant to 43 CFR 1610.3–2, and after consulting with affected State and local agencies, the Governor's Office of Planning and Research (OPR) has determined that the [BLM's Sierra] Resource Management Plan (RMP) contains some inconsistencies with local plans.'' Consistent with BLM policy and OPR's recommendations, the BLM will continue to work with counties, California Department of Fish and Game, and local fire agencies to reach solutions that serve local, State, and BLM land management needs regarding wild and scenic rivers, vegetation and habitat management, wildfire protection, and other issues of shared concern.

Decisions identifying designated routes of travel for motorized vehicles are implementation decisions appealable under 43 CFR part 4. These decisions are described in Appendix A of the Approved RMP. Any party adversely affected by the BLM's decision(s) to identify, evaluate, define, delineate and/or select specific routes as available for motorized use within designated areas of travel in the Sierra Resource Management Plan may appeal within 30 days of publication of this Notice of Availability pursuant to 43 CFR, part 4, subpart E. The appeal should state the specific route(s), as identified in Appendix A of the Approved RMP, on which the decision is being appealed. The appeal must be filed with the Folsom Field Manager at the above listed address. Please consult 43 CFR part 4 for further information on the IBLA appeals process.

William S. Haigh,

Field Manager.

[FR Doc. E8–2768 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(NM–920–08–1310FI); (OKNM 116599, OKNM 116600, OKNM 116604, OKNM 116605, OKNM 116606, OKNM 116607, OKNM 116609)]

Notice of Proposed Reinstatement of Terminated Oil and Gas Leases OKNM 116599, OKNM 116600,OKNM 116604, OKNM 116605, OKNM 116606, OKNM 116607, OKNM 116609

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Reinstatement of Terminated Oil and Gas Leases.

SUMMARY: Under the Class II provisions of Title IV, Public Law 97–541, the Bureau of Land Management (BLM) received a Petition for Reinstatement of Oil and Gas Leases OKNM 116599, OKNM 116600, OKNM 116604, OKNM 116605, OKNM 116606, OKNM 116607 and OKNM 116609 from the lessee, Upland Exploration, Inc., for lands in Le Flore County, Oklahoma.

The petition was filed on time and was accompanied by all the rentals due since the date the leases terminated under the law.

FOR FURTHER INFORMATION CONTACT: Becky C. Olivas, BLM, New Mexico State Office, at (505) 438–7609.

SUPPLEMENTARY INFORMATION: No valid leases have been issued that affect the lands. The lessee agrees to new lease terms for rentals and royalties of $10.00 per acre or fraction thereof, per year, and 16⅔ percent, respectively. The lessee paid the required $500.00 administrative fee for the reinstatements of the leases and $166.00 cost for publishing this Notice in the **Federal Register**. The lessee met all the requirements for reinstatement of the leases as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate leases OKNM 116599, OKNM 116600, OKNM 116604, OKNM 116605, OKNM 116606, OKNM 116607 and OKNM 116609, effective the date of termination, September 1, 2007, under the original terms and conditions of the leases and the increased rental and royalty rates cited above. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 8, 2008.

Becky C. Olivas,

Land Law Examiner, Fluids Adjudication Team 1.

[FR Doc. E8–2846 Filed 2–14–08; 8:45 am]

BILLING CODE 4310–FB–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–450 and 731–TA–1122 (Final)]

Laminated Woven Sacks From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of countervailing duty and antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigation No. 701–TA–450 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigation No. 731–TA–1122 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from China of laminated woven sacks, provided for in subheading 6305.33.00 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: January 31, 2008.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of laminated woven sacks, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on June 28, 2007, by the Laminated Woven Sacks Committee, an ad hoc committee composed of five U.S. producers of laminated woven sacks. Members of the Laminated Woven Sacks Committee include: (1) Bancroft Bag, Inc. of West Monroe, LA; (2) Coating Excellence International, LLC of Wrightstown, WI; (3) Hood Packaging Corp. of Madison, MS; (4) Mid-America Packaging, LLC of Twinsburg, OH; and (5) Polytex Fibers Corp. of Houston, TX.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO)

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (''BOPP'') or to an exterior ply of paper that is suitable for high quality print graphics (paper having an ISO brightness of 82 or higher and a Sheffield Smoothness of 250 or less, e.g., coated free sheet paper); printed with three colors or more in register; with or without lining; whether or not closed on one end; whether or not in roll form (including sheets, lay-flat tubing, and sleeves); with or without handles; with or without special closing features; not exceeding one kilogram in weight. Laminated woven sacks are typically used for retail packaging of consumer goods such as pet foods and bird seed.

Effective July 1, 2007, laminated woven sacks are imported under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously imported under HTSUS subheading 6305.33.0020. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be imported under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including sheets, lay-flat tubing, and sleeves), laminated woven sacks may be imported under other HTSUS subheadings including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measures more than 5 millimeters in width, laminated woven sacks may be imported under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on June 2, 2008, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on June 17, 2008, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 11, 2008. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 13, 2008, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is June 10, 2008. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 24, 2008; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 24, 2008. On July 11, 2008, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 15, 2008, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 Fed. Reg. 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 11, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–2843 Filed 2–14–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–749 (Second Review)]

Persulfates From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on persulfates from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on persulfates from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: February 4, 2008.

FOR FURTHER INFORMATION CONTACT: Christopher Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Background.—On February 4, 2008, the Commission determined that the domestic interested party response to its notice of institution (72 FR 61907, November 1, 2007) was adequate and the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant

conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on March 3, 2008, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 6, 2008, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 6, 2008. However, should Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 11, 2008.

Marilyn R. Abbott,

Secretary.

[FR Doc. E8–2848 Filed 2–14–08; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the response submitted by FMC Corporation to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on January 25, 2008, a proposed Settlement Agreement regarding the Butte Mine Flooding Superfund Site, also knows as the Berkley Pit Site, was filed with the United States District Court of Montana in *United States* v. *Atlantic Richfield*, Civ. Action No. 02–35–BU–SEH (D. Mont.) The proposed Settlement Agreement, which was approved by the Bankruptcy Court for the Southern District of Texas, pertains primarily to ASARCO's liability at this site under a consent decree previously entered by the United States District Court in Montana on August 14, 2002. The terms of the Settlement Agreement require an additional approval by the United States District Court in Montana, following a period of public comment, for the Settlement Agreement to become effective.

The proposed Settlement Agreement reflects an agreement among ASARCO, the United States, the State of Montana, and another defendant at the Butte Mine Flooding Site—Montana Resources Incorporated (''MRI''). Under the terms of the Agreement, MRI will receive an allowed general unsecured claim against ASARCO of $8.67 million, which MRI can use only toward cleanup of the Butte Mine Flooding Site, which is proceeding under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), as amended, 42 U.S.C. 9601–9675. MRI is also allowed other claims relating to the Butte Mine Flooding Site under the Settlement Agreement. In exchange for MRI's allowed claims, the obligations of ASARCO and its subsidiary, AR Montana, under the Butte Mine Flooding Consent Decree will be deemed to be fully resolved and satisfied, and ASARCO will be removed as a party to the decree, subject to certain conditions set forth in the Settlement Agreement.

The Department of Justice will receive comments relating to the proposed Agreement for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Atlantic Richfield*, DJ Ref. No. 90–11–2–430.

The proposed Agreement may be examined at the office of the United States Attorney for the District of Montana, 2929 Third Avenue North, Suite 400, Billings, Montana 59101, and at the U.S. EPA Region VIII Montana Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, Montana 59624. During the public comment period, the proposed Agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html*. In addition, a copy of the proposed Agreement may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $5.00 (25 cents per page reproduction costs) payable to the U.S. Treasury.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–670 Filed 2–14–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with the Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *David Arp and Triple Diamond Enterprises, LLC*, (M.D. Fla.; 2:08–cv–82–JES–DNF), DJ # 90–5–1–1–17895, was lodged with the United States District Court for the Middle District of Florida on January 31, 2008.

This proposed Consent Decree concerns a complaint filed by the United States against David Arp and Triple Diamond Enterprises, LLC, pursuant to 33 U.S.C. 403, 1311(a) and 1344, to obtain injunctive relief from

and impose civil penalties against the Defendants for violating the Clean Water Act and the Rivers and Harbors Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas and/or perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Todd W. Gleason, P.O. Box 23986, Washington, DC 20026–3986 and refer to *United States* v. *David Arp and Triple Diamond Enterprises, LLC*, (M.D. Fla.), DJ # 90–5–1–1–17895.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Florida, Jacksonville Division, United States Courthouse, 300 North Hogan Street, Jacksonville, FL 32202, 904–549–1900. In addition, the proposed Consent Decree may be viewed at *http://www.usdoj.gov/enrd/Consent_Decrees.html.*

Stephen Samuels,

Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 08–669 Filed 2–14–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Proposed Information Collection Request of the ETA 902, Disaster Unemployment Assistance Activities

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of the ETA 902, Disaster Unemployment Assistance Activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 15, 2008.

ADDRESSES: Send comments to Miriam Thompson, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue NW., Frances Perkins Bldg., Room S–4231, Washington, DC 20210, telephone number (202) 693–3226 (this is not a toll-free number) or by e-mail: *thompson.miriam@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The ETA 902 Report, Disaster Unemployment Assistance (DUA) Activities, is a monthly report submitted by an impacted state(s) when a major disaster is declared by the President that provides for individual assistance (including DUA). The report contains data on DUA claims and payment activities associated with administering the DUA program. The information is used by ETA's Office of Workforce Security (OWS) to determine workload counts, for example, the number of individuals determined eligible or ineligible for DUA, the number of appeals filed, and the number of overpayments issued. The report also allows OWS to track states' administrative costs for the DUA program(s).

II. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the proposed extension for the collection of the ETA 902, Disaster Unemployment Assistance Activities. Comments are requested to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the addressee section of this notice.

III. Current Actions

The ETA 902 report is the only report which collects data on DUA payments and claims activities. The continued collection of the information contained on the ETA 902 report is necessary for the purposes of monitoring and evaluating states' performance in administering the DUA program.

Type of Review: Extension without change.

Agency: Employment and Training Administration (ETA).

Title: Disaster Unemployment Assistance, Disaster Payment Activities Report.

OMB Number: 1205–0051.

Agency Number: ETA 902.

Affected Public: State governments.

Total Respondents: 30.

Frequency: Approximately six (6) months.

Total Responses: 180.

Average Time per Response: One (1) hour.

Burden Hours: 180.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $ 0.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request and will also become a matter of public record.

Dated: February 6, 2008.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E8–2830 Filed 2–14–08; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 11, 2008.

The Department of Labor (DOL) gives notice that it has submitted the

information collection request (ICR) described below to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. A copy of this ICR, with applicable supporting documentation, including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at: *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number) and e-mail *king.darrin@dol.gov.*

Interested parties are encouraged to send written comments on or before March 17, 2008 to the Office of Information and Regulatory Affairs, Attn: Katherine Astrich, Desk Officer for the Veterans' Employment Training Service, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, e-mail *OIRA_submission@omb.eop.gov*. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Veterans' Employment and Training Service.

Type of Review: Revision of currently approved collection.

Title: Federal Contractor Veterans' Report VETS–100/VETS–100A.

OMB Control Number: 1293–0005.

Agency Form Numbers: VETS–100 and VETS–100A.

Affected Public: Private Sector: Business or other for-profit.

Estimated Number of Respondents: 20,000.

Estimated Annual Burden Hours: 156,200.

Estimated Annual Cost Burden: $0.

Description: The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (''VEVRAA''), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act's affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of covered veterans. The regulations set forth in 41 CFR part 61–250 currently require contractors to use the Federal Contractor Veterans' Employment Report VETS–100 (''VETS–100 Report'') form for reporting information on the number of covered veterans in their workforces. The part 61–250 regulations and the VETS–100 Report apply to contractors with contracts that were entered into before December 1, 2003.

The Jobs for Veterans Act (JVA) (Pub. L. 107–288), which was enacted in 2002, amended VEVRAA by making two changes to the reporting requirements applicable to contracts entered into on or after December 1, 2003. The JVA amendments: (1) Increased from $25,000 to $100,000, the dollar amount of the contract that subjects a Federal contractor to the requirement to report on veterans' employment; and (2) changed the categories of covered veterans under VEVRAA, and thus the categories of veterans that contractors are required to track and report on annually.

VETS published a Notice of Proposed Rulemaking (NPRM) published on August 8, 2006, (71 FR 44945), to implement the changes made by JVA to the VEVRAA reporting requirements. The NPRM proposed to adopt a new set of regulations that would be codified in a new 41 CFR part 61–300. In addition, the NPRM proposed to adopt a new form for reporting the information on veterans' employment required by the JVA amendments and name it the Federal Contractor Veterans' Employment Report VETS–100A. The part 60–300 regulations and the VETS–100A Report will apply to contractors with contracts that were entered into or modified on or after December 1, 2003. The information collected is to be used by the Department of Labor for compliance monitoring. For additional information, see related notice published on October 2, 2007 at 72 FR 56103.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E8–2870 Filed 2–14–08; 8:45 am]

BILLING CODE 4510–79–P

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), the U.S. Merit Systems Protection Board (MSPB) announces that it is planning to submit a request for a three-year extension of an Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting this ICR to OMB for review and approval, MSPB is soliciting comments on specific aspects of its information collection activities as described below.

DATES: Written comments must be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information to Dr. Dee Ann Batten, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Dr. Dee Ann Batten at (202) 653–6772, ext. 1411.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. The MSPB intends to ask for a three-year renewal of its Generic Clearance Request for Voluntary Customer Surveys, OMB Control No. 3124–0012. Executive Order 12862, ''Setting Customer Service Standards,'' mandates that agencies identify their customers and survey them to determine the kind and quality of services they want and their level of satisfaction with existing services.

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this request is estimated to vary from 5 minutes to 30 minutes, with an average of 15 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In the estimated annual reporting burden listed below, the reason that the annual number of respondents differs from the number of total annual responses is that the latter figure assumes a 60% response rate. Our experience has been that fewer than 60% of those invited to participate in our voluntary customer surveys avail themselves of that opportunity.

In addition, the MSPB invites comments on (1) whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR parts	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201, 1208, and 1209	2,500	1	1,500	0.25	375

William D. Spencer,

Clerk of the Board.

[FR Doc. E8–2907 Filed 2–14–08; 8:45 am]

BILLING CODE 7400–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Continue an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewal of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing an opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by April 15, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone 703–292–7556; or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: National Science Foundation Science Honorary Awards.

OMB Approval Number: 3145–0035.

Expiration Date of Approval: July 31, 2008.

Type of Request: Intent to seek approval to continue an information collection for three years.

Abstract: The National Science Foundation (NSF) administers several honorary awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the NSB Vannevar Bush Award, and the NSB Public Service Award.

In 2003, to comply with E-government requirements, the nomination processes were converted to electronic submission through the National Science Foundation's (NSF) FastLane system. Individuals can now prepare nominations and references through *http://www.fastlane.nsf.gov/honawards.* First-time users must register on the Fastlane Web site using the link found in the upper right-hand corner above the ''Log In'' box before accessing any of the honorary award categories.

Use of the Information: The Foundation has the following honorary award programs:

• President's National Medal of Science. Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 (Pub. L. 86–209), which established the award and stated that

''(t)he President shall * * * award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as * * * appropriate.''

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would ''receive recommendations made by any other nationally representative scientific or engineering organization.'' On the basis of these recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980.

The Committee established the following guidelines for selection of candidates:

1. Principal criterion: The total impact of an individual's work on the current state of physical, biological, mathematical, engineering or social and behavioral sciences.
2. Achievements of an unusually significant nature in relation to the potential effects on the development of scientific thought.
3. Unusually distinguished service in the general advancement of science and engineering, especially when accompanied by substantial contributions to the content of science. Recognition by peers within the scientific community.
4. Contributions to innovation and industry.
5. Influence on education through publications, teaching activities, outreach, mentoring, etc.
6. Must be a U.S. citizen or permanent resident who has applied for citizenship.

In 2003, the Committee changed the active period of eligibility to three years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Narratives are now restricted to two pages of text, as stipulated in the guidelines at *http://www.fastlane.nsf.gov/honawards/nms.*

• Alan T. Waterman Award. Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Pub. L. 94–86) and authorized NSF to ''establish the Alan T. Waterman Award for research or advanced study in any of the sciences or engineering'' to mark the 25th anniversary of the National Science Foundation and to honor its first Director. The annual award recognizes an outstanding young researcher in any field of science or engineering supported by NSF. In addition to a medal, the awardee receives a grant of $500,000 over a three-year period for scientific research or advanced study in the mathematical, physical, medical, biological, engineering, social, or other sciences at the institution of the recipient's choice.

The Alan T. Waterman Award Committee was established by NSF to comply with the directive contained in Public Law 94–86. The Committee solicits nominations from members of the National Academy of Sciences, National Academy of Engineering, scientific and technical organizations, and any other source, public or private, as appropriate.

In 1976, the Committee initiated a form letter to solicit these nominations. In 1980, a nomination form was used which standardized the nomination procedures, allowed for more effective Committee review, and permitted better staff work in a short period of time. On the basis of its review, the Committee forwards its recommendation to the Director, NSF, and the National Science Board (NSB).

Candidates must be U.S. citizens or permanent residents and must be 35 years of age or younger or not more than seven years beyond receipt of the Ph.D. degree by December 31 of the year in which they are nominated. Candidates should have demonstrated exceptional individual achievements in scientific or engineering research of sufficient quality to place them at the forefront of their peers. Criteria include originality, innovation, and significant impact on the field.

• Vannevar Bush Award. The NSB established the Vannevar Bush Award in 1980 to honor Dr. Bush's unique contributions to public service. The award recognizes an individual who, through public service activities in science and technology, has made an outstanding ''contribution toward the welfare of mankind and the Nation.''

The NSB *ad hoc* Vannevar Bush Award Committee annually solicits nominations from selected scientific engineering and educational societies. Candidates must be a senior stateperson who is an American citizen and meets two or more of the following criteria:

1. Distinguished himself/herself through public service activities in science and technology.

2. Pioneered the exploration, charting, and settlement of new frontiers in science, technology, education, and public service.

3. Demonstrated leadership and creativity that have inspired others to distinguished careers in science and technology.

4. Contributed to the welfare of the Nation and mankind through activities in science and technology.

5. Demonstrated leadership and creativity that have helped mold the history of advancements in the Nation's science, technology, and education.

Nominations must include a narrative description about the nominee, a curriculum vitae (without publications), and a brief citation summarizing the nominee's scientific or technological contributions to our national welfare in promotion of the progress of science. Nominations must also include two reference letters, submitted separate from the nomination through *http://www.fastlane.nsf.gov/honawards/* Nominations remain active for three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

• NSB Public Service Award. The NSB Public Service Award Committee was established in November 1996. This annual award recognizes people and organizations that have increased the public understanding of science or engineering. The award is given to an individual and to a group (company, corporation, or organization), but not to members of the U.S. Government.

Eligibility includes any individual or group (company, corporation, or organization) that has increased the public understanding of science or engineering. Members of the U.S. Government are not eligible for consideration.

Candidates for the individual and group (company, corporation, or organization) award must have made contributions to public service in areas other than research, and should meet one or more of the following criteria:

1. Increased the public's understanding of the processes of science and engineering through scientific discovery, innovation and its communication to the public.

2. Encouraged others to help raise the public understanding of science and technology.

3. Promoted the engagement of scientists and engineers in public outreach and scientific literacy.

4. Contributed to the development of broad science and engineering policy and its support.

5. Influenced and encouraged the next generation of scientists and engineers.

6. Achieved broad recognition outside the nominee's area of specialization.

7. Fostered awareness of science and technology among broad segments of the population.

Nominations must include a summary of the candidate's activities as they relate to the selection criteria; the nominator's name, address and telephone number; the name, address, and telephone number of the nominee; and the candidate's vita, if appropriate (no more than three pages).

The selection committee recommends the most outstanding candidate(s) for each category to the NSB, which approves the awardees.

Nominations remain active for a period of three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

Estimate of Burden: These are annual award programs with application deadlines varying according to the program. Public burden also may vary according to program; however, it is estimated that each submission is averaged to be 15 hours per respondent for each program. If the nominator is thoroughly familiar with the scientific background of the nominee, time spent to complete the nomination may be considerably reduced.

Respondents: Individuals, businesses or other for-profit organizations, universities, non-profit institutions, and Federal and State governments.

Estimated Number of Responses per Award: 137 responses, broken down as follows: For the President's National Medal of Science, 55; for the Alan T. Waterman Award, 50; for the Vannevar Bush Award, 12; for the Public Service Award, 20.

Estimated Total Annual Burden on Respondents: 2,580 hours, broken down by 1,100 hours for the President's National Medal of Science (20 hours per 55 respondents); 1,000 hours for the Alan T. Waterman Award (20 hours per 50 respondents); 180 hours for the Vannevar Bush Award (15 hours per 12 respondents); and 300 hours for the Public Service Award (15 hours per 20 respondents).

Frequency of Responses: Annually.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: February 12, 2008.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E8–2872 Filed 2–14–08; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Independent External Review Panel To Identify Vulnerabilities in the U.S. Nuclear Regulatory Commission's Materials Licensing Program; Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Independent External Review Panel to Identify Vulnerabilities in the NRC's Materials Licensing Program on March 5 through 7, 2008. A copy of the agenda for the meeting can be obtained by e-mailing Mr. Aaron T. McCraw at the contact information below.

Purpose: To initiate the Panel's discussions and deliberations in developing their final report and to allow members of the public an opportunity to provide comments to the Panel on its draft report. The Panel's draft report is located in the NRC's Agencywide Document Access and Management System (ADAMS) using Accession Number ML080230554.

Date and Time for Closed Sessions: There will be no closed sessions during this meeting.

Date and Time for Open Session: March 5, 2008, from 2 p.m. to 4:30 p.m.; March 6, 2008, from 9 a.m. to 4:30 p.m.; and March 7, 2008, from 9 a.m. to 12 p.m.

Address for Public Meeting: NRC, Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland 20852. Specific room locations will be indicated on the agenda.

Public Participation: Any member of the public who wishes to participate in the meeting should contact Mr. McCraw using the information below.

Contact Information: Aaron T. McCraw, e-mail: *atm@nrc.gov,* telephone: (301) 415–1277.

Conduct of the Meeting

Mr. Thomas E. Hill will chair the meeting. Mr. Hill will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Mr. McCraw at the contact information listed above. All submittals must be received by February 29, 2008, and must pertain to the topics on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland 20852–2738, telephone (800) 397–4209, on or about June 15, 2008.

4. Persons who require special services, such as those for the hearing impaired, should notify Mr. McCraw of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: February 11, 2008.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E8–2889 Filed 2–14–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

NUREG–1556, Volume 9, Revision 2, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Use Licenses''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the completion and availability of NUREG–1556, Volume 9, Revision 2, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Use Licenses,'' dated January 2008.

ADDRESSES: Copies of NUREG–1556, Volume 9, Revision 2, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328; *http://www.access.gpo.gov/su _docs* 202–512–1800 or The National Technical Information Service, Springfield, Virginia 22161–0002; *http://www.ntis.gov* 1–800–533–6847 or, locally, 703–805–6000.

A copy of the document is also available for inspection and/or copying for a fee in the NRC Public Document Room (PDR), 11555 Rockville Pike, Rockville, Maryland. Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The ADAMS Accession Number for NUREG–1556, Volume 9, Revision 2, is ML073400289. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* The document will also be initially posted on the Office of Federal and State Materials and Environmental Management Programs' NARM (Naturally-Occurring and Accelerator-Produced Radioactive Material) Toolbox Web site page at: *http://nrc-stp.ornl.gov/narmtoolbox.html* under the heading of ''Licensing Guidance.'' Subsequently, it will be posted on NRC's public Web site at: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556* on the ''Consolidated Guidance About Materials Licenses (NUREG–1556)'' Web site page. Some publications in the NUREG series that are posted at NRC's Web site address *http://www.nrc.gov* are updated regularly and may differ from the last printed version.

A free single copy, to the extent of supply, may be requested by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services, U.S. Nuclear Regulatory

Commission, Printing and Graphics Branch, Washington, DC 20555–0001; facsimile: 301–415–2289; e-mail: *Distribution@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Torre Taylor, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–7900, e-mail: *tmt@nrc.gov*; or Donna-Beth Howe, Ph.D., Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–7848, e-mail: *dbh@nrc.gov*.

SUPPLEMENTARY INFORMATION: On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAct). Among other provisions, Section 651(e) of the EPAct expanded the definition of byproduct material as defined in Section 11e. of the Atomic Energy Act of 1954 (AEA), placing additional byproduct material under the NRC's jurisdiction, and required the Commission to provide a regulatory framework for licensing and regulating these additional byproduct materials.

Specifically, Section 651(e) of the EPAct expanded the definition of byproduct material by: (1) Adding any discrete source of radium–226 that is produced, extracted, or converted after extraction, before, on, or after the date of enactment of the EPAct for use for a commercial, medical, or research activity; or any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction, before, on, or after the date of enactment of the EPAct for use for a commercial, medical, or research activity (Section 11e.(3) of the AEA); and (2) adding any discrete source of naturally occurring radioactive material, other than source material, that the Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Department of Energy, the Secretary of the Department of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium–226 to the public health and safety or the common defense and security; and is extracted or converted after extraction before, on, or after the date of enactment of the EPAct for use in a commercial, medical, or research activity (Section 11e.(4) of the AEA).

NRC revised its regulations to provide a regulatory framework that includes these newly added radioactive materials. See **Federal Register** notice 72 FR 55864, dated October 1, 2007. As part of the rulemaking effort to address the mandate of the EPAct, the NRC also evaluated the need to revise certain licensing guidance to provide necessary guidance to applicants in preparing license applications to include the use of the newly added radioactive materials as byproduct material. Two NUREG–1556 documents have been revised to provide additional guidance to licensees: (1) NUREG–1556, Volume 13, Revision 1, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Commercial Radiopharmacy Licenses,'' and (2) NUREG–1556, Volume 9, Revision 2, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Use Licenses.'' Additionally, a new NUREG–1556 volume was developed to address production of radioactive material using an accelerator. This NUREG–1556 volume is entitled: Volume 21, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Possession Licenses for Production of Radioactive Material Using an Accelerator. ''

NUREG–1556, Volume 9, Revision 2, provides guidance for applicants in preparing their license applications for the medical use of byproduct material. Volume 9 has been revised primarily to provide additional guidance related to the NARM rule, including guidance about consortiums and noncommercial distribution. It is also revised to clarify training and experience requirements, and to replace NRC Form 313A with six new NRC Form 313A forms specific to types of authorizations. References and information related to Subpart J of 10 CFR Part 35 have been removed since these regulatory requirements expired on October 25, 2005. Additionally, other minor changes were made that are administrative in nature, such as updating the Agreement State section and updating references. Also, information related to identifying and protecting sensitive information was updated.

NUREG–1556, Volume 9, Revision 2, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Use Licenses,'' was noticed for public comment on August 2, 2007 (72 FR 42442).

The remaining two NUREG–1556 volumes were noticed for public comment separately: (1) NUREG–1556, Volume 21, on May 29, 2007 (72 FR 29555), and (2) NUREG–1556, Volume 13, Revision 1, on July 3, 2007 (72 FR 36526). NUREG–1556, Volume 21 was finalized and published in October 2007. NUREG–1556, Volume 13, Revision 1, was finalized and published in November 2007.

Dated at Rockville, Maryland, this 5th day of February, 2008.

For the Nuclear Regulatory Commission.

Dennis K. Rathbun,

Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–2946 Filed 2–14–08; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Anti-Counterfeiting Trade Agreement (ACTA): Request for Public Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public.

SUMMARY: The Office of the United States Trade Representative (USTR) seeks to negotiate an anti-counterfeiting trade agreement to strengthen international cooperation, enforcement practices, and participants' legal frameworks to address counterfeiting and piracy. USTR requests written comments from the public concerning specific matters that should be the focus of such an agreement.

DATES: Submissions must be received on or before 5 p.m. on Friday, March 21, 2008.

ADDRESS: All comments should be sent (i) electronically, to the following *e-mail address: ACTA@ustr.eop.gov*, with ''Anti-Counterfeiting Trade Agreement (ACTA): Request for Public Comments'' in the subject line, or (ii) by fax, to Rachel Bae, at (202) 395–3891, with a confirmation copy sent electronically to the e-mail address above.

FOR FURTHER INFORMATION CONTACT: Rachel S. Bae, Director for Intellectual Property and Innovation, Office of the United States Trade Representative, at (202) 395–4510.

SUPPLEMENTARY INFORMATION: On October 23, 2008, USTR announced that the United States, along with a group of trading partners, would pursue negotiation of a new Anti-Counterfeiting Trade Agreement (ACTA) to provide international leadership in the fight against IPR counterfeiting and piracy. The United States and other interested parties intend to seek an agreement with provisions in three main areas:

international cooperation, enforcement practices, and the legal framework for IPR enforcement.

A principal goal of the ACTA would be to establish, among governments committed to strong IPR protection, a common standard for IPR enforcement to combat global infringements of IPR particularly in the context of counterfeiting and piracy that addresses today's challenges, in terms of increasing international cooperation, strengthening the framework of practices that contribute to effective enforcement of IPRs, and strengthening relevant IPR enforcement measures themselves. A fact sheet providing further details on the ACTA can be found on the USTR Web site at: *http://www.ustr.gov/assets/Document_Library/Reports_Publications/2007/asset_upload_file122_13414.pdf.*

Requirements for Comments: Comments should address specific matters that should be covered by the ACTA in the areas of (a) international cooperation; (b) enforcement practices; and (c) legal framework. Comments should be as detailed as possible.

Comments must be in English. No submissions will be accepted via postal service mail. Documents should be submitted as either WordPerfect, MS Word, Adobe, or text (.TXT) files. Supporting documentation submitted as spreadsheets is acceptable as Quattro Pro or Excel files. A submitter requesting that information contained in a comment be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. A non-confidential version of the comment must also be provided. For any document containing business confidential information, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the character ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Submissions should not include separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

All comments should be sent (i) electronically, to the following e-mail address: ACTA@ustr.eop.gov, with ''Anti-Counterfeiting Trade Agreement (ACTA): Request for Comments'' in the subject line, or (ii) by fax, to Rachel Bae, at (202) 395–9458, with a confirmation copy sent electronically to the e-mail address above.

Public Inspection of Submissions: Within one business day of receipt, non-confidential submissions will be placed in a public file, open for inspection at the USTR reading room, Office of the United States Trade Representative, Annex Building, 1724 F Street, NW., Room 1, Washington, DC. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling Jacqueline Caldwell at (202) 395–6186. The USTR reading room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

Stanford K. McCoy,

Acting Assistant USTR for Intellectual Property and Innovation.

[FR Doc. E8–2944 Filed 2–14–08; 8:45 am]

BILLING CODE 3190–W8–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 12d3–1; SEC File No. 270–504; OMB Control No. 3235–0561.

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.

Section 12(d)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a) generally prohibits registered investment companies (''funds''), and companies controlled by funds, from purchasing securities issued by a registered investment adviser, broker, dealer, or underwriter (''securities-related businesses''). Rule 12d3–1 ''Exemption of acquisitions of securities issued by persons engaged in securities related businesses'' (17 CFR 270.12d3–1) permits a fund to invest up to five percent of its assets in securities of an issuer deriving more than fifteen percent of its gross revenues from securities-related businesses, but a fund may not rely on rule 12d3–1 to acquire securities of its own investment adviser or any affiliated person of its own investment adviser.

A fund may, however, rely on an exemption in rule 12d3–1 to acquire securities issued by its subadvisers in circumstances in which the subadviser would have little ability to take advantage of the fund, because it is not in a position to direct the fund's securities purchases. The exemption in rule 12d3–1(c)(3) is available if (i) the subadviser is not, and is not an affiliated person of, an investment adviser that provides advice with respect to the portion of the fund that is acquiring the securities, and (ii) the advisory contracts of the subadviser, and any subadviser that is advising the purchasing portion of the fund, prohibit them from consulting with each other concerning securities transactions of the fund, and limit their responsibility in providing advice with respect to discrete portions of the fund's portfolio.

The Commission staff estimates that 3583 portfolios of approximately 649 fund complexes use the services of one or more subadvisers. Based on discussions with industry representatives, the staff estimates that it requires approximately 6 hours to draft and execute revised subadvisory contracts allowing funds and subadvisers to rely on the exemptions in rule 17a–10.[1] The staff assumes that all existing funds amended their advisory contracts following the adoption of rule 17a–10 in 2002 that conditioned certain exemptions upon these contractual alterations, and therefore there is no continuing burden for those funds.[2]

Based on an analysis of fund filings, the staff estimates that approximately 600 fund portfolios enter into subadvisory agreements each year.[3] Based on discussions with industry representatives, the staff estimates that it will require approximately 3 attorney hours[4] to draft and execute additional

[1] Rules 12d3–1, 10f–3, 17a–10, and 17e–1 require virtually identical modifications to fund advisory contracts. The Commission staff assumes that funds would rely equally on the exemptions in these rules, and therefore the burden hours associated with the required contract modifications should be apportioned equally among the four rules.

[2] We assume that funds formed after 2002 that intended to rely on rule 17a–10 would have included the contract provision in their initial subadvisory contracts.

[3] The use of subadvisers has grown rapidly over the last several years, with approximately 600 portfolios that use subadvisers registering between December 2005 and December 2006. Based on information in Commission filings, we estimate that 31 percent of funds are advised by subadvisers.

[4] The Commission staff's estimates concerning the wage rates for attorney time are based on salary information for the securities industry compiled by the Securities Industry Association. The $292 per hour figure for an attorney is from the SIA Report

Continued

clauses in new subadvisory contracts in order for funds and subadvisers to be able to rely on the exemptions in rule 17a–10. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 10f–3, 12d3–1, and 17e–1, and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally to all four rules. Therefore, we estimate that the burden allocated to rule 17a–10 for this contract change would be 0.75 hours.[5] Assuming that all 600 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule's contract modification requirement will result in 450 burden hours annually, with an associated cost of approximately $131,400.[6]

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*.

Dated: February 7, 2008.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2873 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

on Management & Professional Earnings in the Securities Industry 2006, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[5] This estimate is based on the following calculation (3 hours ÷ 4 rules = .75 hours).

[6] These estimates are based on the following calculations: (0.75 hours × 600 portfolios = 450 burden hours); ($292 per hour × 450 hours = $131,400 total cost).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17a–4; OMB Control No. 3235–0279; SEC File No. 270–198.

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 for Rule 17a–4 (17 CFR 240.17a–4).

Rule 17a–4 requires approximately 5,791 active, registered exchange members, brokers and dealers (''broker-dealers'') to preserve for prescribed periods of time certain records required to be made by Rule 17a–3 (17 CFR 240.17a–3) and other Commission rules, and other kinds of records which firms make or receive in the ordinary course of business. Rule 17a–4 also permits broker-dealers to employ, under certain conditions, electronic storage media to maintain these required records. The records required to be maintained under Rule 17a–4 are used by examiners and other representatives of the Commission to determine whether broker-dealers are in compliance with, and to enforce their compliance with, the Commission's rules.

The staff estimates that the average number of hours necessary for each broker-dealer to comply with Rule 17a–4 is 254 hours annually. Thus, the total burden for broker-dealers is 1,470,914 hours annually. The staff believes that compliance personnel would be charged with ensuring compliance with Commission regulation, including Rule 17a–4. The staff estimates that the hourly salary of a compliance manager is $245 per hour.[1] Based upon these numbers, the total cost of compliance for 5,791 respondents is the dollar cost is approximately $360.4 million (1,470,914 yearly hours × $245).

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.

[1] This figure is based on the SIFMA Report on Office Salaries In the Securities Industry 2006 (Compliance Manager).

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.

Dated: February 11, 2008.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2874 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 701; OMB Control No. 3235–0522; SEC File No. 270–306.

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 the request for extension of the previously approved collection of information discussed below.

Rule 701(17 CFR 230.701) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires issuers conducting employee benefit plan offerings in excess of $5 million in reliance on the rule to provide the employees covered by the plan with risk and financial statement disclosures. The purpose of Rule 701 is to ensure that a basic level of information is available to employees and others when substantial amounts of securities are issued in compensatory arrangements. Information provided under Rule 701 is mandatory. Approximately 300 companies annually rely on the Rule 701 exemption and it takes 2 hours per response. We estimate that 25% of the 2 hours per response (.5 hours) is prepared by the company for a total annual reporting burden of 150

hours (.5 hours per response × 300 responses).

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.

Written comments regarding the above information should be directed to the following persons: (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 send 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 to OMB within 30 days of this notice.

Dated: February 11, 2008.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2875 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57302; File No. SR–BSE–2008–08]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Expand, and Make Permanent, the $1 Strike Program

February 11, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2008, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. BSE filed the proposal pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the rules of the Boston Options Exchange (''BOX'') to expand the $1 Strike Pilot Program (''Program'') and request permanent approval of the Program. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.bostonoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to expand the Program and request permanent approval of the Program.[5] Chapter IV, section 6 of the BOX rules establishes guidelines regarding the addition of options series for trading on BOX. The Program currently allows the Exchange to select a total of 5 individual stocks on which option series may be listed at $1 strike price intervals. To be eligible for selection into the Program, the underlying stock must close below $20 in its primary market on the previous trading day. If selected for the Program, the Exchange may list strike prices at $1 intervals from $3 to $20, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange also may list $1 strikes on any other option class designated by other securities exchanges that employ a similar $1 strikes program under their respective rules. The Exchange may not list long-term option series (''LEAPS'') at $1 strike price intervals for any class selected for the Program. The Exchange also is restricted from listing any series that would result in strike prices being $0.50 apart.

The Exchange proposes to expand the Program to allow it to select a total of 10 individual stocks on which option series may be listed at $1 strike price intervals. Additionally, the Exchange proposes to expand the price range on which it may list $1 strikes, presently from $3 to $20, to now include stocks priced from $3 to $50. The existing restrictions on listing $1 strikes will continue, *e.g.*, no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, and the Exchange is restricted from listing any series that would result in strike prices being $0.50 apart.

As stated in the Commission notice initially establishing the Program and in the subsequent extensions of the Program,[6] the Exchange believes that $1 strike price intervals provide investors with greater flexibility in the trading of equity options that overlie lower priced stocks by allowing investors to establish equity options positions that are better tailored to meet their investment objectives. The Exchange states that Participants representing customers have requested that BSE seek to expand the Program, both in terms of the number of classes which can be selected and the range in which $1 strikes may be listed.

With regard to the impact on systems capacities, the Exchange's analysis of the Program shows that the impact on BSE's, OPRA's, and market data vendors' respective automated systems has been minimal. In a previously filed proposed rule change,[7] the Exchange analyzed the trading volume for all classes selected by BOX for the Program as a percentage of overall trading volume for all classes on BOX during a specific number of months. The Exchange concluded that the classes selected for the Program represented on average 2.6% of all trading volume on BOX. The Exchange represents that it

[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] BSE implemented the Program in February 2004 and extended it four times through June 5, 2008. *See* Securities Exchange Act Release Nos. 49292 (February 20, 2004), 69 FR 8993 (February 26, 2004) (SR–BSE–2004–01) (adopting the Program); 49806 (June 4, 2004), 69 FR 32640 (June 10, 2004) (SR–BSE–2004–22) (extending the Program until June 5, 2005); 51778 (June 2, 2005), 70 FR 33562 (June 8, 2005) (SR–BSE–2005–18) (extending the Program until June 5, 2006); 53855 (May 24, 2006), 71 FR 30973 (May 31, 2006) (SR–BSE–2006–19) (extending the Program until June 5, 2007); and 55684 (April 30, 2007), 72 FR 26188 (May 8, 2007) (SR–BSE–2007–17) (extending the Program until June 5, 2008).

[6] *See id.*

[7] *See* Securities Exchange Act Release No. 55684 (April 30, 2007), 72 FR 26188 (May 8, 2007) (SR–BSE–2007–17).

has sufficient capacity to handle an expansion of the Program, as proposed.

The Exchange believes that the Program has provided investors with greater trading opportunities and flexibility and the ability to more closely tailor their investment strategies and decisions to the movement of the underlying security. Furthermore, the Exchange has not detected any material proliferation of illiquid options series resulting from the narrower strike price intervals. For these reasons, BSE requests that the Program be approved on a permanent basis.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of section 6(b) of the Act,[8] in general, and section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange states that it has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after 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 requests that the Commission waive the 30-day operative delay so that the Exchange can immediately implement these listing rules, as proposed, that are similar to those implemented by other options exchanges[12] and do not raise any novel issues. In addition, the Exchange believes that the proposed rule change is necessary to eliminate any confusion among members of multiple exchanges regarding the Program and to allow the Exchange to remain competitive. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change will provide the Exchange's members and customers with added flexibility in the trading of equity options and promote, without undue delay, additional competition in the market for such options.[13] For these reasons, the Commission designates the proposed rule change as operative upon filing. The Commission expects the Exchange to continue to monitor for options with little or no open interest and trading activity and to act promptly to delist such options. In addition, the Commission expects that BSE will continue to monitor the trading volume associated with the additional options series listed as a result of this proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's, and vendors' automated systems.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BSE–2008–08 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–BSE–2008–08. 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 the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2008–08 and should be submitted on or before March 7, 2008.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[12] *See* Securities Exchange Act Release Nos. 57169 (January 18, 2008), 73 FR 4654 (January 25, 2008) (SR–ISE–2007–110); 57130 (January 10, 2008), 73 FR 3302 (January 17, 2008) (SR–NYSEArca–2008–04); 57110 (January 8, 2008), 73 FR 2292 (January 14, 2008) (SR–Amex–2007–141); 57111 (January 8, 2008), 73 FR 2297 (January 14, 2008) (SR–Phlx–2008–01); and 57049 (December 27, 2007), 73 FR 528 (January 3, 2008) (SR–CBOE–2007–125).

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2852 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57299; File No. SR–FINRA–2008–004]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish a Fee for the Submission of Non-Media Reports to the NASD/NSX Trade Reporting Facility

February 8, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 6, 2008, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as one establishing or changing a member due, fee, or other charge imposed by Nasdaq under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to establish a fee for the submission of non-media reports to the NASD/NSX Trade Reporting Facility (the ''NASD/NSX TRF'').[5] The text of the proposed rule change is available at *www.finra.org,* the principal offices of FINRA, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On November 6, 2006, the Commission approved the establishment of the NASD/NSX TRF,[6] and on November 27, 2006, the NASD/NSX TRF commenced operation. The NASD/NSX TRF provides FINRA members with another mechanism for reporting locked-in transactions in NMS stocks, as defined in Rule 600(b)(47) of Regulation NMS under the Act,[7] effected otherwise than on an exchange.

In connection with the establishment of the NASD/NSX TRF, FINRA and National Stock Exchange, Inc. (''NSX'') entered into a Limited Liability Company Agreement for NASD/NSX Trade Reporting Facility LLC (the ''NASD/NSX TRF LLC Agreement''), a copy of which appears in the NASD Manual. Under the NASD/NSX TRF LLC Agreement, FINRA, the ''SRO Member,'' has sole regulatory responsibility for the NASD/NSX TRF. NSX, the ''Business Member,'' is primarily responsible for the management of the NASD/NSX TRF's business affairs, including establishing pricing for use of the NASD/NSX TRF, to the extent those affairs are not inconsistent with the regulatory and oversight functions of FINRA. Additionally, the Business Member is obligated to pay the cost of regulation and is entitled to the profits and losses, if any, derived from the operation of the NASD/NSX TRF.

FINRA members can submit to the NASD/NSX TRF ''media'' reports (*i.e.*, trade reports that are publicly disseminated by the Securities Information Processors (''SIPs'')) and ''non-media'' reports (*i.e.*, reports that are submitted not for publication by the SIPs, but solely for clearing and/or regulatory purposes). Because FINRA uses all reports submitted, whether media or non-media, in conducting its regulatory and oversight functions, the NASD/NSX TRF is charged regulatory costs by FINRA based on all such reports that are submitted to the NASD/NSX TRF. However, market data revenue generated for NASD/NSX TRF activity is derived solely from media reports submitted and, as provided in NASD Rule 7002C, no other fees currently apply to the use of the NASD/NSX TRF. Thus, NSX, as the Business Member, believes that members should be charged a fee for submission of non-media reports that would serve to offset directly its regulatory costs associated with non-media reports.

Proposed Fee for Submission of Non-Media Reports

Accordingly, FINRA is proposing to adopt new NASD Rule 7003C to establish a fee for the submission of non-media reports to the NASD/NSX TRF. Specifically, under the proposed Rule, at the end of each billing cycle, a FINRA member will be charged a fee in the amount of $.0075 for each non-media report that the member submitted to the NASD/NSX TRF during that billing cycle. For purposes of the proposed Rule, a non-media report is any report submitted by the member to the NASD/NSX TRF that is not submitted by the NASD/NSX TRF to the Consolidated Tape Association or the Nasdaq Securities Information Processor.

NSX, as the Business Member, has determined that the proposed fee of $.0075 per report best approximates its regulatory costs associated with non-media reports submitted to the NASD/NSX TRF and is necessary for competitive reasons. NSX believes that the ability to offset such regulatory costs is crucial to the business of the NASD/NSX TRF and will keep the NASD/NSX TRF's prices competitive.

Additionally, FINRA is proposing a technical amendment to NASD Rule 7002C to clarify that there will be no charge for use of the NASD/NSX TRF, except as otherwise provided in the Rule 7000C Series (Charges for NASD/NSX Trade Reporting Facility Services). This technical amendment is necessary to avoid any potential confusion between Rule 7002C and proposed Rule 7003C.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] Effective July 30, 2007, FINRA was formed through the consolidation of NASD and the member regulatory functions of NYSE Regulation. Accordingly, the NASD/NSX TRF is now doing business as the FINRA/NSX TRF. The formal name change of each Trade Reporting Facility is pending and once completed, FINRA will file a separate proposed rule change to reflect those changes in the Manual.

[6] *See* Securities Exchange Act Release No. 54715 (November 6, 2006), 71 FR 66354 (November 14, 2006) (SR–NASD–2006–108).

[7] 7 17 CFR 242.600(b)(47).

FINRA has filed the proposed rule change for immediate effectiveness. The operative date will be the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[8] in general, and with Section 15A(b)(5) of the Act,[9] in particular, which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA believes that the proposed rule change is a reasonable fee structure in that it will be applied uniformly to all FINRA members that submit non-media reports to the NASD/NSX TRF.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act [10] and Rule 19b–4(f)(2) [11] thereunder, because it establishes or changes a due, fee, or other charge imposed on members by FINRA. Accordingly, the proposal is effective upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2008–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2008–004. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2008–004 and should be submitted on or before March 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2865 Filed 2–14–08; 8:45 am]

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[8] 8 15 U.S.C. 78o–3.

[9] 9 15 U.S.C. 78o–3(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57305; File No. SR–NYSE–2007–119]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change Relating to the Adoption of New Exchange Rule 309 (Failure To Pay Fees)

February 11, 2008.

I. Introduction

On December 21, 2007, the New York Stock Exchange LLC (''NYSE'') 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 adopt new Exchange Rule 309, which delineates procedures for the collection of fee arrearages due to the Exchange. The proposed rule change was published for comment in the **Federal Register** on January 7, 2008.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange has proposed to establish new procedures to address members, member organizations, and allied members who fail to pay ''fee[s] or any other sums due to the Exchange.'' [4] Types of payments that the Exchange would consider to be a ''fee'' under proposed Rule 309 include, but are not limited to, regulatory fees (*i.e.,* Gross Financial and Operational Combined Uniform Single Report (FOCUS) revenue fees and trading floor regulatory fees), trading license fees, and transaction charges. Types of payments that the Exchange would consider to be covered by the term ''any other sums'' include, but are not limited to, charges for using Exchange Floor

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 57065 (December 28, 2007), 73 FR 1248 (''Notice'').

[4] *See* proposed Rule 309. Currently, Exchange Rule 476(k) sets forth the procedures for addressing the failure of members, member organizations, or allied members to pay ''a fine, or any other sums due to the Exchange.'' Rule 476(k) provides that upon written notice to such members, member organizations, or allied members and notification of the Chairman of the Board of Directors of the Exchange of the arrearage, the Board of Directors may suspend the member, member organization, or allied member for failure to pay the arrearages due the Exchange until payment is made.

facilities and equipment and phone service charges.[5]

Pursuant to proposed Rule 309, if a member, member organization, or allied member fails to make payment within forty-five days after the fee or other sum becomes payable, notice of the arrearage will be given to the member and the member will be reported to the Chief Financial Officer (''CFO'') of the Exchange or a designee. The CFO or designee will be responsible for taking any remedial action he or she deems appropriate, including suspension of the delinquent member's, member organization's, or allied member's access to some or all Exchange facilities.

In its filing, the Exchange stated that the terms ''fees'' and ''any other sums'' in the text of proposed Rule 309 will not include fines levied in connection with a disciplinary proceeding. The proposed rule provides that failure to pay such disciplinary fines will continue to be governed by the provisions of Exchange Rule 476(k) (Disciplinary Proceedings Involving Charges Against Members, Member Organizations, Allied Members, Approved Persons, Employees, or Others).[6]

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[7] and, in particular, the requirements of section 6 of the Act.[8] Specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of a national securities exchange be 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.

Currently, under Exchange Rule 476(k), the ability to suspend members, member organizations, and allied members for non-payment of sums due to the Exchange becomes operative after 45 days. According to the Exchange, this provision currently is not utilized by the Exchange; instead, arrearages are referred to the Exchange's collections department for resolution, which generally does not avail itself of the recourse provided in Exchange Rule 476(k). The Exchange has proposed to have notice of certain overdue fees (other than disciplinary fines and fees) reported to the CFO (or his or her designee), and to vest in the CFO (or his or her designee) the authority to determine what if any remedial action should be taken upon receipt of a report that a member, member organization, or allied member failed to pay a fee. Specifically, the CFO, or his or her designee, would be empowered to suspend access to some or all of the facilities of the Exchange until payment of the arrearage is made.

The Commission believes that the Exchange's proposal to empower its Chief Financial Officer, or his or her designee, to consider and address non-payment of certain fees and other sums due to the Exchange, other than disciplinary fines, after notice has been given of the arrearage to such member, member organization, or allied member, is consistent with the Act.

The proposed rule would not preclude the Exchange's CFO from presenting notice of any arrearage to the Board pursuant to Exchange Rule 476(k) where appropriate, but rather provides a more efficient process for the Exchange's senior management to address non-payment of certain fees and other sums due to the Exchange, other than disciplinary fines, without the need to involve the Exchange's Board of Directors in what is normally a purely business matter.

In approving the proposed rule change, the Commission has relied on the Exchange's representation that failure to pay disciplinary fines and any fees assessed in connection with disciplinary matters will continue to be governed solely by Rule 476(k), and that suspension of members for failure to pay fines or fees arising out of disciplinary actions continues to be subject to consideration by the Exchange's Board of Directors pursuant to that rule.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (File No. SR–NYSE–2007–119) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2866 Filed 2–14–08; 8:45 am]

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[5] Telephone bills for Exchange-provided portable phones are paid by the Exchange and thereafter the Exchange submits an invoice to the member, member organization, or allied member for reimbursement.

[6] The Exchange stated that in the context of Rule 476(k), ''fine'' includes a fine levied in connection with a disciplinary proceeding and related fees also associated with a disciplinary proceeding.

[7] 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).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57294; File No. SR–NYSEArca–2007–78]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change to Trade Units of the United States Heating Oil Fund, LP and the United States Gasoline Fund, LP Pursuant to Unlisted Trading Privileges

February 8, 2008.

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 July 30, 2007, NYSE Arca, Inc. (''Exchange''), through its wholly-owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. This order provides notice of the proposed rule change and approves the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, through its wholly-owned subsidiary NYSE Arca Equities, proposes to trade pursuant to unlisted trading privileges (''UTP'') units (''Units'') of the United States Heating Oil Fund, LP (''USHO'') and the United States Gasoline Fund, LP (''USG'') (each, a ''Partnership,'' and collectively ''Partnerships'') pursuant to NYSE Arca Equities Rule 8.300. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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

Under NYSE Arca Equities Rule 8.300, the Exchange may propose to list and/or trade pursuant to UTP ''Partnership Units.'' The Exchange proposes to trade the Units pursuant to UTP under NYSE Arca Equities Rule 8.300.

Each Unit represents ownership of a fractional undivided beneficial interest in the net assets of each of USHO or USG. Each Partnership is a commodity pool that will issue Units that may be purchased and sold on the Exchange. The net assets of each of USHO and USG will consist of investments in futures contracts based on heating oil, gasoline, crude oil, and other petroleum-based fuels and natural gas that are traded on the New York Mercantile Exchange (''NYMEX''), Intercontinental Exchange (''ICE Futures'') or other U.S. and foreign exchanges (collectively, ''Futures Contracts''). The Commission has approved the listing and trading of the Units on the American Stock Exchange LLC (''Amex'').[3]

Detailed information regarding the Partnerships; the investment strategies, objectives, and policies of the Partnerships; the petroleum-based fuels market; the structure, management, and regulation of the Partnerships; accountability levels and position limits; the Indicative Partnership Value (as defined herein); the manner in which the Units will be offered and sold; calculation methodologies; and arbitrage can be found in the Amex Proposal and in the respective Registration Statements regarding the offering of the Units filed with the Commission under the Securities Act of 1933.[4]

Dissemination and Availability of Information About the Underlying Futures Contracts and the Units

As set forth in the Amex Proposal, the daily settlement prices for the NYMEX-traded Futures Contracts are publicly available at *http://www.nymex.com*. Quote and last-sale information for the Futures Contracts are widely disseminated through a variety of market data vendors worldwide, including Bloomberg and Reuters. In addition, real-time futures data is available by subscription from Reuters and Bloomberg. NYMEX also provides delayed futures information on current and past trading sessions and market news free of charge on its Web site. The specific contract specifications for the Futures Contracts are also available on the NYMEX Web site and the ICE Futures Web site at *http://www.icefutures.com*.

Amex will disseminate through the facilities of the Consolidated Tape Association (''CTA'') an updated Indicative Partnership Value (''Indicative Partnership Value''), which will be disseminated on a per-Unit basis at least every 15 seconds during regular Amex trading hours of 9:30 a.m. to 4:15 p.m. Eastern Time (''ET''). In addition, shortly after 4 p.m. ET on each business day, the Administrator, Amex, and the General Partner will disseminate the Basket Amount [5] for orders placed during that day, together with the net asset value (''NAV'') for the Units.[6] The Indicative Partnership Value will be calculated based on the Treasuries and cash required for creations and redemptions (*i.e.*, NAV per limit × 100,000) adjusted to reflect the price changes of the relevant Benchmark Futures Contract.

The Indicative Partnership Value is based on open-outcry trading of the relevant Benchmark Futures Contract on the NYMEX. Open-outcry trading on the NYMEX closes at 2:30 p.m. ET while NYMEX's energy futures contracts are traded on the Chicago Mercantile Exchanges CME Globex® electronic trading platform on a 24-hour basis.[7] After the close of trading on the NYNEX at 2:30 p.m. ET, the Indicative Partnership Value will reflect changes to the relevant Benchmark Futures Contract as provided for through CME Globex. The value of the relevant Benchmark Futures Contract will be available on a 15-second delayed basis during the time the Units trade on the Exchange.[8]

While the NYMEX is open for trading, the Indicative Partnership Value can be expected to closely approximate the value per Unit of the Basket Amount. However, during NYSE Arca Marketplace trading hours when the Futures Contracts have ceased trading, spreads and resulting premiums or discounts may widen and therefore increase the difference between the price of the Units and the NAV of the Units. The Indicative Partnership Value on a per-Unit basis disseminated from 9:30 a.m. to 4:15 p.m. ET should not be viewed as a real-time update of the NAV, which is calculated only once a day.

Quotations and last-sale information regarding the Units will be disseminated through the facilities of the CTA and the Consolidated Quote High Speed Lines.[9] Amex intends to disseminate for each Partnership on a daily basis information with respect to the Indicative Partnership Value, recent NAV, Units outstanding, and the Basket Amount. Amex will also make available on its Web site the following information: (1) The prior business day's NAV and the reported closing price; (2) the mid-point of the bid-ask price in relation to the NAV as of the time the NAV is calculated (''Bid-Ask price'');[10] (3) calculation of the premium or discount of such price against such NAV; (4) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (5) the prospectus and the most recent periodic reports filed with the SEC or required by the CFTC for each of the Partnerships; (6) the daily trading volume and closing price of the Units;

[3] *See* Securities Exchange Act Release No. 57188 (January 23, 2008) (SR–Amex–2007–70) (approving Amex's proposal to list and trade the Units). *See also* Securities Exchange Act Release No. 57042 (December 26, 2007), 73 FR 514 (January 3, 2008) (SR–Amex–2007–70) (providing notice of Amex's proposal to list and trade the Units) (''Amex Proposal'').

[4] *See* USHO's Registration Statement on Form S–1 filed on April 19, 2007 (File No. 333–142211); USG's Registration Statement on Form S–1 filed on April 18, 2007 (File No. 333–142206).

[5] *See infra* note 14.

[6] E-mail from Tim Malinowski, Director, NYSE Euronext, to Geoffrey Pemble, Special Counsel, Division of Trading and Markets, Commission, dated February 1, 2008 (''NYSE Arca Confirmation''). According to the Amex Proposal, Amex will obtain a representation from each Partnership that its NAV per Unit will be calculated daily and made available to all market participants at the same time. *See* Amex Proposal, *supra* note 3.

[7] CME Globex operates on a 24-hour basis each trading day.

[8] *See* NYSE Arca Confirmation, *supra* note 6.

[9] *See id.*

[10] The Bid-Ask Price of Units is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

and (7) other applicable quantitative information.

USHO's and USG's total portfolio composition will be disclosed, each business day that Amex is open for trading, on their respective Web sites at *http://www.unitedstatesheatingoilfund.com* and *http://www.unitedstatesgasolinefund.com*. USHO's Web site disclosure of portfolio holdings will be made available daily and will include, as applicable, the name and value of each Heating Oil Interest,[11] the specific types and characteristics of such Heating Oil Interests, Treasuries,[12] and the amount of cash and cash equivalents held in the portfolio of USHO. USG's Web site disclosure of portfolio holdings will be made available daily and will include, as applicable, the name and value of each Gasoline Interest,[13] the specific types and characteristics of such Gasoline Interests, Treasuries, and the amount of cash and cash equivalents held in the portfolio of USG. The public Web site disclosure of the portfolio composition of each of USHO and USG will coincide with the disclosure by Brown Brothers Harriman & Co. (the ''Administrator'') of the NAV for the Units and the Basket Amount [14] (for orders placed during the day) for each Partnership on each business day.

Trading Rules

The Exchange deems the Units to be equity securities, thus rendering trading in the Units subject to its existing rules governing the trading of equity securities. The Exchange represents that the Units will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. ET. The Exchange represents that it has appropriate rules to facilitate transactions in the Units during all trading sessions.

To facilitate surveillance, NYSE Arca Equities Rule 8.300(e) sets forth certain restrictions on ETP Holders acting as registered Market Makers in Units. NYSE Arca Equities Rule 8.300(e)(2)–(3) requires that an ETP Holder acting as a registered Market Maker in the Units provide the Exchange with necessary information relating to its trading in underlying assets or commodities, related futures or options on futures, or any other related derivatives. NYSE Arca Equities Rule 8.300(e)(4) prohibits the ETP Holder acting as a registered Market Maker in the Units from using any material nonpublic information received from any person associated with an ETP Holder or employee of such person regarding trading by such person or employee in the underlying asset or commodity, related futures or options on futures, or any other related derivative (including the Units). In addition, NYSE Arca Equities Rule 8.300(e)(1) prohibits the ETP Holder acting as a registered Market Maker in the Units from being affiliated with a market maker in the underlying asset or commodity, related futures or options on futures, or any other related derivative unless adequate information barriers are in place, as provided in NYSE Arca Equities Rule 7.26.

Trading Halts

The Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Units. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Units inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying Futures Contracts, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Units could be halted pursuant to the Exchange's ''circuit breaker'' rule [15] or by the halt or suspension of trading of the underlying securities.

In addition, the Exchange represents that it will cease trading the Units of a Partnership if: (a) The listing market stops trading the Units because of a regulatory halt similar to a halt based on NYSE Arca Equities Rule 7.12; or (b) the listing market delists the Units. Additionally, the Exchange may cease trading the Units if such other event shall occur or condition exists which in the opinion of the Exchange makes further dealings on the Exchange inadvisable. UTP trading in the Units is also governed by the trading halts provisions of NYSE Arca Equities Rule 7.34 relating to temporary interruptions in the calculation or wide dissemination of an Indicative Partnership Value or the value of an underlying Benchmark Futures Contract.[16]

Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products to monitor trading in the Units. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Units in all trading sessions and to deter and detect violations of Exchange rules.

The Exchange's current trading surveillance focuses on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges that are members or affiliates of the ISG.[17] In addition, the Exchange has an Information Sharing Agreement in place with NYMEX and ICE Futures for the purpose of providing information in connection with trading in or related to futures contracts traded on NYMEX and ICE Futures, respectively. To the extent that a Partnership invests in Heating Oil Interests or Gasoline Interests traded on other exchanges, the Exchange will seek to enter into information sharing agreements with those particular exchanges.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Units. Specifically, the

[11] Heating Oil Interests are defined as investments in Futures Contracts and other heating-oil-related investments, such as cash-settled options on Futures Contracts, forward contracts for heating oil, and over-the-counter (''OTC'') contracts that are based on the price of heating oil, oil, and other petroleum-based fuels, Futures Contracts, and indices based on the foregoing. *See* Amex Proposal, *supra* note 3, 73 FR at 514.

[12] Treasuries are defined as short-term obligations of the United States of two years or less. *See id.*

[13] Gasoline Interests are defined as investments in Futures Contracts and other gasoline-related investments, such as cash-settled options on Futures Contracts, forward contracts for gasoline, and OTC transactions that are based on the price of gasoline, oil, and other petroleum-based fuels, Futures Contracts, and indices based on the foregoing. *See id.*

[14] *See id.,* 73 FR at 519 (defining Basket Amount as the amount of Treasuries and/or cash equal to the NAV per Unit *times* 100,000 Units required for the purchase of a basket of Units).

[15] *See* NYSE Arca Equities Rule 7.12.

[16] NYSE Arca Equities Rule 7.34(a) literally addresses temporary interruptions in the calculation or wide dissemination of the Indicative Intra-Day Value and the value of an underlying index. The Units of each Partnership, however, do not have an underlying index, but have an underlying Benchmark Futures Contract. Therefore, the Exchange hereby represents that the provisions in NYSE Arca Equities Rule 7.34(a) that address interruptions in the calculation or wide dissemination of the value of an underlying index shall also apply to interruptions in the calculation or wide dissemination of the value of an underlying Benchmark Futures Contract.

[17] For a list of the current members and affiliate members of ISG, *see http://www.isgportal.com.*

Bulletin will discuss the following: (1) The risks involved in trading the Units during the Opening and Late Trading Sessions when an updated Indicative Partnership Value will not be calculated or publicly disseminated; (2) the procedures for purchases and redemptions of Units in Baskets (and that Units are not individually redeemable); (3) NYSE Arca Equities Rule 9.2(a);[18] (4) how information regarding the Indicative Partnership Value is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Units prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that each Partnership is subject to various fees and expenses; there is no regulated source of last-sale information regarding physical commodities; the Commission has no jurisdiction over the trading of heating oil, gasoline, crude oil, natural gas, or other petroleum-based fuels; and the CFTC has regulatory jurisdiction over the trading of heating oil-based and gasoline-based futures contracts and related options. The Bulletin will also discuss any exemptive, no-action, or interpretive relief granted by the Commission from any rules under the Act, and will disclose the trading hours of the Units of each Partnership and that the NAV for the Units will be calculated after 4 p.m. ET each trading day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[19] in general, and furthers the objectives of section 6(b)(5),[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

In addition, the Exchange believes that the proposed rule change is consistent with Rule 12f–5 under the Act[21] because it deems the Units to be equity securities, thus rendering the Units subject to the Exchange's rules governing the trading of equity securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor 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–NYSEArca–2007–78 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–78. 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 the filing also will be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2007–78 and should be submitted on or before March 7, 2008.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, 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.[22] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,[23] which requires that an exchange have rules designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that this proposal should benefit investors by increasing competition among markets that trade the Units.

In addition, the Commission finds that the proposal is consistent with section 12(f) of the Act,[24] which permits an exchange to trade, pursuant to UTP, a security that is listed and registered on another exchange.[25] The Commission

[18] NYSE Arca Equities Rule 9.2(a) provides that an ETP Holder, before recommending a transaction, must have reasonable grounds to believe that the recommendation is suitable for the customer based on any facts disclosed by the customer as to his other security holdings and as to his financial situation and needs. Further, the rule provides, with a limited exception, that prior to the execution of a transaction recommended to a non-institutional customer the ETP Holder shall make reasonable efforts to obtain information concerning the customer's financial status, tax status, investment objectives, and any other information that it believes would be useful to make a recommendation. *See* Securities Exchange Act Release No. 54045 (June 26, 2006), 71 FR 37971 (July 3, 2006) (SR–PCX–2005–115).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 17 CFR 240.12f–5.

[22] 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).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78*l*(f).

[25] Section 12(a) of the Act, 15 U.S.C. 78*l*(a), generally prohibits a broker-dealer from trading a security on a national securities exchange unless the security is registered on that exchange pursuant to Section 12 of the Act. Section 12(f) of the Act excludes from this restriction trading in any security to which an exchange ''extends UTP.'' When an exchange extends UTP to a security, it allows its members to trade the security as if it were

notes that it approved the original listing and trading of the Units on Amex.[26] The Commission also finds that the proposal is consistent with Rule 12f–5 under the Act,[27] which provides that an exchange shall not extend UTP to a security unless the exchange has in effect a rule or rules providing for transactions in the class or type of security to which the exchange extends UTP. The Exchange has represented that it meets this requirement because it deems the Units to be equity securities, thus rendering trading in the Units subject to the Exchange's existing rules governing the trading of equity securities.

The Commission further believes that the proposal is consistent with section 11A(a)(1)(C)(iii) of the Act,[28] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotations and last-sale information regarding the Units will be disseminated through the facilities of the CTA and Consolidated Quote High Speed Lines. The daily settlement prices for the Futures Contracts are publicly available on various Web sites, and market data vendors and news publications publish futures prices and related data, including quotation and last-sale information for the Futures Contracts. Amex will disseminate through the facilities of the CTA an updated Indicative Partnership Value on a per-Unit basis at least every 15 seconds during regular Amex trading hours. Amex intends to disseminate for each Partnership on a daily basis information with respect to the Indicative Partnership Value, the NAV, the number of Units outstanding, the Basket Amount, and daily trading volumes and closing prices of the Units. Finally, USHO's and USG's total portfolio composition will be disclosed, each business day that the Amex is open for trading, on their respective Web sites.

The Commission also believes that the Exchange's trading halt rules are reasonably designed to prevent trading in the Units when transparency is impaired. If the listing market halts trading when the Indicative Fund Value is not being calculated or disseminated, the Exchange would halt trading in the Units. The Exchange has represented that it would follow the procedures with respect to trading halts set forth in NYSE Arca Equities Rule 7.34.

The Commission notes that, if the Units should be delisted by the listing exchange, the Exchange would no longer have authority to trade the Units pursuant to this order.

In support of this proposal, the Exchange has made the following representations:

1. The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Units in all trading sessions and to deter and detect violations of Exchange rules.

2. Prior to the commencement of trading, the Exchange would inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Units, including risks inherent with trading the Units during the Opening and Late Trading Sessions when the updated Indicative Partnership Value is not calculated and disseminated, and of suitability recommendation requirements.

3. The Information Bulletin also would discuss the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Units prior to or concurrently with the confirmation of a transaction.

4. Trading in the Units will be subject to NYSE Arca Equities Rule 8.300(e), which sets forth certain restrictions on ETP Holders acting as registered Market Makers in Units to facilitate surveillance.

This approval order is based on these representations.

The Commission finds good cause for approving this proposal before the thirtieth day after the publication of notice thereof in the **Federal Register**. As noted previously, the Commission previously found that the listing and trading of the Units on Amex is consistent with the Act.[29] The Commission presently is not aware of any regulatory issue that should cause it to revisit that finding or would preclude the trading of the Units on the Exchange pursuant to UTP. Therefore, accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for the Units.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[30] that the proposed rule change (SR–NYSEArca–2007–78) thereto, be and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2822 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

listed and registered on the exchange even though it is not so listed and registered.

[26] *See supra* note 3.

[27] 17 CFR 240.12f–5.

[28] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[29] *See supra* note 3.

[30] 15 U.S.C. 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57298; File No. SR–DTC–2007–13]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of a Proposed Rule Change Relating to the Foreign Currency Payment Option

February 8, 2007.

I. Introduction

On September 26, 2007, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2007–13 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on December 3, 2007.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

The proposed rule change provides that DTC's Foreign Currency Payment Option (''FCP Option'') may be used (1) in relation to securities denominated in U.S. dollars and (2) regardless of whether the terms of the issue originally contemplated the option of payment in one or more currencies. Currently, DTC offers the FCP Option in order for participants to elect to receive dividend, interest, principal, redemption, or maturity payments either in foreign currency outside of DTC or in U.S. dollars within DTC with respect to a foreign denominated issue when the foreign currency option is included in the initial offering terms of the DTC-eligible issue.

U.S. Denominated Securities

The rule change clarifies that the FCP Option will be made available for U.S. denominated securities as well as foreign denominated securities. When

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 56840 (November 27, 2007), 72 FR 67987.

DTC initially filed to implement the FCP Option, the issues providing for multiple currencies payments were foreign denominated.[3] The wording of the filing inadvertently put participants holding U.S. denominated securities at a disadvantage with respect to the FCP Option. This rule change remedies this unintentional result by allowing the FCP Option to be used with respect to U.S. denominated securities.

Designation of Payment Option After Initial Issuance

The rule change allows for the use of the FCP Option for DTC-eligible securities that were not initially issued with the option of payment in multiple currencies. Additionally, DTC is amending its rules to allow an issuer or its agent to use the FCP Option to add an additional currency to the payment options originally offered in relation to a DTC-eligible security.[4] In such a case, the issuer or its agent would instruct DTC within prescribed time frames and in a form satisfactory to DTC to send out a notice to participants holding positions in the subject security to inform them of the payment options for a particular payment event. Such a notice would contain all necessary information for a participant to be able to elect a particular currency option. The method of payment (U.S. dollars within DTC or foreign currency outside of DTC) and the election process would remain the same.

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. In the 1994 order approving DTC's original rule allowing the foreign currency payment option, the Commission found that the FCP Option facilitates the immobilization of certificates at DTC and therefore reduces the costs to secondary market participants by increasing the use of book-entry settlement.[5] Similarly, we find that the proposed rule change by extending the FCP Option to U.S. denominated securities and to securities not originally issued with the option of receiving payments in multiple currencies should achieve the same result. As a result of the proposed rule change, DTC participants holding these securities will no longer have to withdraw their shares from DTC in order to receive payments in foreign currencies offered by an issuer or its agent. The proposed rule change should, therefore, provide cost savings and should expand the efficiencies related to book-entry transfer for DTC participants. For these reasons we find that the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions consistent with DTC obligations under section 17A(b)(3)(F).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.[6]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–2007–13) be and hereby is approved.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–2823 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57308; File No. S7–03–08]

Notice of Solicitation of Public Views Regarding Practices Being Developed To Deal With the Increasing Number of Senior Investors

On February 8, 2008, the Commission issued Press Release No. 2008–16 announcing that the Commission staff, in coordination with FINRA and NASAA, would be seeking information from all interested parties (including investors, broker-dealers and investment advisers) concerning the particular practices that have been developed and are being developed to responsibly deal with the increasing number of senior investors. The goal of the project is to identify industry practices in dealing with senior investors that appear to be effective in ensuring that the firms deal fairly with senior investors, and to provide information about these practices publicly. It is anticipated that the staff will prepare a report summarizing the project and practices identified.

The Commission asks all parties to share effective practices in the following areas:

- Marketing and advertising to seniors (including information such as procedures to review this material);
- Account opening (including information such as any additional disclosures provided to seniors, any review conducted on account opening documents; and information obtained about the customer);
- Product and account review (including information such as whether the firm has any specific guidelines for selling particular products to senior investors, additional or enhanced reviews of purchases);
- Ongoing review of the relationship and appropriateness of products (including information such as who conducts review, frequency of review, any guidelines for appropriateness of products and procedures);
- Discerning and meeting the changing needs of customers as they age (including information such as procedures for handling customer accounts if the customer becomes unable to make their own investment decisions, required documentation, and any review of customer accounts as the customer ages to ensure customers investment objectives are being met);
- Surveillance and compliance reviews (including information such as exception reports; description of the types of reviews conducted, and procedures or guidance given to the reviewer); and
- Training for firm employees (including information such as who is required to attend the training, when was training implemented, and any written procedures).

If you wish to send us your views, please submit them by hard copy or e-mail, but not by both methods on or before April 1, 2008. We strongly encourage electronic submissions. You may submit your written views electronically at the following electronic mail address: *rule-comments@sec.gov*. We do not edit personal identifying information, such as names or electronic

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[3] Securities Exchange Act Release Nos. 33597 (February 8, 1994), 59 FR 7272 (February 15, 1994) (File No. SR–DTC–93–10) and 29144 (April 30, 1991), 56 FR 21182 (May 7, 1991) (File No. SR–DTC–90–09).

[4] For example, payment in a different currency than that offered when a security was initially issued might be desirable in the event of a change in tax withholding legislation subsequent to the initial issuance which might make it more attractive for investors from a particular country to hold position in a security. It would in turn be helpful for such investors to have the ability to receive payments in relation to the subject security in their home country currency.

[5] Securities Exchange Act Release No. 29144 (April 30, 1991), 56 FR 21182 (May 7, 1991) (File No. SR–DTC–90–09).

[6] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[7] 17 CFR 200.30–3(a)(12).

mail addresses, from electronic submissions so you should submit only information that you wish to make available publicly.

Views communicated in hard copy should be submitted in triplicate to Nancy Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. All submissions should refer to File No. S7–03–08. This file number should be included in the subject line if electronic mail is used. Hard copy submissions will be available for public 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. Electronic submissions will be posted on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*).

For additional information, please contact Suzanne McGovern, Assistant Director, or Laura Magyar, Branch Chief at (202) 551–6452, in the Office of Compliance Inspections and Examinations, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: February 11, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E8–2860 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11171 and # 11172]

Mississippi Disaster # MS–00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of MISSISSIPPI dated 02/08/2008.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/05/2008.

EFFECTIVE DATE: 02/08/2008.

Physical Loan Application Deadline Date: 04/08/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 11/10/2008.

ADDRESSES: Submit completed loan applications to : U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alcorn, Lafayette.

Contiguous Counties:

≤Mississippi: Calhoun, Marshall, Panola, Pontotoc, Prentiss, Tate Tippah, Tishomingo, Union, Yalobusha.

Tennessee: Hardeman, Hardin, McNairy.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11171 C and for economic injury is 11172 0.

The States which received an EIDL Declaration # are Mississippi, Tennessee.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: February 8, 2008.

Steven C. Preston,

Administrator.

[FR Doc. E8–2842 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11166]

Arkansas Disaster # AR–00016

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1744–DR), dated 02/07/2008.

Incident: Severe Storms, Tornadoes, and Flooding

Incident Period: 02/05/2008 and continuing.

Effective Date: 02/07/2008.

Physical Loan Application Deadline Date: 04/07/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/07/2008, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Baxter, Conway, Independence, Izard, Pope, Randolph, Sharp, Stone, Union, Van Buren.

The Interest Rates Are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250.
Businesses And Non-Profit Organizations Without Credit Available Elsewhere:	4.000.
The number assigned to this disaster for physical damage is	11166

(Catalog of Federal Domestic Assistance Number 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–2847 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11165]

Hawaii Disaster # HI–00011

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Hawaii (FEMA–1743–DR), dated 02/06/2008.

Incident: Severe Storms, High Surf, Flooding, and Mudslides.

Incident Period: 12/04/2007 through 12/07/2007.

Effective Date: 02/06/2008.

Physical Loan Application Deadline Date: 04/07/2008.

Addresses: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/06/2008, Private Non-Profit Organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hawaii, Kauai, Maui.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11165.

(Catalog of Federal Domestic Assistance Number 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–2840 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11164]

Missouri Disaster # MO–00020

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

Summary: This Is A Notice of The Presidential Declaration of A Major Disaster For Public Assistance Only For The State of *Missouri* (FEMA–1742–DR), dated 02/05/2008.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 01/07/2008 through 01/10/2008.

Effective Date: 02/05/2008.

Physical Loan Application Deadline Date: 04/07/2008.

ADDRESSES: *Submit completed loan applications to:* U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/05/2008, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barry, Dallas, Laclede, Maries, McDonald, Newton, Phelps, Stone, Webster.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11164.

(Catalog of Federal Domestic Assistance Number 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–2845 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11167 and # 11168]

Tennessee Disaster # TN–00018

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1745–DR), dated 02/07/2008.

Incident: Severe Storms, Tornadoes, Straight-Line Winds, and Flooding.

Incident Period: 02/05/2008 through 02/06/2008.

DATES: *Effective Date:* 02/07/2008.

Physical Loan Application Deadline Date: 04/07/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/07/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Hardin, Macon, Madison, Shelby, Sumner.

Contiguous Counties (Economic Injury Loans Only):

Tennessee: Carroll, Chester, Clay, Crockett, Davidson, Decatur, Fayette, Gibson, Hardeman, Haywood, Henderson, Jackson, Mcnairy, Robertson, Smith, Tipton, Trousdale, Wayne, Wilson.

Alabama: Lauderdale.

Arkansas: Crittenden.

Kentucky: Allen, Monroe, Simpson.

Mississippi: Alcorn, Desoto, Marshall, Tishomingo.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
For Economic Injury	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11167C and for economic injury is 111680.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008.)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–2838 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11169 and # 11170]

Arkansas Disaster # AR–00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA—1744—DR), dated 02/08/2008.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 02/05/2008 and continuing.

EFFECTIVE DATE: 02/08/2008.

Physical Loan Application Deadline Date: 04/08/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 11/10/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/08/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Baxter, Pope, Sharp, Stone, Van Buren,

Contiguous Counties (Economic Injury Loans Only):

Arkansas: Cleburne, Conway, Faulkner, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Marion, Newton, Randolph, Searcy, Yell.

Missouri: Oregon, Ozark.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere:	5.500
Homeowners Without Credit Available Elsewhere:	2.750
Businesses With Credit Available Elsewhere:	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere:	5.250
Businesses And Non-Profit Organizations Without Credit Available Elsewhere:	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere:	4.000

The number assigned to this disaster for physical damage is 11169C and for economic injury is 111700.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–2839 Filed 2–14–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Issuance of Final Report of the Amateur-Built Aviation Rulemaking Committee and Changes to Certain Documents Related to Amateur-Built Aircraft

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: This notice announces the issuance of the final report from the Amateur-Built Rulemaking Committee. The report provides information and guidance concerning recommendations regarding the use of builder or commercial assistance when fabricating and assembling amateur-built aircraft under current FAA regulations. This notice also announces recommended changes to certain documents that are used in the airworthiness certification of amateur-built aircraft.

FOR FURTHER INFORMATION CONTACT: Frank P. Paskiewicz, Manager, Production and Airworthiness Division, Aircraft Certification Service, AIR–200, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone number: (202) 267–8361. A copy of the final report may be obtained by accessing the FAA's Web page at *http://www.faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Federal Aviation Administration (FAA) Aircraft Certification Service established the Amateur-Built Aviation Rulemaking Committee (ARC) on July 26, 2006.[1] The Committee was made up of representatives from the FAA, aircraft kit manufacturers, commercial assistance center owners, and associations. The purpose of the Committee was to make recommendations regarding the use of builder or commercial assistance when fabricating and assembling amateur-built aircraft under Title 14 Code of Federal Regulations (14 CFR), part 21, § 21.191(g), Operating Amateur-Built Aircraft. This regulation defines an amateur-built aircraft as an aircraft that, ''* * *the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation.''

There is concern by the FAA and other interested parties that many amateur-built aircraft are not being fabricated and assembled by persons for their own education or recreation, but are being built in large part by commercial assistance companies that specialize in kit aircraft construction. Although some assistance is allowed when fabricating and assembling an amateur-built kit, the major portion (at least fifty-one percent 51%) of the fabrication and assembly must be completed by the amateur-builder to be in compliance with existing regulations.

The final report discusses the decisions and recommendations made by the Committee and also the areas where there was disagreement among the Committee members.

The FAA will implement the following recommendations agreed upon by the Committee by October 2008:

- Update FAA Form 8000–38, ''Fabrication/Assembly Checklist.''
- Update FAA Form 8130–12, ''Eligibility Statement, Amateur-Built Aircraft.''
- Update and combine into a single Advisory Circular (AC) both AC 20–27, ''Certification and Operation of Amateur-Built Aircraft'' and (AC) 20–138, ''Commercial Assistance During Construction of Amateur-Built Aircraft.''
- Update FAA Order 8130.2F, ''Airworthiness Certification of Aircraft and Related Products.''
- Establish a National Kit Evaluation Team to ensure consistency and accuracy in determining if an amateur-built kit meets the major portion requirement of 21.191(g).

The FAA and some Committee members could not come to consensus

[1] FAA Order 1110.143, dated July 26, 2006, established the Amateur-Built Aviation Rulemaking Committee.

regarding how best to determine the calculation of major portion. Therefore, the FAA will revise the process for determining major portion in FAA Order 8130.2.

Interested parties will be given an opportunity for comment on changes to the advisory circulars, FAA Order 8130.2, to include section 9, Experimental Amateur-Built Airworthiness Certifications, and forms 8000–38 and 8130–12 once these changes are implemented. This opportunity will be announced in a future **Federal Register** notice.

Dated: February 11, 2008.

Frank Paskiewicz,

Manager, Production and Airworthiness Division.

[FR Doc. 08–705 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Third Meeting, RTCA Special Committee 216: Aeronautical System Security

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 216 meeting Aeronautical Systems Security.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 216: Aeronautical Systems Security.

DATES: The meeting will be held on March 11–13, 2008, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at EG&G, 300 M Street, Suite 400, Washington, DC.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036–5133; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.* EG&G Contact: Dale Immel, telephone (202) 264–7847 e-mail *dimmel@egginc.com.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 216 meeting. The agenda will include:

- March 11–13:
- Opening Session (Welcome, Introductory and Administrative Remarks, Agenda Overview Minutes Review/Approve Second Meeting Summary (RTCA Paper No. 010–08/SC216–005 and Action Items).
- Status of the Task Force.
- Status of the Working Groups, SG2 and SG3.
- Status of WG72.
- Status of Liaison Activities.
- Breakout into Working Groups.
- Organization of Plan Forward, Assign Actions.
- Closing Session (Other Business, Assignment/Review of Future Work, Establish Agenda, Date and Place of Next Meeting, Closing Remarks, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 8, 2008.

Robert L. Bostiga,

RTCA Advisory Committee (Acting).

[FR Doc. 08–700 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Temporary Suspension of Amateur-Built Aircraft Kit Evaluations Previously Conducted by the Federal Aviation Administration, Aircraft Certification Service

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: This notice announces the temporary suspension of courtesy amateur-built aircraft kit evaluations that have been provided by the FAA. The purpose of these evaluations was to indicate if a prefabricated amateur-built aircraft kit could be eligible for certification as an amateur-built aircraft. Although kit evaluations have been suspended, amateur-built kit manufacturers may continue to develop, manufacture, market and sell their aircraft kits. Airworthiness certifications conducted by the FAA in response to requests from amateur-builders for their individually fabricated and constructed aircraft will continue.

FOR FURTHER INFORMATION CONTACT: Frank P. Paskiewicz, Manager, Production and Airworthiness Division, Aircraft Certification Service, AIR–200, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone number (202) 267–8361.

SUPPLEMENTARY INFORMATION:

Background

Title 14 of the Code of Federal Regulations, Part 21, Certification Procedures for Products and Parts, § 21.191 (Experimental Certificates) form the regulatory basis for fabricating, assembling, and operating amateur-built aircraft. Specifically, § 21.191(g) defines an amateur-built aircraft as ''an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation.''

The Federal Aviation Administration (FAA) Aircraft Certification Service established an Amateur-Built Aviation Rulemaking Committee (ARC) on July 26, 2006.[1] The ARC was made up of representatives from the FAA, aircraft kit manufacturers, commercial assistance center owners, and associations. The purpose of the ARC was to make recommendations regarding the use of builder or commercial assistance when fabricating and assembling amateur-built aircraft under § 21.191(g).

The ARC concluded that the current FAA Directives and Advisory Circulars are no longer adequate. Current technologies that allow for the fabrication and assembly of sophisticated amateur-built aircraft were not envisioned at the time § 21.191(g) was promulgated or when the current forms and methodology were developed. Most amateur-built aircraft kits were generally simple to fabricate and assemble and did not require commercial builder assistance.

FAA has provided the aforementioned amateur-built kit evaluations in response to manufacturer's requests to determine if the percentage of the kit completed by the manufacturer would leave the major portion (51%) of the work to be completed by the amateur-builder. These evaluations are not a regulatory requirement. Rather, these evaluations have been a courtesy that FAA has provided for the convenience of the kit manufacturers, their customers, and FAA Inspectors. These evaluations have allowed the FAA to pre-evaluate amateur-built kits to determine (when built according to the manufacturer's instructions) if the kits could be eligible for an Experimental Airworthiness Certificate under 14 CFR Part 21 § 21.191, Experimental Certificates. When a kit has been found to be eligible, it is added to the FAA's

[1] FAA Order 1110.143, dated July 26, 2006, established the Amateur-Built Aviation Rulemaking Committee.

kit listing, which is available via the internet to prospective buyers. These kit evaluations inform prospective applicants that they could be eligible for an experimental amateur-built airworthiness certificate if they completed their aircraft in compliance with the FAA-evaluated assembly and instruction manuals and fabricated and constructed the aircraft in compliance with 14 CFR part 21, § 21.191(g).

The method of determining what constitutes the major portion of construction has undergone several changes since the rule was first codified. When FAA staff developed the commonly used form 8000–38, ''Fabrication and Assembly Operation Checklist'', to calculate major portion, the intent was that a single check mark in a column on the form would identify who did the task. Some manufacturers and FAA representatives calculate major portion by using a ''task-based'' accounting mechanism that incorporates a ''dual-check'' system whereby an amateur-builder may be given shared credit even if that person does not complete 50% of the task. When this is used in practice, the kit manufacturer and amateur-builder share credit on the Form 8000–38. It was not envisioned that credit for a task would be offered to an amateur-builder simply assisting in the fabrication and assembly, as is happening today in some cases.

The FAA will resume amateur-built kit evaluations after issuing final policy changes. Prior to publishing the final policy, FAA will solicit comments on draft policy, internal orders and advisory circulars through a notice in the **Federal Register**.

Dated: February 11, 2008.

Frank Paskiewicz,

Manager, Production and Airworthiness Division.

[FR Doc. 08–704 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on December 6, 2007 [72 FR 68955].

DATES: Comments must be submitted on or before March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Markus Price at the National Highway Traffic Safety Administration, Office of Rulemaking (NVS–121), 202–366–0098. 1200 New Jersey Avenue, SE., Room W43–472, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 49 CFR 571.125, Warning Devices.

OMB Number: 2127–0506.

Type of Request: Extension of a currently approved collection.

Abstract: 49 U.S.C. 3011, 30112, and 30117 (Appendix 1) of the National Traffic and Motor Vehicle Safety Act of 1996, authorizes the issuance of Federal Motor Vehicle Safety Standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary. Using this authority, the agency issued FMVSS no.125, ''Warning Devices'' (Appendix 2), which applies to devices, without self contained energy sources, that are designed to be carried mandatory in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds and voluntarily in other vehicles. These devices are used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicles.

Affected Public: Business or other-for-profit organizations.

Estimated Total Annual Burden: 1.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued: February 8, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E8–2855 Filed 2–14–08; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 245X)]

Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, TX

Union Pacific Railroad Company (UP), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.21-mile rail line, known as the Port Arthur Industrial Lead, between mileposts 2.00 and 3.21 near Port Arthur, in Jefferson County, TX. The line traverses United States Postal Service Zip Code 77640.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an OFA has been received, this exemption will be effective on March 18, 2008, unless stayed pending reconsideration. Petitions to stay that do

not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 25, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 6, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed both an environmental report and a historic report that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 22, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by February 15, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 7, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–2762 Filed 2–14–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 253X)]

Union Pacific Railroad Company—Abandonment Exemption—in Colorado and Wharton Counties, TX

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon an 8.3-mile line of railroad known as the Chesterville Industrial Lead, extending from milepost 52.9 near Chesterville to milepost 61.2 near Eagle Lake, in Colorado and Wharton Counties, TX.[1] The line traverses United States Postal Service Zip Codes 77434 and 77435.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 25, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 6, 2008, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 22, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by February 15, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

[1] UP is seeking to abandon its retained railroad operating easement to provide common carrier service over the line. UP previously sold the track and right-of-way to Metropolitan Transit Authority of Harris County, TX (Metro). Metro holds no common carrier obligation.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

Decided: February 7, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–2630 Filed 2–14–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 259X)]

Union Pacific Railroad Company—Abandonment Exemption—in Los Angeles County, CA

On January 28, 2008, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to permit UP to abandon its easement over 0.3 miles of rail line on the Lakewood Industrial Lead between mileposts 16.2, at Carson Street, and milepost 16.5, near Cover Street, in Lakewood, Los Angeles County, CA. (the line).[1] The line is located on private property owned by Ganahl, the only shipper on the line. Ganahl will continue to be served by UP and will use the line as industrial track. The line traverses U.S. Postal Service Zip Code 90712 and includes no stations.

The line does not contain Federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by May 16, 2008.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,300 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or trail use/rail banking under 49 CFR 1152.29 will be due no later than March 6, 2008. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 259X), and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001; and (2) Gabriel S. Meyer, 1400 Douglas Street, STOP 1580, Omaha, NE 68179. Replies to UP's petition are due on or before March 6, 2008.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Governmental and Public Affairs at (202) 245–0230 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: February 7, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–2637 Filed 2–14–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 244X)]

Union Pacific Railroad Company—Abandonment Exemption—in San Patricio County, TX

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR part 1152 subpart F-*Exempt Abandonments* to abandon a 1.52-mile line of railroad known as the Sinton Industrial Lead, extending from milepost 122.82 to milepost 121.30, in San Patricio County, TX. The line traverses United States Postal Service Zip Code 78387.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 25, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 6, 2008, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

[1] The line was sold by UP to Ganahl Lumber Company (Ganahl) on August 11, 2006. UP retained an operating easement along with the common carrier obligation.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 22, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by February 15, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at: *http://www.stb.dot.gov*.

Decided: February 7, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–2640 Filed 2–14–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–303 (Sub-No. 30X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Manitowoc County, WI

Wisconsin Central Ltd. (WCL),[1] has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.16-mile line of railroad between milepost 43.14 and milepost 44.30, in Manitowoc, Manitowoc County, WI. The line traverses United States Postal Service Zip Code 54220.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 25, 2008.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 6, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to WCL's representative: Thomas J. Healey, 17641 S. Ashland Avenue, Homewood, IL 60430–1345.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

WCL has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 22, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line.[5] If consummation has not been effected by WCL's filing of a notice of consummation by February 15, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 7, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–2764 Filed 2–14–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

[1] WCL is a wholly owned subsidiary of Canadian National Railway Company.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

[4] WCL notes in its verified notice of exemption that it has contracted with Burger Boat Company to sell its interest in a part of the land at issue once the abandonment authority has been consummated.

[5] Although WCL has indicated that it will not consummate the abandonment until a Memorandum of Agreement has been reached with the State of Historic Preservation Officer, the earliest this transaction may be consummated is March 18, 2008. *See* 49 CFR 1152.50(d)(2).

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its information collection titled, ''Community Reinvestment Act Regulation—12 CFR part 25.''

DATES: Comments must be submitted on or before April 15, 2008.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mail Stop 1–5, *Attention:* 1557–0160, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0160, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary Gottlieb, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Community Reinvestment Act Regulation—12 CFR part 25.

OMB Control Number: 1557–0160.

Description: The CRA requires the Federal banking agencies (Agencies) to assess the record of banks and savings associations in helping to meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations; and to take this record into account in evaluating applications for mergers, branches, and certain other corporate activities. The CRA statute requires the Agencies to issue regulations to carry out its purposes.

Each Agency must provide written CRA evaluations of the institutions they supervise. The public portion of each written evaluation must present the agency's conclusions with respect to the CRA performance standards identified in its regulations; include the facts and data supporting those conclusions; and contain the institution's CRA rating and the basis for that rating.

The data collection requirements in the CRA regulations are necessary for the Agencies to examine, assess, and assign a rating to an institution's CRA performance and to prepare the public section of the written CRA performance evaluation.

Type of Review: Regular review.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,712.

Estimated Total Annual Responses: 1,712.

Estimated Frequency of Response: On occasion.

Estimated Time per Respondent: 70.84 hours.

Estimated Total Annual Burden: 121,282 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide the information to the OCC.

Dated: February 8, 2008.

Stuart Feldstein,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. E8–2844 Filed 2–14–08; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its information collection titled, ''OCC Communications Questionnaire and Usability Test Survey.''

DATES: Comments must be submitted on or before April 15, 2008.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, *Attention:* 1557–0226, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0223, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary Gottlieb, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: OCC Communications Questionnaire.

OMB Control Number: 1557–0226.

Description: The OCC is proposing to continue to collect information from national banks regarding the quality, timeliness, and effectiveness of OCC communications products, such as booklets, issuances, and CDs, and expand its collection to include a usability test of its website. Case scenarios would be presented to users to test their ability to find information or complete a task on the website. Completed questionnaires will provide the OCC with information needed to properly evaluate the effectiveness of its paper and electronic communications products. The OCC would use the information to identify problems and to improve its service to national banks.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents:

Communications Questionnaire: 2,600.

Usability Test: 300.

Estimated Total Annual Responses:

Communications Questionnaire: 2,600.

Usability Test: 300.

Estimated Frequency of Response: 1 to 2 times annually.

Estimated Time per Respondent:

Communications Questionnaire: 10 minutes.

Usability Test: 1 hour.

Estimated Total Annual Burden: 1,100 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techiques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 8, 2008.

Stuart Feldstein,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. E8–2851 Filed 2–14–08; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0171]

Proposed Information Collection (Application and Enrollment Certification for Individualized Tutorial Assistance) Activity; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's eligibility for tutorial assistance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0171'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application and Enrollment Certification for Individualized Tutorial Assistance (38 U.S.C. Chapters 30, 32, 35; 10 U.S.C. Chapter 1606; Section 903 of Public Law 96–342, and the Omnibus Diplomatic Security and Antiterrorism Act of 1986), VA Form 22–1990t.

OMB Control Number: 2900–0171.

Type of Review: Extension of a currently approved collection.

Abstract: Students receiving VA educational assistance and need tutoring to overcome a deficiency in one or more course complete VA Form 22–1990t to apply for supplemental allowance for tutorial assistance. The student must provide the course or courses for which he or she requires tutoring, the number of hours and charges for each tutorial session and the name of the tutor. The tutor must certify that he or she provided tutoring at the specified charges and that he or she is not a close relative of the student. Certifying officials at the student's educational institution must certify that the tutoring was necessary for the student's pursuit of program; the tutor was qualified to conduct individualized tutorial assistance; and the charges for the tutoring did not exceed the

customary charges for other students who receive the same tutorial assistance.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,200 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 300.

Number of Responses Annually: 600

Dated: February 8, 2008.

By direction of the Secretary:

Denise I. McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2923 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0031]

Proposed Information Collection (Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing) Activity; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine a claimant's eligibility for a specially adapted housing grant.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0031'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, VA Form 26–4555c.

OMB Control Number: 2900–0031.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans complete VA Form 26–4555c to apply for specially adapted housing grant. VA uses the data collected to determine if it is economically feasible for a veteran to reside in specially adapted housing and to compute the proper grant amount.

Affected Public: Individuals or households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 800.

Dated: February 8, 2008.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2924 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0009]

Proposed Information Collection (Disabled Veterans Application for Vocational Rehabilitation) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a veteran's eligibility for vocational rehabilitation benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov; or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0009'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Disabled Veterans Application for Vocational Rehabilitation (Chapter 31, Title 38 U.S.C), VA Form 28–1900.

OMB Control Number: 2900–0009.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans with a combined service-connected disability rating of ten percent or more and are awaiting discharge for such disability use VA Form 28–1900 to apply for vocational rehabilitation benefits. VA provides service and assistance to veterans with disabilities, who have an entitlement determination, to gain and keep suitable employment. Vocational rehabilitation also provides service to support veterans with disabilities to achieve maximum independence in their daily living activities if employment is not reasonably feasible. VA uses the information collected to determine the claimant's eligibility for vocational rehabilitation benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 16,961 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 67,844.

Dated: February 8, 2008.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2930 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0661]

Proposed Information Collection (Forms and Regulations for Grants to States for Construction and Acquisition of State Home Facilities) Activity; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to apply for a state home construction grant.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov*. Please refer to ''OMB Control No. 2900–0661'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Forms and Regulations for Grants to States for Construction and Acquisition of State Home Facilities, VA Forms 10–0388–10–038–14.

OMB Control Number: 2900–0661.

Type of Review: Extension of a currently approved collection.

Abstract: State governments complete VA Forms 10–0388–10–038–14 to apply for State Home Construction Grant Program and to certify compliance with VA requirements. VA uses this information, along with other documents submitted by the States to determine the feasibility of the projects for VA participation, to meet VA requirements for a grant award and to rank the projects in establishing the annual fiscal year priority list. The list is the basis for committing to State Home construction projects during the various fiscal years.

Affected Public: State, local or tribal Government.

Estimated Annual Burden: 360.

Estimated Average Burden per Respondent: 6 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 60.

Dated: February 8, 2008.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2931 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0458]

Proposed Information Collection (Certification of School Attendance or Termination) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to verify whether a veteran's child between the ages of 18 and 23 years old is attending school.

DATES: Written comments and recommendations on the proposed

collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0458'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or Fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of School Attendance or Termination, VA Forms 21–8960 and 21–8960–1.

OMB Control Number: 2900–0458.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Form 21–8960 and VA Form 21–8960–1 to certify that a child between the ages of 18 and 23 years old is attending school. VA uses the information collected to determine the child's continued entitlement to benefits. Benefits are discontinued if the child marries, or no longer attending school.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,667 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 70,000.

Dated: February 8, 2008.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2956 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0621]

Proposed Information Collection (National Practitioner Data Bank Regulations) Activity; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine whether malpractice payments are related to substandard care, professional incompetence or misconduct.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 15, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: *mary.stout@va.gov*. Please refer to ''OMB Control No. 2900–0621'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: National Practitioner Data Bank Regulations (NPDB).

OMB Control Number: 2900–0621.

Type of Review: Revision of a currently approved collection.

Abstract: The National Practitioner Data Bank, authorized by the Health Care Quality Improvement Act of 1986 and administered by the Department of Health and Human Service, was established for the purpose of collecting and releasing certain information concerning physicians, dentists, and other licensed health care practitioners. The Act requires VA to obtain information from the Data Bank on health care providers who provide or seek to provide health care services at VA facilities and report information regarding malpractice payments and adverse clinical privileges action to the Data Bank.

Affected Public: Individuals or Households.

Estimated Average Burden per Respondent: 5 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,750.

Dated: February 8, 2008.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–2957 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs is announcing the availability of

funds for applications for assistance under the ''Per Diem Only'' component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, funding priorities, application process, and amount of funding available.

DATES: An original completed and collated grant application (plus three completed collated copies) for assistance under the VA's Homeless Providers Grant and Per Diem Program must be received in the Grant and Per Diem Field Office, by 4:00 PM Eastern Time on Wednesday, April 9, 2008. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid the risk of loss of eligibility due to unanticipated delays or other delivery-related problems.

For a Copy of the Application Package: Download directly from VA's Grant and Per Diem Program Web page at: *http://www.va.gov/homeless/page.cfm?pg=3* or call the Grant and Per Diem Program Office at (toll-free) 1–877–332–0334. In this package is information on Grants.gov submissions. For a document relating to the VA Homeless Providers Grant and Per Diem Program, see the Final Rule published in the **Federal Register** on September 26, 2003.

Submission of Application: An original completed and collated grant application (plus three copies) must be submitted to the following address: VA Homeless Providers Grant and Per Diem Field Office, 10770 N. 46th Street, Suite C–200, Tampa, Florida 33617. Applications must be received in the Grant and Per Diem Field office by the application deadline. This includes applications submitted through Grants.gov. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Ms. Chelsea Watson, VA Homeless Providers Grant and Per Diem Program, Department of Veterans Affairs, 10770 North 46th Street, Suite C–200, Tampa, Florida 33617; or you may call (toll-free) 1–877–332–0334 for further information.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible programs that have not previously applied for or received per diem in connection with a grant (see 38 CFR 61.1 through 61.82). Funding applied for under this Notice is authorized by Public Law 109–461, § 703, known as the Veterans Benefit, Health Care and Information Technology Act of 2006, and by 38 U.S.C. 2011, 2012, 2061, 2064, and may be used for aid for supportive housing. Service Centers will not be funded in this NOFA. Funding will be in the form of per diem payments issued to eligible entities from the date of award and will continue subject to availability of funds and the recipients' compliance with 38 CFR 61.1 through 61.82. For eligibility criteria please refer to Final Rule published in the **Federal Register** on September 26, 2003, 38 CFR 61.30, 61.31, and 61.32.

VA expects that it will take no longer than 90 days from the date of award for projects to be inspected and become operational. Failure to meet the 90 day milestone may result in the per diem award being terminated.

Capital grant recipients who received capital grant funding under VA's Homeless Providers Grant and Per Diem Program in years 1994 through 2007 for acquisition, renovation or new construction should not respond to this NOFA. Per diem payments for those portions of their programs that were created with capital grant funds is requested in the capital grant application and paid at the time of capital grant project completion and inspection.

Previous ''Per Diem Only'' recipients that renewed their PDO grants in 2005 or 2007 need not reapply to continue these projects.

VA is pleased to issue this Notice of Fund Availability (NOFA) for the Homeless Providers Grant and Per Diem Program as a part of the effort to end chronic homelessness among our Nation's veterans. The Department expects to create approximately 1000 beds under this NOFA.

Funding available under this NOFA is being offered to help offset the operating expenses of existing state and local governments, Indian Tribal Governments, faith-based, and community-based organizations that are capable of providing supported housing and supportive services for homeless veterans. The District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, may be considered eligible entities under the definition of ''State'' in the 38 CFR 61.1 Definitions. It should be noted that VA payment is limited to the applicant's cost of care per eligible veteran minus other sources of payments to the applicant for furnishing services to homeless veterans up to the per day rate VA pays for State Home Domiciliary care. Awardees will be required to support their request for per diem payment with adequate fiscal documentation as to program income and expenses.

Interested organizations should know that the vast majority of homeless veterans in this country suffer from mental illness or substance abuse disorders or are dually diagnosed with both mental illness and substance abuse disorders. In addition, many homeless veterans have serious medical problems. The recent events associated with the Global War on Terrorism (GWOT) coupled with the Nation's returning OIF/OEF veterans further emphasizes the need for collaboration with VA medical centers, VA community-based outpatient clinics or other health care providers as well as with VA and other benefit providers as an important aspect of ensuring that homeless veterans have access to appropriate health care services. VA considers this program an important part of our effort to end chronic homelessness among all veterans.

It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor services provided to homeless veterans and outcomes associated with the services provided in grant and per diem-funded programs. VA is also implementing new procedures to further this effort. Applicants should be aware of the following:

All awardees that are conditionally selected in response to *this NOFA* must meet the Life Safety Code of the National Fire and Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be sprinkled unless they are specifically exempted under the Life Safety Code and make consideration of this when submitting their grant applications as no additional funds will be made available for capital improvements under this per diem only NOFA. VA will conduct an inspection prior to awardees being able to submit request for payment to ensure this requirement is met.

Each per diem-funded program will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless veterans in the per diem-funded program.

Monitoring will include at least an annual review of each per diem

program's progress toward meeting internal goals and objectives in helping veterans attain housing stability, adequate income support, and self sufficiency as identified in each per diem program's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure per diem payment is accurate.

Each per diem-funded program will participate in VA's national program monitoring and evaluation system administered by VA's Northeast Program Evaluation Center (NEPEC). It is the intention of VA to develop specific performance targets with respect to housing for homeless veterans. NEPEC's monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each per diem-funded program.

VA encourages all eligible and interested entities to review this NOFA and consider applying for funds to provide service for homeless veterans.

Authority: VA's Homeless Providers Grant and Per Diem Program is authorized by Public Law 109–461, § 703, known as the Veterans Benefit, Health Care and Information Technology Act of 2006, and by 38 U.S.C. 2011, 2012, 2061, 2064. The program is implemented by the final rule codified at 38 CFR part 61.0. The final rule was published in the **Federal Register** on September 26, 2003, the regulations can be found in their entirety in 38 CFR, Sec. 61.0 through 61.82. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation: Approximately $12 million annually is available for the per diem only award component of this program. This funding subject to the availability of funds and will be available so long as recipients meet the requirements of 38 CFR 61.1 through 61.82.

Funding Priorities: VA is offering to eligible applicants funding priorities for transitional housing and services to; (1) Serve women, women with care of dependent children, (2) serve all veterans in the States of Vermont, Nebraska, and Alaska and, (3) Indian Tribal Governments. Additionally, VA is encouraging interested state and local governments, Indian Tribal Governments, and faith-based and community-based organizations to apply for funding under this NOFA. In this round of capital grant funding, VA expects to award funding to create approximately 1000 community-based supported housing beds.

Funding priority 1. VA is offering the opportunity for providers who are willing to create new projects specifically for women and women with care of dependent children only, which are 30 beds or less. Of those eligible entities in the first funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately 150 beds are awarded. Applicants not funded in this priority will be considered in the fourth funding priority. Should not enough eligible projects be funded under the first funding priority, beds not awarded in this priority will fall to the fourth funding priority.

Funding priority 2. VA is offering the opportunity for providers who are willing to create new or expand existing projects for homeless veterans in the States of Vermont, Nebraska, and Alaska. Applicants whose projects are physically located in these states will be considered in the second funding priority. Of those eligible entities in the second funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately 100 beds are awarded. Applicants not funded in this priority will be placed in the fourth funding priority. Should not enough eligible projects be funded under the second funding priority, beds in this priority will fall to the fourth funding priority.

Funding priority 3. VA is offering the opportunity to Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property to apply for funding under this NOFA to create transitional housing and services for homeless veterans. Eligible entities that are Indian Tribal Governments or non-profit agencies willing to provide transitional housing and services on Indian Tribal Property will be considered in the third funding priority as applicable. Of those eligible entities in the third funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately 100 beds are awarded. Applicants not funded in this priority will be placed in the fourth funding priority. Should not enough eligible projects be funded under the third funding priority, beds in this priority will fall to the fourth funding priority. Note: Non-profit agencies who apply under this priority will be required to provide a letter of assurance from the Indian Tribal Government that if funded the provision of service will occur on Indian Tribal Property.

Funding priority 4. VA is encouraging interested, state and local governments, Indian Tribal Governments, faith-based and community-based organizations, as well as eligible entities located in The District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, to apply for funding under this NOFA to create transitional housing and services for all homeless veterans. Eligible entities that are state and local governments, Indian Tribal Governments, faith-based, and community-based organizations, or any territory or possession of the United States, will be considered in the fourth funding priority as applicable. Of those eligible entities that are legally fundable, the highest-ranked applications for which funding is available, will be conditionally selected for eligibility to receive a per diem only award in accordance with their ranked order until funding is expended (approximately 650 beds).

Methodology: VA will review all non-capital grant recipients in response to this notice of funding availability. VA will then group the applicants into the funding priorities categories. Applicants will then be ranked within their respective funding category based on score and any ranking criteria set forth in that funding category only if the applicant scores at least 500 cumulative points from paragraphs (b) (c) (d) (e) and (i) of 38 CFR 61.13.

The highest-ranked application for which funding is available, within the highest funding category, will be conditionally selected for eligibility to receive per diem payment in accordance with their ranked order until VA reaches the projected bed totals for each category. If funds are still available after selection of those applications in the highest priority group VA will continue to conditionally select applicants in lower priority categories in accordance with the selection method set forth in the final rule Section 61.32.

Application Requirements: Applicants must include a cover letter clearly stating under which funding priority they wish to be considered. Non-profit agencies who apply under funding priority three are required to provide a letter of assurance from the Indian Tribal Government that if funded, the provision of service will occur on Indian Tribal property. The specific grant application requirements will be specified in the application package. The package includes all required forms and certifications. Selections will be made based on criteria described in the application, Final Rule, and NOFA. Applicants who are selected will be notified of any additional information needed to confirm or clarify information provided

in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: February 1, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–2933 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for applications for assistance under the Capital Grant component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, funding priorities, application process, and amount of funding available.

DATES: An original completed and collated capital grant application (plus three completed collated copies) for assistance under the VA's Homeless Providers Grant and Per Diem Program must be received in the Grant and Per Diem Field Office, by 4:00 PM Eastern Time on Wednesday, April 9, 2008. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid any risk of loss of eligibility due to unanticipated delays or other delivery-related problems.

For a Copy of the Application Package: Download directly from VA's Grant and Per Diem Program Web page at: *http://www.va.gov/homeless/page.cfm?pg=3* or *http://www.grants.gov/*. Questions should be referred to the Grant and Per Diem Program at (toll-free) 1–877–332–0334. For information relating to VA's Homeless Providers Grant and Per Diem Program, see the Final Rule published in the **Federal Register** on September 26, 2003.

Submission of Application: An original completed and collated grant application (plus three copies) and a cover letter clearly stating under which funding priority applicants (see funding priorities) wish to be considered must be submitted to the following address: VA Homeless Providers Grant and Per Diem Field Office, 10770 North 46th Street, Suite C–200, Tampa, Florida 33617. Applications must be received in the Grant and Per Diem Field office by the application deadline. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Ms. Chelsea Watson, VA Homeless Providers Grant and Per Diem Program, Department of Veterans Affairs, 10770 North 46th Street, Suite C–200, Tampa, Florida 33617; or you may call (toll-free) at 1–877–332–0334 for further information.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of capital funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible entities to: (1) Expand existing transitional housing projects; or (2) develop new transitional housing programs. Supportive service centers will not be considered in this Notice of Fund Availability (NOFA). Funding applied for under the capital grant component may be used for: (1) Remodeling or alteration of existing buildings; (2) acquisition of buildings, acquisition and rehabilitation of buildings; (3) new construction; and (4) acquisition of vans (in connection with a new or existing Grant and Per Diem Grant project) for outreach to and transportation for homeless veterans. Funding applied for under this Notice is authorized by Public Law 109–461, § 703, the Veterans Benefit, Health Care and Information Technology Act of 2006, and by 38 U.S.C. 2011, 2012, 2061, 2064, and may be used as aid for supportive housing. Eligibility criteria may be found in the Final Rule published in the **Federal Register** on September 26, 2003.

Capital grant applicants may not receive assistance to replace funds provided by any State or local government to assist homeless persons. Note: Applicants considering the use of Low Income Housing Tax Credits (LIHTC) in conjunction with the capital grants in this NOFA should take into account that these tax credits are generally for permanent housing projects. Permanent housing is not an eligible activity under VA's Homeless Providers Grant and Per Diem Program. Other issues such as a reduction in the base of the tax credits, site control, leases for residents, and using the tax credits as a loan may be problematic to applicants even if transitional housing is provided and upon review and discovery may result in the application being denied.

A proposal for an existing project that seeks to shift its focus by changing the population being served or the precise mix of services being offered is not eligible for consideration. No more than 25 percent of housing and services available in projects funded through this grant program may be provided to clients who are not receiving those services as veterans.

VA is pleased to issue this NOFA for the Homeless Providers Grant and Per Diem Program. The Department expects to award approximately $25 million under the capital grant component.

Funding available under this NOFA is being offered to help offset the capital expenses of existing state and local governments, Indian Tribal Governments, faith-based, and community-based organizations that are capable of creating and providing supported transitional housing for homeless veterans. The District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, are considered eligible entities under the definition of ''State'' in the Final Rule, Sec. 61.1 Definitions.

Per diem for these programs is requested in the grant application and may be paid at the time of grant project completion. It should be noted that VA per diem payment is limited to the applicant's cost of care per eligible veteran minus other sources of payments to the applicant for furnishing services to homeless veterans up to the per day rate VA pays for State Home Domiciliary care. Awardees will be required to support their request for per diem payment with adequate fiscal documentation as to program income and expenses.

Interested organizations should know that the vast majority of homeless veterans in this country suffer from mental illness or substance abuse disorders or are dually diagnosed with both mental illness and substance abuse disorders. In addition, many homeless veterans have serious medical problems. The recent events associated with the Global War on Terrorism (GWOT) coupled with the Nation's returning OEF/OIF veterans further emphasizes the need for collaboration with VA medical centers, VA community-based outpatient clinics or other health care

providers as well as with VA and other benefit providers as an important aspect of ensuring that homeless veterans have access to appropriate health care services. VA considers this program an important part of our effort to end chronic homelessness among all veterans.

It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to verify the completion of the capital grant as well as monitor services provided to homeless veterans and outcomes associated with the services provided in grant and per diem-funded programs. Applicants should be aware of the following:

All awardees that are conditionally selected in response to *this NOFA* must meet the Life Safety Code of the National Fire Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be sprinkled unless they are specifically exempted under the Life Safety Code and make consideration of this when submitting their capital grant applications. VA will conduct an inspection prior to awardees being able to submit request for per diem payment to ensure this requirement is met.

Upon capital grant completion, each program seeking per diem will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless veterans in the per diem-funded program.

Monitoring will include at a minimum an annual review of each per diem program's progress toward meeting internal goals and objectives in helping veterans attain housing stability, adequate income support, and self sufficiency as identified in each per diem program's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure per diem payment is accurate.

Each per diem-funded program will participate in VA's national program monitoring and evaluation system administered by VA's Northeast Program Evaluation Center (NEPEC). NEPEC's monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each per diem-funded program.

Authority: Funding applied for under this Notice is authorized by Public Law 109–461, § 703, the Veterans Benefit, Health Care and Information Technology Act of 2006, and by 38 U.S.C. 2011, 2012, 2061, 2064, and may be used as aid for supportive housing. The program is implemented by the final rule codified at 38 CFR Part 61.0. The final rule was published in the **Federal Register** on September 26, 2003, the regulations can be found in their entirety in 38 CFR, Sec. 61.0 through 61.82. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation: Approximately $25 million is available for the capital grant component. Capital grant awards will be limited to transitional housing projects, (service center programs will not be considered in this round). Vans must be directly connected to a new or existing Grant and Per Diem Grant project and will be limited to one per project number. Per diem payments to capital grant recipients are subject to the availability of funds and recipients maintaining the program for which the grant was awarded.

Funding Priorities: VA is offering to eligible applicants funding priorities for transitional housing and services to; (1) Serve women, women with care of dependent children, (2) serve all veterans in the States of Vermont, Nebraska, and Alaska, (3) Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property. Finally, VA is encouraging interested state and local governments and faith-based and community-based organizations to apply for funding under this NOFA. In this round of capital grant funding, VA expects to award funding to create approximately 1250 community-based supported housing beds.

Funding priority 1. VA is offering the opportunity for providers who are willing to create new projects specifically for women and women with care of dependent children only, which are 30 beds or less. Of those eligible entities in the first funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately $3 million is awarded. Applicants not funded in this priority will be considered in the fourth funding priority. Should not enough eligible projects be funded under the first funding priority, funds not expended in this priority will fall to the fourth funding priority.

Funding priority 2. VA is offering the opportunity for providers who are willing to create new or expand existing projects for homeless veterans in the States of Vermont, Nebraska, and Alaska. Applicants whose projects are physically located in these states will be considered in the second funding priority. Of those eligible entities in the second funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately $2 million is awarded. Applicants not funded in this priority will be placed in the fourth funding priority. Should not enough eligible projects be funded under the second funding priority, funds not expended in this priority will fall to the fourth funding priority.

Funding priority 3. VA is offering the opportunity to Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property to apply for funding under this NOFA to create transitional housing and services for homeless veterans. Eligible entities that are Indian Tribal Governments or non-profit agencies willing to provide transitional housing and services on Indian Tribal Property will be considered in the third funding priority as applicable. Of those eligible entities in the third funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately $1 million is awarded. Applicants not funded in this priority will be placed in the fourth funding priority. Should not enough eligible projects be funded under the third funding priority, funds not expended in this priority will fall to the fourth funding priority. Note: Non-profit agencies who apply under this priority will be required to provide a letter of assurance from the Indian Tribal Government that if funded the provision of service will occur on Indian Tribal Property.

Funding priority 4. VA is encouraging interested, State and local governments, Indian Tribal Governments, faith-based and community-based organizations, as well as eligible entities located in The District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, to apply for funding under this NOFA to create transitional housing and services for all homeless veterans. Eligible entities that are State and local governments, Indian Tribal Governments, faith-based, and community-based organizations, or any territory or possession of the United States, will be considered in the fourth funding priority as applicable. Of those eligible entities that are legally fundable, the highest-ranked applications for which funding is available, will be conditionally selected for eligibility to receive a capital grant in accordance with their ranked order until funding is expended (approximately $19 million).

Methodology: VA will review all capital grant applications in response to this notice of funding availability as follows: VA will group the applicants

into the funding priorities categories as applicable. Applicants will then be ranked within their respective funding category based on score and any ranking criteria set forth in that funding category only if the applicant scores at least 600 cumulative points and receives points under the criteria in paragraphs (b), (c), (d), (e) and (i) of section 61.13.

The highest-ranked application for which funding is available, within the highest funding category, will be conditionally selected in accordance with their ranked order until VA reaches the projected amount of funding for each category. If funds are still available after selection of those applications in the highest priority group VA will continue to conditionally select applicants in lower priority categories in accordance with the selection method set forth in the final rule Sec. 61.14.

Application Requirements: Applicants must include a cover letter clearly stating under which funding priority they wish to be considered. Non-profit agencies who apply under funding priority three are required to provide a letter of assurance from the Indian Tribal Government that if funded the provision of service will occur on Indian Tribal Property. The grant application requirements will be specified in the application package. Applicants should be careful to complete the proper application package. Submission of the incorrect or incomplete application package will result in the application being rejected at threshold. The packages include all required forms and certifications.

Selections will be made based on criteria described in the application, Final Rule, and NOFA. Applicants who are conditionally selected will be notified of any additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information.

If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: February 8, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–2937 Filed 2–14–08; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 73, No. 32

Friday, February 15, 2008

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

Correction

In notice document 08–698 appearing on page 8317 in the issue of Wednesday, February 13, 2008 make the following correction:

In the third column, **TIME AND DATE** should contain the information ''9 a.m. (Eastern Time), February 19, 2008.''.

[FR Doc. C8–00698 Filed 2–14–08; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
February 15, 2008

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5186–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2007 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2007, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, Room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Army:* Veronica Rines, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 8536, 2511 Jefferson Davis Hwy, Arlington, VA 22202; (703) 601–2545; *Corps of Engineers:* Walter Hylton, Office of Counsel, CECC–R, 441 G Street, Washington, DC 20314–1000; (202) 761–7701; *U.S. Navy:* Mary Arndt, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; *U.S. Air Force:* Kathryn M. Halvorson, Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209–2802; (703) 696–5502; *GSA:* John E.B. Smith, Office of Property Disposal, GSA, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0084; *Dept. of Veterans Affairs:* George Szwarcman, Real Property Service, Dept. of Veterans Affairs, Room 555, 811 Vermont Ave., NW., Washington, DC 20420; (202) 565–5398; *Dept. of Interior:* Michael Wright, Acquisition & Property Management, Dept. of Interior, 1849 C St., NW., MS 2603, Washington, DC 20240; (202) 208–5399; (These are not toll-free numbers).

Dated: February 7, 2008.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

Title V Properties Reported in Year 2007 Which are Suitable and Available

Air Force

Hawaii

Building

Bldg. 849
Property Number: 18200330008
Bellows AFS
Bellows AFS, HI
Status: Unutilized
Comments: 462 sq. ft., concrete storage facility, off-site use only

Missouri

Land

Communications Site
Property Number: 18200710001
County Road 424
Dexter Co: Stoddard MO
Status: Unutilized
Comments: 10.63 acres

New York

Building

Bldg. 240
Property Number: 18200340023
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247
Property Number: 18200340024
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Air Force

New York

Building

Bldg. 248
Property Number: 18200340025
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302
Property Number: 18200340026
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 10288 sq. ft., presence of asbestos, most recent use—communications facility

Army

Alaska

Building

Bldg. 00001
Kiana Natl Guard Armory
Kiana AK 99749
Status: Excess
Comments: 1200 sq. ft., butler bldg., needs repair, off-site use only

Bldg. 00001
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only

Bldg. 00105
Ft. Richardson
Ft. Richardson AK
Status: Excess
Comments: 4992 sq. ft., most recent use—housing, off-site use only

4 Bldgs.
Ft. Richardson
00112, 00113, 00114, 00115
Ft. Richardson AK
Status: Excess
Comments: 5184 sq. ft., most recent use—housing, off-site use only

Bldgs. 00120, 00129
Ft. Richardson
Ft. Richardson AK
Status: Excess
Comments: 4766 sq. ft., most recent use—housing, off-site use only

Property Number: 21200340075
Property Number: 21200710051
Property Number: 21200740040
Property Number: 21200740041
Property Number: 21200740042

Army

Alaska

Building

Bldg. 00136
Property Number: 21200740043
Ft. Richardson
Ft. Richardson AK
Status: Excess
Comments: 2383 sq. ft., most recent use—housing, off-site use only

Bldgs. 00139, 00148
Property Number: 21200740044
Ft. Richardson
Ft. Richardson AK
Status: Excess
Comments: 4766 sq. ft., most recent use—housing, off-site use only

6 Bldgs.
Property Number: 21200740045
Ft. Richardson
00366, 00367, 00369, 00371, 00372, 00373
Ft. Richardson AK
Status: Excess
Comments: 13743/12642 sq. ft., most recent use—housing, off-site use only

Bldgs. 00392, 00394
Property Number: 21200740046
Ft. Richardson
Ft. Richardson AK
Status: Excess
Comments: 18496 sq. ft., most recent use—housing, off-site use only

Army

Alaska

Building

6 Bldgs.
Property Number: 21200740047
Ft. Richardson
00413, 00414, 00415, 00416, 00417, 00418
Ft. Richardson AK
Status: Excess
Comments: 13056 sq. ft., most recent use—housing, off-site use only

6 Bldgs.
Property Number: 21200740048
Ft. Richardson
00424, 00425, 00427, 00428, 00429, 00431
Ft. Richardson AK
Status: Excess
Comments: 13056 sq. ft., most recent use—housing, off-site use only

Arizona

Building

Bldg. S–306
Property Number: 21199420346
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Status: Unutilized
Comments: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground
Property Number: 21199520073
Yuma Co: Yuma AZ 85365–9104
Status: Underutilized
Comments: 3789 sq. ft., 2-story, major structural changes required to meet floor loading code requirements, presence of asbestos, off-site use only

Army

Arizona

Building

Bldg. 43002
Property Number: 21200440066
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Comments: 23,152 sq. ft., presence of asbestos/lead paint, most recent use—dining, off-site use only

Arkansas

Building

7 Bldgs.
Property Number: 21200740176
Pine Bluff Arsenal
Jefferson AR 71602
Location: 12300, 12302, 12304, 12306, 12308, 12310, 12312
Status: Unutilized
Comments: 2400 sq. ft., major repairs, lead base paint abatement required, most recent use—housing, off-site use only

Bldgs. 13700 thru 13709
Property Number: 21200740177
Pine Bluff Arsenal
Jefferson AR 71602
Status: Unutilized
Comments: 2328 sq. ft., major repairs, lead base paint abatement required, most recent use—housing, off-site use only

Army

California

Building

Bldgs. 18026, 18028
Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft., concrete, poor condition, off-site use only

Bldgs. 00576, 00577
Property Number: 21200710056
Moffett Field
Santa Clara CA 94035
Status: Unutilized
Comments: 1968/2400 sq. ft., most recent use—youth shelter, possible asbestos, off-site use only

Bldgs. 08420, 08460, 08480
Property Number: 21200710102
Moffett Field
Santa Clara CA 94035
Status: Unutilized
Comments: 8710 sq. ft., possible asbestos/lead paint, most recent use—6 family dwelling unit, off-site use only

Bldg. 07180
Property Number: 21200740049
Moffett Field
Santa Clara CA 94035
Status: Unutilized
Comments: 10256 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Army

California

Building

Bldgs. 5, 6, 7
Property Number: 21200740050
Bell AFRC
Bell CA 90201
Status: Unutilized
Comments: 198,000 sq. ft., warehouses, presence of asbestos/lead paint, need major repairs, off-site use only

Colorado

Building

Bldgs. 25, 26, 27
Property Number: 21200420178
Pueblo Chemical Depot
Pueblo CO 81006
Status: Unutilized
Comments: 1311 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 00127
Property Number: 21200420179
Pueblo Chemical Depot
Pueblo CO 81006
Status: Unutilized
Comments: 8067 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 01516
Property Number: 21200640116
Fort Carson
El Paso CO 80913
Status: Unutilized
Comments: 723 sq. ft., needs repair, most recent use—storage, off-site use only

Army

Georgia

Building

Bldg. 322
Property Number: 21199720156
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2593
Property Number: 21199720167

Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Property Number: 21199720168
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4476
Property Number: 21199720184
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

Bldg. 4232
Property Number: 21199830291
Fort Benning null Co: Muscogee GA 31905
Status: Unutilized
Comments: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Army

Georgia

Building

Bldg. 2815
Property Number: 21199930129
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldgs. 5974–5978
Property Number: 21199930135
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Property Number: 21199930136
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Property Number: 21199930137
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Property Number: 21200030085
Fort Stewart
Hinesville Co: Liberty GA 31514
Status: Excess
Comments: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Army

Georgia

Building

Bldg. T0130
Property Number: 21200230041
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess.
Comments: 10,813 sq. ft., off-site use only.

Bldg. T0157
Property Number: 21200230042
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 1440 sq. ft., off-site use only

Bldgs. T291, T292
Property Number: 21200230044
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 5220 sq. ft. each, off-site use only

Bldg. T0295
Property Number: 21200230045
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 5220 sq. ft., off-site use only

Bldg. 4476
Property Number: 21200420034
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess.
Comments: 3148 sq. ft., most recent use—veh. maint. shop, off-site use only

Army

Georgia

Building

Bldg. 9029
Property Number: 21200420050
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Comments: 7356 sq. ft., most recent use—heat plant bldg., off-site use only

Bldg. 11370
Property Number: 21200420051
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Comments: 9602 sq. ft., most recent use—nco/enl bldg., off-site use only

Bldg. T924
Property Number: 21200420194
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 00924
Property Number: 21200510065
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 9019
Property Number: 21200520102
Fort Benning
Chattachoochee GA 31905
Status: Unutilized
Comments: 7243 sq. ft., poor condition, most recent use—BN HQ Bldg., off-site use only

Army

Georgia

Building

Bldgs. 9198, 9199
Property Number: 21200520108
Fort Benning
Chattachoochee GA 31905
Status: Unutilized
Comments: 1008 sq. ft., poor condition, most recent use—admin., off-site use only

Bldg. 08585
Property Number: 21200530078
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 165 sq. ft., most recent use—plant, off-site use only

Bldg. 01150
Property Number: 21200610037
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 137 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01151
Property Number: 21200610038
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 78 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01153
Property Number: 21200610039
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 211 sq. ft., most recent use—flam mat storage, off-site use only

Army

Georgia

Building

Bldg. 01530
Property Number: 21200610048
Fort Stewart
Liberty GA 31314
Status: Excess
Comments: 80 sq. ft., most recent use—scale house, off-site use only

Bldg. 08032
Property Number: 21200610051
Fort Stewart
Liberty GA 31314
Status: Excess
Comments: 2592 sq. ft., needs rehab, most recent use—storage/stable, off-site use only

Bldg. 07783
Property Number: 21200640093
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 8640 sq. ft., most recent use—maintenance hangar, off-site use only

Bldg. 08061
Property Number: 21200640094
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 1296 sq. ft., most recent use—weather station, off-site use only

4 Bldgs.
Property Number: 21200740051
Fort Benning.
8642, 8643, 8649, 8656
Ft. Benning GA 31905
Status: Unutilized
Comments: various sq. ft., most recent use—range support facility, off-site use only

Army

Georgia

Building

Bldg. 00100
Property Number: 21200740052
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 10893 sq. ft., most recent use—battalion hdqts., off-site use only

Bldg. 00129
Property Number: 21200740053
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 4815 sq. ft., presence of asbestos, most recent use—religious education facility, off-site use only

Bldg. 00145
Property Number: 21200740054
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 11590 sq. ft., presence of asbestos, most recent use—post chapel, off-site use only

Bldg. 00811
Property Number: 21200740055
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 42853 sq. ft., most recent use—co hq bldg, off-site use only

Bldg. 00812
Property Number: 21200740056
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 1080 sq. ft., most recent use—power plant, off-site use only

Army

Georgia

Building

Bldg. 00850
Property Number: 21200740057
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 108,287 sq. ft., presence of asbestos, most recent use—aircraft hangar, off-site use only

Bldg. 00860
Property Number: 21200740058
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 10,679 sq. ft., presence of asbestos, most recent use—maint. hangar, off-site use only

Bldg. 01028
Property Number: 21200740059
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 870 sq ft., most recent use—storage, off-site use only

Bldg. 00955
Property Number: 21200740060
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 120 sq. ft., most recent use—storage, off-site use only

Bldg. 00957
Property Number: 21200740061
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 6,072 sq. ft., most recent use—recycling facility, off-site use only

Army

Georgia

Building

Bldg. 00971
Property Number: 21200740062
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4,000 sq. ft., most recent use—vehicle maint., off-site use only

Bldg. 01015
Property Number: 21200740063
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 7,496 sq. ft., most recent use—storage, off-site use only

Bldg. 01209
Property Number: 21200740064
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4,786 sq. ft., presence of asbestos, most recent use—vehicle maint., off-site use only

Bldg. 07335
Property Number: 21200740065
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4,400 sq. ft., most recent use—chapel, off-site use only

Bldg. 245
Property Number: 21200740178
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 1,102 sq. ft., most recent use—fld ops, off-site use only

Army

Georgia

Building

Bldg. 2580
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 1,943 sq. ft., most recent use—org. str., off-site use only

Bldg. 2748
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 3,990 sq. ft., most recent use—office, off-site use only

Bldg. 3819
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 4,241 sq. ft., most recent use—gen. str., off-site use only

Bldg. 3866
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 944 sq. ft., most recent use—office, off-site use only

Bldg. 8682
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 780 sq. ft., most recent use—admin., off-site use only

Property Number: 21200740179
Property Number: 21200740180
Property Number: 21200740181
Property Number: 21200740182
Property Number: 21200740183

Army

Georgia

Building

Bldg. 10800
Property Number: 21200740184
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 16,628 sq. ft., off-site use only

Bldgs. 11302, 11303, 11304
Property Number: 21200740185
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: various sq. ft., most recent use—ACS center, off-site use only

Hawaii

Building

P–88
Property Number: 21199030324
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Army

Illinois

Building

Bldg. 54
Property Number: 21199620666
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299
Status: Unutilized
Comments: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Property Number: 21200110081
Sheridan Reserve
Arlington Heights IL 60052–2475
Status: Unutilized
Comments: 1000 sq. ft., off-site use only

Bldgs. 634, 639
Property Number: 21200740186
Fort Sheridan
Ft. Sheridan IL 60037
Status: Unutilized
Comments: 3731/3706 sq. ft., most recent use—classroom/storage, off-site use only

Iowa

Building

Bldg. 00691
Property Number: 21200510073
Iowa Army Ammo Plant
Middletown Co: Des Moines IA 52638
Status: Unutilized
Comments: 2581 sq. ft. residence, presence of lead paint, possible asbestos

Army

Iowa

Building

Bldg. 00691
Property Number: 21200520113
Iowa Army Ammo Plant
Middletown Co: Des Moines IA 52638
Status: Unutilized
Comments: 2581 sq. ft., presence of asbestos/lead paint, most recent use—residential

Kansas

Building

Bldg. 00393
Property Number: 21200740066
Fort Leavenworth
Leavenworth KS
Status: Unutilized
Comments: 63 sq. ft., most recent use—maint. facility, off-site use only

Bldg. 00423
Property Number: 21200740067
Fort Leavenworth
Leavenworth KS 66027
Status: Unutilized
Comments: 8200 sq. ft., most recent use—maint. facility, off-site use only

Bldg. 00426
Property Number: 21200740068
Fort Leavenworth
Leavenworth KS 66027
Status: Unutilized
Comments: 480 sq. ft., most recent use—dog kennel, off-site use only

Army

Kansas

Building

Bldg. 00449
Property Number: 21200740069
Fort Leavenworth
Leavenworth KS 66027
Status: Unutilized
Comments: 997 sq. ft., most recent use—access control, off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk
Property Number: 21199640528
Ft. Polk Co: Vernon Parish LA 71459
Status: Underutilized
Comments: 4172 sq. ft., most recent use—barracks

Bldg. T7125
Property Number: 21200540088
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: 1875 sq. ft., off-site use only

Bldgs. T7163, T8043
Property Number: 21200540089
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: 4073/1923 sq. ft., off-site use only

Army

Maryland

Building

Bldg. 0459B
Property Number: 21200120106
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Property Number: 21200120107
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E5239
Property Number: 21200120113
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Property Number: 21200120114
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637
Property Number: 21200120115
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Army

Maryland

Building

Bldg. 219
Property Number: 21200140078
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 294
Property Number: 21200140081
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 1007
Property Number: 21200140085
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2214
Property Number: 21200230054
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Army

Maryland

Building

Bldg. 00375
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 0385A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 944 sq. ft., off-site use only

Bldg. 00523
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 3897 sq. ft., most recent use—paint shop, off-site use only

Bldg. 0700B
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 505 sq. ft., off-site use only

Bldg. 01113
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1012 sq. ft., off-site use only

Property Number: 21200320107
Property Number: 21200320110
Property Number: 21200320113
Property Number: 21200320121
Property Number: 21200320128

Army

Maryland

Building

Bldgs. 01124, 01132
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 740/2448 sq. ft., most recent use—lab, off-site use only

Bldg. 03558
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 18,000 sq. ft., most recent use—storage, off-site use only

Bldg. 05262
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 864 sq. ft., most recent use—storage, off-site use only

Bldg. 05608
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1100 sq. ft., most recent use—maint. bldg., off-site use only

Bldg. E5645

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 548 sq. ft., most recent use—storage, off-site use only
Property Number: 21200320129
Property Number: 21200320133
Property Number: 21200320136
Property Number: 21200320137
Property Number: 21200320150

Army

Maryland

Building

Bldg. 00435
Property Number: 21200330111
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1191 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0449A
Property Number: 21200330112
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 143 sq. ft., needs rehab, most recent use—substation switch bldg., off-site use only

Bldg. 0460
Property Number: 21200330114
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1800 sq. ft., needs rehab, most recent use—electrical EQ bldg., off-site use only

Bldg. 00914
Property Number: 21200330118
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: needs rehab, most recent use—safety shelter, off-site use only

Bldg. 00915
Property Number: 21200330119
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 247 sq. ft., needs rehab, most recent use—storage, off-site use only

Army

Maryland

Building

Bldg. 01189
Property Number: 21200330126
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 800 sq. ft., needs rehab, most recent use—range bldg., off-site use only

Bldg. E1413
Property Number: 21200330127
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: needs rehab, most recent use—observation tower, off-site use only

Bldg. E3175
Property Number: 21200330134
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1296 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

4 Bldgs.
Property Number: 21200330135
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Location: E3224, E3228, E3230, E3232, E3234
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—lab test bldgs., off-site use only

Army

Maryland

Building

Bldg. E3241
Property Number: 21200330136
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 592 sq. ft., needs rehab, most recent use—medical res bldg., off-site use only

Bldg. E3300
Property Number: 21200330139
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 44,352 sq. ft., needs rehab, most recent use—chemistry lab, off-site use only

Bldg. E3335
Property Number: 21200330144
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464
Property Number: 21200330145
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 3588/236 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3542
Property Number: 21200330148
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1146 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Army

Maryland

Building

Bldg. E4420
Property Number: 21200330151
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 14,997 sq. ft., needs rehab, most recent use—police bldg., off-site use only

4 Bldgs.
Property Number: 21200330154
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Location: E5005, E5049, E5050, E5051
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldg. E5068
Property Number: 21200330155
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldgs. 05448, 05449
Property Number: 21200330161
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only

Army

Maryland

Building

Bldg. 05450
Property Number: 21200330162
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05451, 05455
Property Number: 21200330163
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05453
Property Number: 21200330164
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E5609
Property Number: 21200330167
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5611
Property Number: 21200330168
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Army

Maryland

Building

Bldg. E5634
Property Number: 21200330169
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5654
Property Number: 21200330171
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5942
Property Number: 21200330176
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005

Status: Unutilized
Comments: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953
Property Number: 21200330177
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402
Property Number: 21200330178
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Army

Maryland

Building

Bldg. E7407, E7408
Property Number: 21200330179
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. 3070A
Property Number: 21200420055
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2299 sq. ft., most recent use—heat plant, off-site use only

Bldg. E5026
Property Number: 21200420056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 20,536 sq. ft., most recent use—storage, off-site use only

Bldg. 05261
Property Number: 21200420057
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maintenance, off-site use only

Bldg. E5876
Property Number: 21200440073
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only

Army

Maryland

Building

Bldg. 00688
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 24,192 sq. ft., most recent use—ammo, off-site use only

Bldg. 04925
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1326 sq. ft., off-site use only

Bldg. 00255
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 00638
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 4295 sq. ft., most recent use—storage, off-site use only

Bldg. 00721
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 135 sq. ft., most recent use—storage, off-site use only

Property Number: 21200530080
Property Number: 21200540091
Property Number: 21200720052
Property Number: 21200720053
Property Number: 21200720054

Army

Maryland

Building

Bldgs. 00936, 00937
Property Number: 21200720055
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2000 sq. ft., most recent use—storage, off-site use only

Bldgs. E1410, E1434
Property Number: 21200720056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2276/3106 sq. ft., most recent use—laboratory, off-site use only

Bldg. 03240
Property Number: 21200720057
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10,049 sq. ft., most recent use—office, off-site use only

Bldg. E3834
Property Number: 21200720058
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 72 sq. ft., most recent use—office, off-site use only

Bldgs. E4465, E4470, E4480
Property Number: 21200720059
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 17658/16876/17655 sq. ft., most recent use—office, off-site use only

Army

Maryland

Building

Bldgs. E5137, 05219
Property Number: 21200720060
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 3700/8175 sq. ft., most recent use—office, off-site use only

Bldg. E5236
Property Number: 21200720061
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10,325 sq. ft., most recent use—storage, off-site use only

Bldg. E5282
Property Number: 21200720062
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 4820 sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. E5736, E5846, E5926
Property Number: 21200720063
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1069/4171/11279 sq. ft., most recent use—storage, off-site use only

Bldg. E6890
Property Number: 21200720064
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1 sq. ft., most recent use—impact area, off-site use only

Army

Maryland

Land
2 acres
Property Number: 21200640095
Fort Meade
Odenton Rd/Rt 175
Ft. Meade MD 20755
Status: Unutilized
Comments: light industrial

16 acres
Property Number: 21200640096
Fort Meade
Rt 198/Airport Road
Ft. Meade MD 20755
Status: Unutilized
Comments: light industrial

Missouri

Building

Bldg. T1497
Property Number: 21199420441
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Property Number: 21199420446
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Army

Missouri

Building

Bldg. T2385
Property Number: 21199510115

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Status: Excess
Comments: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 2167
Property Number: 21199820179
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2192, 2196, 2198
Property Number: 21199820183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs
Property Number: 21200410110
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261.
Status: Unutilized
Comments: 7152 sq. ft. 6 plex housing quarters, potential contaminants, off-site use only.

Army

Missouri

Building

6 Bldg
Property Number: 21200410111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07044, 07106, 07107, 08260, 08281, 08300
Status: Unutilized
Comments: 9520 sq ft., 8 plex housing quarters, potential contaminants, off-site use only.

15 Bldgs
Property Number: 21200410112
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 08242, 08243, 08246–08248, 08250, 08252–08254, 08256, 08258–08259, 08262–08263, 08265
Status: Unutilized
Comments: 4784 sq ft., 4 plex housing quarters, potential contaminants, off-site use only.

Bldgs 08283, 08285
Property Number: 21200410113
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 2240 sq ft, 2 plex housing quarters, potential contaminants, off-site use only

15 Bldgs
Property Number: 21200410114
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290, 08296, 08301
Status: Unutilized
Comments: 4784 sq ft., 4 plex housing quarters, potential contaminants, off-site use only

Army

Missouri

Building

Bldg 09432
Property Number: 21200410115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 8724 sq ft., 6-plex housing quarters, potential contaminants, off-site use only.

Bldgs. 5006 and 5013
Property Number: 21200430064
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only

Bldgs. 13210, 13710
Property Number: 21200430065
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only

Montana

Building

Bldg. 00405
Property Number: 21200130099
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations

Army

Montana

Building

Bldg. T0066
Property Number: 21200130100
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations

Bldg. 00001
Property Number: 21200540093
Sheridan Hall USARC
Helena MT 59601
Status: Unutilized
Comments: 19,321 sq. ft., most recent use—Reserve Center

Bldg. 00003
Property Number: 21200540094
Sheridan Hall USARC
Helena MT 59601
Status: Unutilized
Comments: 1950 sq. ft., most recent use—maintenance/storage

New Jersey

Building

Bldg. 732
Property Number: 21199740315
Armament R Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Status: Unutilized
Comments: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Army

New Jersey

Building

Bldg. 816C
Property Number: 21200130103
Armament R, D, Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Status: Unutilized
Comments: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

Bldg. 34198
Property Number: 21200230062
White Sands Missile Range
Dona Ana NM 88002
Status: Excess
Comments: 107 sq. ft., most recent use—security, off-site use only

New York

Building

Bldg. 1227
Property Number: 21200440074
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Status: Unutilized
Comments: 3800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. 2218
Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services

Army

New York

Building

7 Bldgs.
Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services

Ohio

Land

Land Property Number: 21200340094
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Status: Excess
Comments: 11 acres, railroad access

Oklahoma

Building

Bldg. T–838, Fort Sill
Property Number: 21199220609
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
Property Number: 21199240659
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Army

Oklahoma

Building

Bldg. T–3325, Fort Sill
Property Number: 21199240681
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use warehouse.

Bldg. T–4226
Property Number: 21199440384
Fort Sill
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use storage, off-site use only

Bldg. P–1015, Fort Sill
Property Number: 21199520197
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Property Number: 21199610740
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Property Number: 21199710047
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only

Army

Oklahoma

Building

Building P–5042
Property Number: 21199710066
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only

4 Buildings
Property Number: 21199710086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comments: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off site use only

Bldg. T–810
Property Number: 21199730350
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Property Number: 21199730351
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Army

Oklahoma

Building

Bldg. P–934
Property Number: 21199730353
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1468, T–1469
Property Number: 21199730357
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Property Number: 21199730358
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Property Number: 21199730362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184 Property Number: 21199730364
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Army

Oklahoma

Building

Bldgs. T–2186, T–2188, T–2189
Property Number: 21199730366
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Property Number: 21199730367
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Property Number: 21199730372
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Property Number: 21199730383
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Army

Oklahoma

Building

Bldg. T–3314
Property Number: 21199730385
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041
Property Number: 21199730409
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Property Number: 21199730414
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–7775
Property Number: 21199730419
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

Army

Oklahoma

Building

4 Bldgs.
Property Number: 21199910133
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100

Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only
Bldg. P–746
Property Number: 21199910135
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only
Bldgs. P–2581, P–2773
Property Number: 21199910140
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
Bldg. P–2582
Property Number: 21199910141
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Army

Oklahoma

Building

Bldgs. P–2912, P–2921, P–2944
Property Number: 21199910144
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
Bldg. P–2914
Property Number: 21199910146
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
Bldg. P–5101
Property Number: 21199910153
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only
Bldg. S–6430
Property Number: 21199910156
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Army

Oklahoma

Building

Bldg. T–6461
Property Number: 21199910157
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only
Bldg. T–6462
Property Number: 21199910158
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only
Bldg. P–7230
Property Number: 21199910159
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only
Bldg. S–4023
Property Number: 21200010128
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Army

Oklahoma

Building

Bldg. P–747
Property Number: 21200120120
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only
Bldg. P–842
Property Number: 21200120123
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
Bldg. T–911
Property Number: 21200120124
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
Bldg. P–1672
Property Number: 21200120126
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
Bldg. S–2362
Property Number: 21200120127
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Army

Oklahoma

Building

Bldg. P–2589
Property Number: 21200120129
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
Bldgs. 01276, 01278
Property Number: 21200520119
Fort Sill
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: 1533 sq. ft., most recent use—maintenance, off-site use only
Bldgs. 00937, 00957
Property Number: 21200710104
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1558 sq. ft., most recent use—storage shed, off-site use only
Bldg. 01514
Property Number: 21200710105
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1602 sq. ft., most recent use—storage, off-site use only

Army

South Carolina

Building

Bldg. 3605
Property Number: 21199820188
Fort Jackson
Ft. Jackson Co: Richland SC 29207
Status: Unutilized
Comments: 711 sq. ft., needs repair, most recent use—storage
Bldg. 1765
Property Number: 21200030109
Fort Jackson
Ft. Jackson Co: Richland SC 29207
Status: Unutilized
Comments: 1700 sq. ft., needs repairs, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Property Number: 21200110089
Fort Jackson
Columbia Co: Richland SC 29207
Status: Underutilized
Comments: approx. 1 acre

South Dakota

Building

Bldg. 03001
Property Number: 21200740187
Jonas H. Lien AFRC
Sioux Falls SD 57104
Status: Unutilized
Comments: 33282 sq. ft., most recent use—training center

Army

South Dakota

Building

Bldg. 03003
Property Number: 21200740188
Jonas H. Lien AFRC
Sioux Falls SD 57104
Status: Unutilized
Comments: 4675 sq. ft., most recent use—vehicle maint. shop

Texas

Building

Bldg. 7137, Fort Bliss
Property Number: 21199640564
El Paso Co: El Paso TX 79916
Status: Unutilized
Comments: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 92043
Property Number: 21200020206
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Property Number: 21200020207
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1920 sq. ft., most recent use—admin., off-site use only

Army

Texas

Building

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 56305
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2160 sq. ft., most recent use—admin., off-site use only

Bldgs. 56620, 56621
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Property Number: 21200020208
Property Number: 21200220143
Property Number: 21200220146
Property Number: 21200220147
Property Number: 21200220148

Army

Texas

Building

Bldgs. 56636, 56637
Property Number: 21200220150
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Property Number: 21200220151
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Property Number: 21200220152
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1306 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Property Number: 21200220154
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. P6220, P6222
Property Number: 21200330197
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Army

Texas

Building

Bldgs. P6224, P6226
Property Number: 21200330198
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldg. 90036
Property Number: 21200640098
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Excess
Comments: 13,124 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 92039
Property Number: 21200640101
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Excess
Comments: 80 sq. ft., most recent use—storage, off-site use only

Bldgs. 04281, 04283
Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04284
Property Number: 21200720086
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Army

Texas

Building

Bldg. 04285
Property Number: 21200720087
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04286
Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 04291
Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 4410
Property Number: 21200720090
Fort Hood
Bell TX 76544
Status: Excess
Comments: 12,956 sq. ft., presence of asbestos, most recent use—simulation center, off-site use only

Bldgs. 10031, 10032, 10033
Property Number: 21200720091
Fort Hood
Bell TX 76544
Status: Excess
Comments: 2578/3383 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Army

Texas

Building

Bldgs. 56524, 56532
Property Number: 21200720092
Fort Hood
Bell TX 76544
Status: Excess
Comments: 600 sq. ft., presence of asbestos, most recent use—dining, off-site use only

Bldg. 56435
Property Number: 21200720093
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3441 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 05708
Property Number: 21200720094
Fort Hood
Bell TX 76544

Status: Excess
Comments: 1344 sq. ft., most recent use—community center, off-site use only

Bldg. 90001
Property Number: 21200720095
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3574 sq. ft., presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 90060
Property Number: 21200720096
Fort Hood
Bell TX 76544
Status: Excess
Comments: 96 sq. ft., presence of asbestos, most recent use—lab, off-site use only

Army

Texas

Building

Bldgs. 90063, 90064, 90065
Property Number: 21200720097
Fort Hood
Bell TX 76544
Status: Excess
Comments: 1519/1798/1800 sq. ft., presence of asbestos, most recent use—lab, off-site use only

Bldg. 90066
Property Number: 21200720098
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8107 sq. ft., presence of asbestos, most recent use—equipment bldg., off-site use only

Bldg. 93013
Property Number: 21200720099
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., most recent use—club, off-site use only

Bldg. 04249
Property Number: 21200740080
Fort Hood
Bell TX 76544
Status: Excess
Comments: 2741 sq. ft., presence of asbestos, most recent use—admin, off-site use only

Bldg. 06987
Property Number: 21200740090
Fort Hood
Bell TX 76544
Status: Excess
Comments: 192 sq. ft., presence of asbestos, most recent use—access control, off-site use only

Army

Texas

Building

5 Bldgs.
Property Number: 21200740195
Fort Hood
Bell TX 76544
Location: 56541, 56546, 56547, 56548, 56638
Status: Excess
Comments: 1120/1133 sq. ft., presence of asbestos, most recent use—lavatory, off-site use only

Land

1 acre
Property Number: 21200440075
Fort Sam Houston
San Antonio Co: Bexar TX 78234
Status: Excess
Comments: 1 acre, grassy area

Utah

Building

Bldg. 00001
Property Number: 21200740196
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 16543 sq. ft., most recent use—training center, off-site use only

Bldg. 00002
Property Number: 21200740197
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 3842 sq. ft., most recent use—vehicle maint. shop, off-site use only

Utah

Building

Bldg. 00005
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 96 sq. ft., most recent use—storage, off-site use only

Virginia

Building

Bldg. 1559
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 2892 sq. ft., most recent use—storage, off-site use only

Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only

Bldg. 00942
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 84 sq ft., most recent use—shower, off-site use only

Property Number: 21200740198
Property Number: 21200130156
Property Number: 21200720065
Property Number: 21200720066

Army

Virginia

Building

Bldg. 01025
Property Number: 21200720070
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 4800 sq. ft., most recent use—admin., off-site use only

Bldg. 01028
Property Number: 21200720071
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 2398 sq. ft., most recent use—admin., off-site use only

Bldg. 01633
Property Number: 21200720076
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 240 sq. ft., most recent use—storage, off-site use only

Bldg. 02786
Property Number: 21200720084
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 1596 sq. ft., most recent use—admin., off-site use only

Army

Washington

Building

Bldg. CO909, Fort Lewis Property Number: 21199630205
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1164, Fort Lewis Property Number: 21199630213
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis Property Number: 21199630216
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis Property Number: 21199630217
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis Property Number: 21199630218
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Army

Washington

Building

Bldg. 4078, Fort Lewis Property Number: 21199630219
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis Property Number: 21199630220
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis Property Number: 21199640570
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO347 Property Number: 21199710156
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008, Fort Lewis Property Number: 21199720216
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use medical clinic, off-site use only

Army

Washington

Building

Bldgs. CO509, CO709, CO720 Property Number: 21199810372
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

Bldg. 5162 Property Number: 21199830419
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 5224 Property Number: 21199830433
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B Property Number: 21199920237
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Army

Washington

Building

Bldg. U001C Property Number: 21199920238
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs. Property Number: 21199920239
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs. Property Number: 21199920240
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U003A, U004B, U006C, U015B, U016B, U019B
Status: Unutilized
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D Property Number: 21199920241
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Army

Washington

Building

Bldg. U005A Property Number: 21199920242
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs. Property Number: 21199920245
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Status: Excess
Comments: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J Property Number: 21199920246
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B Property Number: 21199920247
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Army

Washington

Building

Bldg. U018C Property Number: 21199920248
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024D Property Number: 21199920250
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A Property Number: 21199920251
Fort Lewis
Ft. Lewis Co: Pierce WA
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldg. U031A Property Number: 21199920253
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Army

Washington

Building

Bldg. U031C Property Number: 21199920254
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D Property Number: 21199920255
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H Property Number: 21199920256
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B Property Number: 21199920257
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Army

Washington

Building

Bldg. U035C Property Number: 21199920258
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A Property Number: 21199920259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B Property Number: 21199920260
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use grandstand/ bleachers, off-site use only

Bldg. U039C Property Number: 21199920261
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Army

Washington

Building

Bldg. U043A Property Number: 21199920262
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A Property Number: 21199920263
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E Property Number: 21199920264
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G Property Number: 21199920265
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Army

Washington

Building

3 Bldgs. Property Number: 21199920266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U058A, U103A, U018A
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A Property Number: 21199920267
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B Property Number: 21199920268
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs. Property Number: 21199920269
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U101B, U101C, U507B, U557A
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Army

Washington

Building

Bldg. U110B Property Number: 21199920272
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

6 Bldgs. Property Number: 21199920273
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U111A, U015A, U024E, U052F, U109A, U110A
Status: Excess
Comments: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use support/shelter/mess, off-site use only

Bldg. U112A Property Number: 21199920274
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use-shelter, off -site use only

Bldg. U115A Property Number: 21199920275
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Army

Washington

Building

Bldg. U507A
Property Number: 21199920276
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120
Property Number: 21199920281
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. 01205
Property Number: 21199920290
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Property Number: 21199920291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Army

Washington

Building

Bldg. 01266
Property Number: 21199920292
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Property Number: 21199920294
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099
Property Number: 21199920296
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040
Property Number: 21199920298
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Army

Washington

Building

Bldgs. 4072, 5104
Property Number: 21199920299
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Property Number: 21199920300
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 6191
Property Number: 21199920303
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Property Number: 21199920304
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Army

Washington

Building

Bldg. 08093
Property Number: 21199920305
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess

Comments: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Property Number: 21199920306
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Property Number: 21199920307
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use storage, off-site use only

Bldg. 8956
Property Number: 21199920308
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off -site use only

Army

Washington

Building

Bldg. 9530
Property Number: 21199920309
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Property Number: 21199920310
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Property Number: 21199920311
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

Wisconsin

Building

Bldg. 05018
Property Number: 21200740199
Fort McCoy
Monroe WI 54656
Status: Unutilized
Comments: 192 sq. ft., most recent use—wellhouse, off-site use only

Army

Wisconsin

Building

Bldgs. 07012, 07022, 07033
Property Number: 21200740200
Fort McCoy
Monroe WI 54656
Status: Unutilized
Comments: 384 sq. ft., most recent use—garage, off-site use only

COE

Kentucky

Building

Green River Lock #3
Property Number: 31199010022
Rochester Co: Butler KY 42273
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comments: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Land

Tract 2625
Property Number: 31199010025
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211
Location: Adjoining the village of Rockcastle.
Status: Excess
Comments: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Property Number: 31199010026
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Property Number: 31199010027
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 3.59 acres; rolling and wooded; no utilities.

COE

Kentucky

Building

Tract 2800
Property Number: 31199010028
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comments: 5.44 acres; steep and wooded.

Tract 2915
Property Number: 31199010029
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 6½ miles west of Cadiz.
Status: Excess
Comments: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Property Number: 31199010031
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 4.90 acres; wooded; no utilities.

Tract 4318
Property Number: 31199010032
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek.
Status: Excess
Comments: 8.24 acres; steep and wooded.

COE

Kentucky

Land

Tract 4502
Property Number: 31199010033
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comments: 4.26 acres; steep and wooded.

Tract 4611
Property Number: 31199010034
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 5 miles south of Canton, KY.
Status: Excess
Comments: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Property Number: 31199010035
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4½ miles south from Canton, KY.
Status: Excess
Comments: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Property Number: 31199010036
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 6½ miles south of Canton, KY.
Status: Excess
Comments: 1.75 acres; wooded.

COE

Kentucky

Land

Tract 1217
Property Number: 31199010042
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comments: 5.80 acres; steep and wooded.

Tract 1906
Property Number: 31199010044
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comments: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Property Number: 31199010045
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comments: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Property Number: 31199010046
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030

Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comments: 47.42 acres; steep and wooded; no utilities.

COE

Kentucky

Land

Tract 2001 #2
Property Number: 31199010047
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comments: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Property Number: 31199010048
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comments: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Property Number: 31199010049
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Property Number: 31199010050
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 7 miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 1.56 acres; steep and wooded; no utilities.

COE

Kentucky

Land

Tract 2504
Property Number: 31199010051
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 24.46 acres; steep and wooded; no utilities.

Tract 214
Property Number: 31199010052
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Status: Excess
Comments: 5.5 acres; wooded; no utilities.

Tract 215
Property Number: 31199010053
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.40 acres; wooded; no utilities.

Tract 241
Property Number: 31199010054
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 1.26 acres; steep and wooded; no utilities.

COE

Kentucky

Land

Tracts 306, 311, 315 and 325
Property Number: 31199010055
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 2.5 miles southwest of Kuttawa, KY on the waters of Cypress Creek.
Status: Excess
Comments: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Property Number: 31199010056
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 6½ miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Property Number: 31199010058
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comments: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Property Number: 31199010059
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comments: 2.26 acres; steep and wooded; no utilities.

COE

Kentucky

Land

Tract 4628
Property Number: 31199011621
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4½ miles south from Canton, KY.
Status: Excess
Comments: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Property Number: 31199011622
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4½ miles south from Canton, KY.
Status: Excess
Comments: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Property Number: 31199011623
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Location: 7 miles southeasterly from Eddyville, KY.
Status: Unutilized
Comments: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Property Number: 31199011624
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 11.16 acres; steep and wooded; subject to utility easements.

COE

Kentucky

Land

Tracts 212 and 237
Property Number: 31199011625
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Property Number: 31199011626
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.00 acres; wooded; subject to utility easements.

Tract 233
Property Number: 31199011627
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Property Number: 31199140009
Dale Hollow Lake Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601
Status: Underutilized
Comments: 91 acres, most recent use—hunting, subject to existing easements

COE

Montana

Land

Bldg. 1
Property Number: 31200040010
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Property Number: 31200040011
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Property Number: 31200040012
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized

Comments: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Property Number: 31200040013
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Property Number: 31200040014
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 1286 sq. ft., most recent use—cold storage, off-site use only

COE

Ohio

Building

Barker Historic House
Property Number: 31199120018
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comments: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Structure
Property Number: 31200540009
21897 Deer Creek Road
Mt. Sterling Co: Pickaway OH 43143
Status: Unutilized
Comments: 1321 sq. ft., brick, off-site use only

Oklahoma

Land

Pine Creek Lake
Property Number: 31199010923
Section 27
(See County) Co: McCurtain OK
Status: Unutilized
Comments: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

COE

Pennsylvania

Building

Mahoning Creek Reservoir
Property Number: 31199210008
New Bethlehem Co: Armstrong PA 16242
Status: Unutilized
Comments: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Property Number: 31199620008
Lock 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Status: Unutilized
Comments: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Dwelling
Property Number: 31199710009
Lock 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Status: Unutilized
Comments: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Property Number: 31199740002
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Status: Excess
Comments: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740003
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Status: Excess
Comments: 3045 sq. ft., most recent use—residential, good condition, off-site use only

COE

Pennsylvania

Building

Govt Dwelling
Property Number: 31199740005
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Status: Underutilized
Comments: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Property Number: 31199740006
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740007
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Property Number: 31199740008
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Status: Excess
Comments: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740009
Lock 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Status: Excess
Comments: 2652 sq. ft., most recent use—residential, good condition, off-site use only

COE

Pennsylvania

Building

Residence A
Property Number: 31200410007
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos, off-site use only

Land

Mahoning Creek Lake
Property Number: 31199010018
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comments: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Property Number: 31199011001
Shenango River Lake
Sharpsville Co: Mercer PA 16150
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comments: 24.09 acres; subject to flowage easement

Tracts L24, L26
Property Number: 31199011011
Crooked Creek Lake
Null Co: Armstrong PA 03051
Location: Left bank—55 miles downstream of dam.
Status: Unutilized
Comments: 7.59 acres; potential for utilities.

COE

Pennsylvania

Land

Portion of Tract L–21A
Property Number: 31199430012
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226
Status: Unutilized
Comments: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Building

Tract 6827
Property Number: 31199010927
Barkley Lake
Dover Co: Stewart TN 37058
Location: 2½ miles west of Dover, TN.
Status: Excess
Comments: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Property Number: 31199010928
Barkley Lake
Dover Co: Stewart TN 37058
Location: 3½ miles south of village of Tabaccoport.
Status: Excess
Comments: 100.86 acres; subject to existing easements.

Tract 11516
Property Number: 31199010929
Barkley Lake
Ashland City Co: Dickson TN 37015
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comments: 26.25 acres; subject to existing easements.

COE

Tennessee

Building

Tract 2319
Property Number: 31199010930

J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Location: West of Buckeye Bottom Road
Status: Excess
Comments: 14.48 acres; subject to existing easements.

Tract 2227
Property Number: 31199010931
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Location: Old Jefferson Pike
Status: Excess
Comments: 2.27 acres; subject to existing easements.

Tract 2107
Property Number: 31199010932
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comments: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Property Number: 31199010933
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562
Location: TN Highway 56
Status: Unutilized
Comments: 11 acres; subject to existing easements.

COE

Tennessee

Land

Tract 1911
Property Number: 31199010934
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: East of Lamar Road
Status: Excess
Comments: 6.92 acres; subject to existing easements.

Tract 7206
Property Number: 31199010936
Barkley Lake
Dover Co: Stewart TN 37058
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comments: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Property Number: 31199010937
Barkley Lake
Cumberland Co: Stewart TN 37050
Location: 1 1/2 miles East of Cumberland City.
Status: Excess
Comments: 96 acres; subject to existing easements.

Tract 8911
Property Number: 31199010938
Barkley Lake
Cumberland City Co: Montgomery TN 37050
Location: 4 miles east of Cumberland City.
Status: Excess
Comments: 7.7 acres; subject to existing easements.

COE

Tennessee

Land

Tract 11503
Property Number: 31199010939
Barkley Lake
Ashland City Co: Cheatham TN 37015
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comments: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Property Number: 31199010940
Barkley Lake
Ashland City Co: Cheatham TN 37015
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comments: 19.5 acres; subject to existing easements.

Tract 6410
Property Number: 31199010941
Barkley Lake
Bumpus Mills Co: Stewart TN 37028
Location: 4½ miles SW. of Bumpus Mills.
Status: Excess
Comments: 17 acres; subject to existing easements.

Tract 9707
Property Number: 31199010943
Barkley Lake
Palmyer Co: Montgomery TN 37142
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comments: 6.6 acres; subject to existing easements.

COE

Tennessee

Land

Tract 6949
Property Number: 31199010944
Barkley Lake
Dover Co: Stewart TN 37058
Location: 1½ miles SE of Dover, TN.
Status: Excess
Comments: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Property Number: 31199011173
Barkley Lake
Dover Co: Stewart TN 37058
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comments: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Property Number: 31199130007
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074
Status: Underutilized
Comments: 54 acres, (portion in floodway), most recent use—recreation.

Tract A–102
Property Number: 31199140006
Dale Hollow Lake Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551
Status: Underutilized
Comments: 351 acres, most recent use—hunting, subject to existing easements.

COE

Tennessee

Land

Tract A–120
Property Number: 31199140007
Dale Hollow Lake Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551
Status: Underutilized
Comments: 883 acres, most recent use—hunting, subject to existing easements.

Tract D–185
Property Number: 31199140010
Dale Hollow Lake Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570
Status: Underutilized
Comments: 97 acres, most recent use—hunting, subject to existing easements.

GSA

Colorado

Land

Northgate Stockpile Storage
Property Number: 54200740011
Jackson CO 80480
Status: Surplus
Comments: 16.11 acres, uneven terrain, no utilities, restrictions/covenants.

GSA Number: 7–D–CO–0645

Nebraska

Building

Warehouse
Property Number: 54200740013
Bldg. 1047–15–28–2
McCook Co: Red Willow NE 69001
Status: Surplus
Comments: 5000 sq. ft., needs repair, off-site use only.

GSA Number: 7–I–NE–0533–AA

South Dakota

Land

40 Acres—N–2
Property Number: 54200740008
Minuteman Missile Site
Butte SD
Status: Surplus
Comments: restrictions & covenants.

GSA Number: 7–D–SD–0521–HA

40 acres—Mike 4
Property Number: 54200740009
Minuteman Missile Launch Facility
Butte SD 57706
Status: Surplus
Comments: restrictions & covenants.

GSA Number: 7–D–SD–0521–GZ

GSA

Washington

Land

Bremerton Lot
Property Number: 54200740012
E. 16th & Trenton Ave
Kitsap WA 98310
Status: Excess
Comments: 1500 sq. ft., small size.

GSA Number: 9–G–WA–1237

Interior

Washington

Building

Bldg. 127
Property Number: 61200630015
Yakima Project
1917 Marsh Road
Yakima WA 98901
Status: Excess
Comments: 1152 sq. ft., most recent use—office, off-site use only.

Bldg. 133
Property Number: 61200630016
Yakima Project
1917 Marsh Road
Yakima WA 98901
Status: Excess
Comments: 1680 sq. ft., most recent use—office, off-site use only.

Residence
Property Number: 61200710010
Riverside Road
Yakima WA 98901
Status: Unutilized
Comments: 756 sq. ft., off-site use only.

Bldg. 1933
Property Number: 61200720006
50 Acre Drive
Eltopia WA 99330
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only.

Interior

Washington

Building

Bldg. 1933g
Property Number: 61200720007
50 Acre Drive
Eltopia WA 99330
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only.

Bldg. 1934
Property Number: 61200720008
40 Acre Drive
Eltopia WA
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only.

Bldg. 1934g
Property Number: 61200720009
40 Acre Drive
Eltopia WA 99330
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only.

VA

Alabama

Land

VA Medical Center
Property Number: 97199010053
VAMC
Tuskegee Co: Macon AL 36083
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land

Property Number: 97199240001
4150 Clement Street
San Francisco Co: San Francisco CA 94121
Status: Underutilized
Comments: 4 acres; landslide area.

Colorado

Building

Bldg. 2
Property Number: 97200430001
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint.

Bldg. 3
Property Number: 97200430002
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint.

VA

Indiana

Building

Bldg. 105, VAMC
Property Number: 97199230006
East 38th Street
Marion Co: Grant IN 46952
Status: Excess
Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places.

Bldg. 140, VAMC
Property Number: 97199230007
East 38th Street
Marion Co: Grant IN 46952
Status: Excess
Comments: 60 sq. ft., concrete block bldg., most recent use—trash house.

Bldg. 7
Property Number: 97199810001
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 10
Property Number: 97199810002
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

VA

Indiana

Building

Bldg. 11
Property Number: 97199810003
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 18
Property Number: 97199810004
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 25
Property Number: 97199810005
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 1
Property Number: 97200310001
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

VA

Indiana

Building

Bldg. 3
Property Number: 97200310002
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

Bldg. 4
Property Number: 97200310003
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

Bldg. 13
Property Number: 97200310004
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 19
Property Number: 97200310005
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

VA

Indiana

Building

Bldg. 20
Property Number: 97200310006

N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use office/storage.

Bldg. 42
Property Number: 97200310007
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 60
Property Number: 97200310008
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 122
Property Number: 97200310009
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen.

VA

Iowa

Land

40.66 acres
Property Number: 97199740002
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Status: Unutilized
Comments: golf course, easement requirements.

New York

Building
Bldg. 3
Property Number: 97200520001
VA Medical Center
Batavia Co: Genesee NY 14020
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places.

Texas

Land

Land
Property Number: 97199010079
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA

Wisconsin

Building

Bldg. 8
Property Number: 97199010056
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

VA Medical Center
Property Number: 97199010054
County Highway E
Tomah Co: Monroe WI 54660
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities.

Total Suitable and Available for Year 2007 = 642

Title V Properties Reported in Year 2007 Which are Suitable and Unavailable

Air Force

South Dakota

Land

Tract 133
Property Number: 18200310004
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Status: Unutilized
Reason: Special Legislation.

Tract 67
Property Number: 18200310005
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Status: Unutilized
Reason: Mission purpose.

Washington

Building 22 Bldgs./Geiger Heights
Property Number: 18200420001
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

Bldg. 404/Geiger Heights
Property Number: 18200420002
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

Air Force

Washington

Building

11 Bldgs./Geiger Heights
Property Number: 18200420003
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

Bldg. 297/Geiger Heights
Property Number: 18200420004
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

9 Bldgs./Geiger Heights
Property Number: 18200420005
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

22 Bldgs./Geiger Heights
Property Number: 18200420006
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

51 Bldgs./Geiger Heights
Property Number: 18200420007
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

Air Force

Washington

Building

Bldg. 402/Geiger Heights
Property Number: 18200420008
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

5 Bldgs./Geiger Heights
Property Number: 18200420009
Fairchild AFB
222, 224, 271, 295, 260
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

5 Bldgs./Geiger Heights
Property Number: 18200420010
Fairchild AFB
102, 183, 118, 136, 113
Spokane WA 99224
Status: Unutilized
Reason: Mission effort.

Army

Alabama

Building

Bldg. 01433
Property Number: 21200220098
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: Being utilized.

Bldg. 30105
Property Number: 21200510052
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: Occupied.

Bldg. 40115
Property Number: 21200510053
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: Occupied.

Bldg. 25303
Property Number: 21200520074
Fort Rucker
Dale AL 36362
Status: Excess
Reason: Occupied.

Bldg. 25304
Property Number: 21200520075
Fort Rucker
Dale AL 36362
Status: Excess
Reason: Occupied.

Army

Arizona

Building

Bldg. 22529
Property Number: 21200520077
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied.

Bldg. 22541
Property Number: 21200520078
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied.

Bldg. 30020
Property Number: 21200520079
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied.

Bldg. 30021
Property Number: 21200520080
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied.

Bldg. 22040
Property Number: 21200540076
Fort Huachuca
Cochise AZ 85613
Status: Excess
Reason: Occupied.

Army

Arizona

Building

Bldg. 22540
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied.
Property Number: 21200620067

Colorado

Building

Bldg. S6264
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: Occupied.
Property Number: 21200340084

Bldg. S6285
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: In use.
Property Number: 21200420176

Bldg. S6287
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: In use.
Property Number: 21200420177

Bldg. 06225
Fort Carson
El Paso CO 80913–4001
Status: Unutilized
Reason: Occupied.
Property Number: 21200520084

Army

Georgia

Building

Bldgs. 00960, 00961, 00963
Property Number: 21200330107
Fort Benning
Ft. Benning Co: Chattahoochee GA
Status: Unutilized
Reason: Occupied.

Bldg. T201
Property Number: 21200420002
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. T234
Property Number: 21200420008
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. T702
Property Number: 21200420010
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. T703
Property Number: 21200420011
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. T704
Property Number: 21200420012
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. P813
Property Number: 21200420013
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldgs. S843, S844, S845
Property Number: 21200420014
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. P925
Property Number: 21200420015
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. P1277
Property Number: 21200420024
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. T1412
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. 8658
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. 8659
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldgs. 8675, 8676
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use.

Bldg. 5962–5966
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Property Number: 21200420025
Property Number: 21200420029
Property Number: 21200420030
Property Number: 21200420031
Property Number: 21200420035

Army

Georgia

Building

Bldgs. 5967–5971
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldgs. 5974–5977
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 5978
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 5981
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldgs. 5984–5988
Fort Benning
Ft. Benning Co: Chatachoochee GA 31905
Status: Excess
Reason: In use.

Property Number: 21200420036
Property Number: 21200420037
Property Number: 21200420038
Property Number: 21200420039
Property Number: 21200420040

Army

Georgia

Building

Bldg. 5993
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 5994
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 5995
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 9000
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldgs. 9002, 9005
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Property Number: 21200420041
Property Number: 21200420042
Property Number: 21200420043
Property Number: 21200420045
Property Number: 21200420046

Army

Georgia

Building

Bldg. 9025
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. 9026
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use.

Bldg. T01
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T04
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T05
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Property Number: 21200420047
Property Number: 21200420048
Property Number: 21200420181
Property Number: 21200420182
Property Number: 21200420183

Army

Georgia

Building

Bldg. T06
Property Number: 21200420184
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T55
Property Number: 21200420187
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T85
Property Number: 21200420188
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T131
Property Number: 21200420189
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T132
Property Number: 21200420190
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. T157
Property Number: 21200420191
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 01002
Property Number: 21200420197
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 01003
Property Number: 21200420198
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19101
Property Number: 21200420215
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19102
Property Number: 21200420216
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. T19111
Property Number: 21200420217
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19112
Property Number: 21200420218
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19113
Property Number: 21200420219
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T19201
Property Number: 21200420220
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19202
Property Number: 21200420221
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. 19204 thru 19207
Property Number: 21200420222
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldgs. 19208 thru 19211
Property Number: 21200420223
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19212
Property Number: 21200420224
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19213
Property Number: 21200420225
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19214
Property Number: 21200420226
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. 19215
Property Number: 21200420227
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19216
Property Number: 21200420228
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19217
Property Number: 21200420229
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19218

Property Number: 21200420230
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldgs. 19219, 19220
Property Number: 21200420231
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. 19223
Property Number: 21200420232
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19225
Property Number: 21200420233
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19226
Property Number: 21200420234
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. T19228
Property Number: 21200420235
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19229
Property Number: 21200420236
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Army

Georgia

Building

Bldg. 19232
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19233
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19236
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 19238
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use.

Bldg. 01674
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Property Number: 21200420237
Property Number: 21200420238
Property Number: 21200420239
Property Number: 21200420240
Property Number: 21200510056

Army

Georgia

Building

Bldg. 01675
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 01676
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 01677
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 01678
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 00051
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Property Number: 21200510057
Property Number: 21200510058
Property Number: 21200510059
Property Number: 21200510060
Property Number: 21200520087

Army

Georgia

Building

Bldg. 00052
Property Number: 21200520088
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 00053
Property Number: 21200520089
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 00054
Property Number: 21200520090
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 02023
Property Number: 21200520093
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 2750
Property Number: 21200520094
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Army

Georgia

Building

Bldg. 2819
Property Number: 21200520095
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 2843
Property Number: 21200520096
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 9013
Property Number: 21200520099
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 9050
Property Number: 21200520104
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 09075
Property Number: 21200520106
Fort Benning
Chattahoochee GA 31905
Status: Unutilized
Reason: Occupied.

Army

Georgia

Building

Bldgs. 10039, 10041
Property Number: 21200520110
Fort Benning
Muscogee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 11326
Property Number: 21200520112
Fort Benning
Muscogee GA 31905
Status: Unutilized
Reason: Occupied.

Bldg. 01243
Property Number: 21200610040
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied.

Bldg. 01244
Property Number: 21200610041
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied.

Bldg. 01318
Property Number: 21200610042
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied.

Army

Georgia

Building

Bldg. 00612
Property Number: 21200610043
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 00614
Property Number: 21200610044
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 00618
Property Number: 21200610045
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 00628
Property Number: 21200610046
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 01079
Property Number: 21200610047
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Army

Georgia

Building

Bldg. 07901
Property Number: 21200610049
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 08031
Property Number: 21200610050
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 08081
Property Number: 21200610052
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Bldg. 08252
Property Number: 21200610053
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied.

Army

Kentucky

Building

Bldg. 06894
Fort Campbell
Christian KY 42223
Status: Unutilized
Reason: Mission use.
Property Number: 21200630070

Bldg. 06895
Fort Campbell
Christian KY 42223
Status: Unutilized
Reason: Mission use.
Property Number: 21200630071

Louisiana

Building

Bldg. T401
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied.
Property Number: 21200540084

Bldgs. T406, T407, T411
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied.
Property Number: 21200540085

Bldg. T412
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied.
Property Number: 21200540086

Army

Louisiana

Building

Bldgs. T414, T421
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied
Property Number: 21200540087

Maryland

Building

Bldg. 8608
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied
Property Number: 21200410099

Bldg. 8612
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied
Property Number: 21200410101

Bldg. 0001A
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied
Property Number: 21200520114

Bldg. 0001C
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied
Property Number: 21200520115

Army

Maryland

Building

Bldgs. 00032, 00H14, 00H24
Property Number: 21200520116
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00034, 00H016
Property Number: 21200520117
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00H10, 00H12
Property Number: 21200520118
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Michigan

Building

Bldg. 00001
Property Number: 21200510066
Sheridan Hall USARC
501 Euclid Avenue
Helena Co: Lewis MI 59601–2865
Status: Unutilized
Reason: Federal interest

Army

Missouri

Building

Bldg. 1230
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 1621
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Property Number: 21200340087
Property Number: 21200340088
Property Number: 21200410102
Property Number: 21200410103
Property Number: 21200410104

Army

Missouri

Building

Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760
Fort Leonard Wood

Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Property Number: 21200410105
Property Number: 21200420059
Property Number: 21200420060
Property Number: 21200420061
Property Number: 21200420062

Army

Missouri

Building

Bldg. 00467
Property Number: 21200530085
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Status: Unutilized
Reason: Occupied

New York

Building

Bldgs. 1511–1518
Property Number: 21200320160
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1523–1526
Property Number: 21200320161
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1704–1705, 1721–1722
Property Number: 21200320162
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Army

New York

Building

Bldg. 1723
Property Number: 21200320163
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1706–1709
Property Number: 21200320164
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1731–1735
Property Number: 21200320165
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

North Carolina

Building

Bldg. N4116
Property Number: 21200240087
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310
Status: Excess
Reason: Mission use

Army

Texas

Building

Bldgs. 4219, 4227
Property Number: 21200220139
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4229, 4230, 4231
Property Number: 21200220140
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4244, 4246
Property Number: 21200220141
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4260, 4261, 4262
Property Number: 21200220142
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldg. 04335
Property Number: 21200440090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

Bldg. 04465
Property Number: 21200440094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04468
Property Number: 21200440096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04473
Property Number: 21200440097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04475–04476
Property Number: 21200440098
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04477
Property Number: 21200440099
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

Bldg. 07002
Property Number: 21200440100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 57001
Property Number: 21200440105
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 125, 126
Property Number: 21200620075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 190
Property Number: 21200620076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 02240
Property Number: 21200620078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

Bldg. 04164
Property Number: 21200620079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04218, 04228
Property Number: 21200620080
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04272
Property Number: 21200620081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Not occupied

Bldg. 04415
Property Number: 21200620083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

4 Bldgs.
Property Number: 21200620084
Fort Hood
04419, 04420, 04421, 04424
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

4 Bldgs.
Property Number: 21200620085
Fort Hood
04425, 04426, 04427, 04429
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04430
Property Number: 21200620087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04434
Property Number: 21200620088
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04439
Property Number: 21200620089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04470, 04471
Property Number: 21200620090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

Bldg. 04493
Property Number: 21200620091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04494
Property Number: 21200620092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04632
Property Number: 21200620093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04640
Property Number: 21200620094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04645
Property Number: 21200620095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Army

Texas

Building

Bldg. 04906
Property Number: 21200620096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 20121
Property Number: 21200620097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 70004
Property Number: 21200620100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 91052
Property Number: 21200620101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 1345
Property Number: 21200740070
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldgs. 1348, 1941
Property Number: 21200740071
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1919
Property Number: 21200740072
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1943
Property Number: 21200740073
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1946
Property Number: 21200740074
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4205
Property Number: 21200740075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 4207
Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4208
Property Number: 21200740077
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4210, 4211, 4216
Property Number: 21200740078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A
Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04252
Property Number: 21200740081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 4255
Property Number: 21200740082
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04480
Property Number: 21200740083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485
Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04487, 04488
Property Number: 21200740085
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489
Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldgs. 4491, 4492
Property Number: 21200740087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04902, 04905
Property Number: 21200740088
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04914, 04915, 04916
Property Number: 21200740089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20102
Property Number: 21200740091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20118
Property Number: 21200740092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 29027
Property Number: 21200740093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56017
Property Number: 21200740094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56202
Property Number: 21200740095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56224
Property Number: 21200740096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56305
Property Number: 21200740097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 56311
Property Number: 21200740098
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56327
Property Number: 21200740099
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329
Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

9 Bldgs.
Property Number: 21200740101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043
Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 92072
Property Number: 21200740103
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92083
Property Number: 21200740104
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04213, 04227
Property Number: 21200740189
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4404
Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56607
Property Number: 21200740191
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Army

Texas

Building

Bldg. 91041
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Property Number: 21200740192
5 Bldgs.
Fort Hood
93010, 93011, 93012, 93014
Bell TX 76544
Status: Excess
Reason: Utilized

Property Number: 21200740193
Bldg. 94031
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized
Property Number: 21200740194

Virginia

Building

Bldg. T2827
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied
Property Number: 21200320172

Bldg. T2841
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied
Property Number: 21200320173

Army

Virginia

Building

Bldg. 01014
Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01022
Property Number: 21200720068
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

4 Bldgs.
Property Number: 21200720069
Fort Story
01023, 01029, 01036, 01038
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063
Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 00215
Property Number: 21200720073
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Army

Virginia

Building

4 Bldgs.
Property Number: 21200720074
Fort Eustis
01514, 01523, 01528, 01529
Ft. Eustis VA 23604
Status: Unutilized

Reason: Occupied

4 Bldgs.
Property Number: 21200720075
Fort Eustis
01534, 01542, 01549, 01557
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01707, 01719
Property Number: 21200720077
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 01720
Property Number: 21200720078
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01721, 01725
Property Number: 21200720079
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Army

Virginia

Building

Bldgs. 01726, 01735, 01736
Property Number: 21200720080
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01734, 01745, 01747
Property Number: 21200720081
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 01741
Property Number: 21200720082
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 02720
Property Number: 21200720083
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Army

Washington

Building

Bldg. 05904
Property Number: 21200240092
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Status: Excess
Reason: Mission use

COE

Illinois

Building

Bldg. 7
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Property Number: 31199010001
Property Number: 31199010002
Property Number: 31199010003
Property Number: 31199010004
Property Number: 31199010005

COE

Illinois

Building

Bldg. 2
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Shelbyville Co: Shelby IL 62565–9804
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Status: Unutilized
Reason: Utilized as construction office

Property Number: 31199010006
Property Number: 31199010007
Property Number: 31199240004
Property Number: 31199640001

COE

Pennsylvania

Building

Tract 403A
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Land

East Branch Clarion River Lake
Wilcox Co: Elk PA
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam (Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Status: Unutilized
Reason: Leased to Township

Property Number: 31199430021
Property Number: 31199430022
Property Number: 31199430023
Property Number: 31199011012
Property Number: 31199210009

GSA

Alabama

Building

SSA Building
Property Number: 54200730013
201 College Street
Gadsden AL 35901
Status: Surplus
GSA Number: 4–G–AL–0773
Reason: Expression of intereset

Arizona

Land

Parking Lot
Property Number: 54200740007
322 n 2nd Ave.
Phoenix AZ 85003
Status: Surplus
GSA Number: AZ–6293–1
Reason: Expression of interest

California

Building

Social Security Building
Property Number: 54200610010
505 North Court Street
Visalia Co: Tulare CA 93291
Status: Surplus
GSA Number: 9–G–CA–1643
Reason: Written interest

Old Customs House Property Number: 54200710016
12 Heffernan Ave.
Calexico CA 92231
Status: Surplus
GSA Number: 9–G–CA–1658
Reason: Expression of interest

GSA

Colorado

Building

Federal Building 1520 E. Willamette St.
Colorado Springs Co: El Paso CO 80909
Status: Excess
GSA Number: 7–G–CO–0660
Reason: Federal intereset
Property Number: 54200640004

Illinois

Land

FAA Radar Communications
Link Repeater Site 11000 E Road
Momence IL 60954
Status: Excess
GSA Number: 1–U–IL–0695
Reason: Expression of interest
Property Number: 54200710010

Indiana

Building

Former SSA 327 W. Marion Street
Elkhart IN 46516
Status: Surplus
GSA Number: 1–GR–IN–05962A
Reason: Advertised for sale
Property Number: 54200630015
Fed. Bldg./Courthouse 507 State Street
Hammond IN 46320
Status: Excess
GSA Number: 1–G–IN–590
Reason: Sale in progress
Property Number: 54200710003

GSA

Iowa

Building

Federal Bldg./P.O./Courthouse
8 South 6th Street
Council Bluffs Co: Pottawattamie IA 51501
Status: Excess
GSA Number: 7–G–IA–0468–1
Reason: Written expression of interest

Land

Keokuk Radio Repeater Site
Tract 103
Lee IA 52632
Status: Surplus
GSA Number: 7–D–IA–0507
Reason: Sale pending

Kingston Radio Repeater Site
Tract 102
Des Moines IA 52637
Status: Surplus
GSA Number: 7–D–IA–0506
Reason: Advertised for sale

Saverton Radio Repeater Site
Tract 104
Ralls IA 63401
Status: Surplus
GSA Number: 7–D–MO–0679
Reason: Expression of interest

Property Number: 54200640001
Property Number: 54200730008
Property Number: 54200730009
Property Number: 54200730010

GSA

Kentucky

Building

Tract S–2
Property Number: 54200630016
3301 Leestown Road
Lexington Co: Fayette KY 40511
Status: Excess
GSA Number: 4–J–KY–0622
Reason: Written expression of interest

Tract V—Parcel B
Property Number: 54200730002
3301 Leestown Road
Lexington KY 40511
Status: Excess
GSA Number: 4–G–KY–0528–1B
Reason: Expression of interest

Maine

Building

Border Patrol Station
Property Number: 54200730003
4 Heald Stream Road
Somerset ME 04945
Status: Excess
GSA Number: 1–X–ME–0685–2A
Reason: Expression of interest

Maryland

Building

Former USPO/Office Bldg.
Property Number: 54200710018
2 West Montgomery Ave.
Rockville MD 20850
Status: Surplus
GSA Number: MD–598–1
Reason: Expression of interest

GSA

Massachusetts

Building

Former Railroad Depot
Property Number: 54200730015
240 Central Street
Lowell MA 01852
Status: Excess
GSA Number: 1–I–MA–910
Reason: Expression of interest

Federal Office Bldg
Property Number: 54200740002
Main & Bridge St.
Springfield MA 01101
Status: Excess
GSA Number: MA–6262–1
Reason: Expression of interest

Michigan

Building

Social Security Bldg.
Property Number: 54200720020
929 Stevens Road
Flint MI 48503
Status: Excess
GSA Number: 1–G–MI–822
Reason: Expression of interest

Land

Lots 2–6
Property Number: 54200540007
Lawndale Park Addition
Ludington Co: Mason MI 49431
Status: Excess
GSA Number: 1–G–MI–537–2
Reason: Public benefit conveyance

GSA

Minnesota

Building

Memorial Army Rsv Ctr
Property Number: 54200620002
1804 3rd Avenue
International Falls Co: Koochiching MN 56649
Status: Excess
GSA Number: 1–D–MN–586
Reason: Written expression of interest

Mississippi

Building

Federal Building
Property Number: 54200740006
200 East Washington St.
Greenwood MS 38930
Status: Underutilized
GSA Number: 4–G–MS–0562
Reason: Expression of interest

Montana

Building

Sonstelie Hall USARC
Property Number: 54200740003
1110 2nd St.
Kalispell MT 59901–4202
Status: Excess
GSA Number: 7–D–MT–0625
Reason: Expression of interest

GSA

Nevada

Building

Young Fed Bldg/Courthouse
Property Number: 54200620014
300 Booth Street
Reno NV 89502
Status: Surplus
GSA Number: 9–G–NV–529–2
Reason: Homeless interest

New Hampshire

Building

Modular Offices 43006/43007
Property Number: 54200730004
271 Mast Road
Durham NH 03824
Status: Surplus
GSA Number: 1–A–NH–0497–1A
Reason: Application pending

Land

Blackburn Tract
Property Number: 54200730012
Harding St.
Berlin NH 03246
Status: Surplus
GSA Number: 1–A–NH–0498–1A
Reason: Expression of interest

GSA

New Jersey

Building

Camp Petricktown Sup. Facility
Property Number: 54200740005
U.S. Route 130
Pedricktown NJ 08067
Status: Excess
GSA Number: 1–I–MA–910
Reason: Expression of interest

New Mexico

Building

Federal Building
Property Number: 54200630001
1100 New York Ave.
Alamogordo Co: Otero NM 88310
Status: Surplus
GSA Number: 7–G–NM–0569
Reason: Written expression of interest

Land

Portion/Medical Center

Property Number: 54200620003
2820 Ridgecrest
Albuquerque Co: Bernalillo NM 87103
Status: Unutilized
GSA Number: 7–GR–NM–04212A
Reason: Homeless interest

GSA

New York

Building

Tappan USARC
Property Number: 21200510069
335 Western Hwy
Tappan Co: Rockland NY 10983
Status: Excess
GSA Number: 0000
Reason: Approved homeless provider
Fleet Mgmt. Center
Property Number: 54200620015
5—32nd Street
Brooklyn NY 11232
Status: Surplus
GSA Number: 1–G–NY–0872B
Reason: Written expression of interest
8 Family Apt. Bldgs.
Property Number: 54200630011
Watervliet Arsenal Housing
325 Duanesburg Road
Rotterdam Co: Schenectady NY
Status: Excess
GSA Number: 1–D–NY–0877
Reason: Advertised for sale

North Carolina

Building

USCG Station Bldgs.
Property Number: 54200720002
Cape Hatteras
Buxton Co: Dare NC
Status: Excess
GSA Number: 4–U–ND–0747A
Reason: Federal interest

GSA

North Dakota

Building

Residence #1
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Status: Excess
GSA Number: 7–G–ND–0504
Reason: Advertised for sale
Property Number: 54200620005
Residence #2
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Status: Excess
GSA Number: 7–G–ND–0505
Reason: Advertised for sale
Property Number: 54200620006
Residence #1
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Status: Excess
GSA Number: 7–G–ND–0510
Reason: Advertised for sale
Property Number: 54200620012
Residence #2
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Status: Excess
GSA Number: 7–G–ND–0509
Reason: Advertised for sale
Property Number: 54200620013
Sherwood Garage
Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–G–ND–0512
Reason: Advertised for sale
Property Number: 54200630002

GSA

North Dakota

Building

Noonan Garage
Hwy 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–G–ND–0511
Reason: Advertised for sale
Property Number: 54200630003
Westhope Garage
Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–G–ND–0513
Reason: Advertised for sale
Property Number: 54200630004
North House
10951 County Road
Hannah Co: Cavalier ND 58239
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Reason: Advertised for sale
Property Number: 54200720008
South House
10949 County Road
Hannah Co: Cavalier ND 58239
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Reason: Advertised for sale
Property Number: 54200720009
North House
Highway 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Reason: Advertised for sale
Property Number: 54200720010

GSA

North Dakota

Building

South House
Highway 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Reason: Advertised for sale
Property Number: 54200720011
North House
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Reason: Advertised for sale
Property Number: 54200720012
South House
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Reason: Advertised for sale
Property Number: 54200720013
House #1
10925 Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Reason: Advertised for sale
Property Number: 54200720014
House #2
10927 Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–X–ND–0518–1A
Reason: Advertised for sale
Property Number: 54200720015

GSA

North Dakota

Building

North House
Property Number: 54200720016
10913 Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Reason: Advertised for sale

South House
Property Number: 54200720017
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Reason: Advertised for sale

Oklahoma

Land

Tracts 107, 202
Property Number: 54200710004
Candy Lake Project
Osage OK
Status: Surplus
GSA Number: 7–D–OK–0529–1–F, U
Reason: Expression of interest

Samoa

Building

6 Housing Units
Property Number: 54200710001
Lima & FA Streets
Tafuna AQ 96799
Status: Surplus
GSA Number: 9–U–AS–002
Reason: Expression of interest

GSA

Samoa

Building

Unit #25
Property Number: 54200740001
Lima & FA Streets
Tafuna AQ
Status: Surplus
GSA Number: 9–U–AS–002AB
Reason: Advertised for sale

Tennessee

Land

Army Rsv Training Area
Property Number: 54200630006
6510 Bonny Oaks Dr.
Chattanooga Co: Hamilton TN 37416
Status: Surplus
GSA Number: 4–D–TN–05946A
Reason: Written expression of interest

Texas

Building

Bldgs. 5, 6, 7
Property Number: 54200640002
Federal Center 501 West Felix Street

Ft. Worth Co: Tarrant TX 76115
Status: Excess
GSA Number: 7–G–TX–0767–3
Reason: Advertised for sale

GSA

Virginia

Building

142.67 acres/7 Bldgs.
Property Number: 54200630020
Pepermeir Hill Road
U.S. Geological Survey
Corbin VA 22446
Status: Excess
GSA Number: 4–I–VA–0748
Reason: Federal need

Navy

Hawaii

Building

Bldg. 2652
Property Number: 77200710039
Navy Aloha Center
Pearl Harbor HI 96860
Status: Underutilized
Reason: In use

VA

Iowa

Land

38 acres
Property Number: 97199740001
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Status: Unutilized
Reason: Enhanced-use legislation potential

Michigan

Land

VA Medical Center
Property Number: 97199010015
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Status: Underutilized
Reason: Being used for patient and program activities.

Montana

Building

VA MT Healthcare
Property Number: 97200030001
210 S. Winchester
Miles City Co: Custer MT 59301
Status: Underutilized
Reason: Transfer to Custer County

VA

Ohio

Building

Bldg. 116
Property Number: 97199920002
VA Medical Center
Dayton Co: Montgomery OH 45428
Status: Unutilized
Reason: Preexisting agreement

Pennsylvania

Land
VA Medical Center
Property Number: 97199010016
New Castle Road
Butler Co: Butler PA 16001
Status: Underutilized
Reason: Used as natural drainage for facility property

Land No. 645
Property Number: 97199010080
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Status: Unutilized
Reason: Property is essential to security and safety of patients

Land—34.16 acres
Property Number: 97199340001
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Status: Underutilized
Reason: Needed for mission related functions

VA

Wisconsin

Building

Bldg. 2
Property Number: 97199830002
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Status: Underutilized
Reason: Subject of leasing negotiations

Total Suitable and Unavailable for Year 2007 = 547

[FR Doc. E8–2589 Filed 2–14–08; 8:45 am]
BILLING CODE 4210–67–P

Federal Register

Friday,
February 15, 2008

Part III

Securities and Exchange Commission

17 CFR Parts 249 and 274

Disclosure of Divestment by Registered Investment Companies in Accordance With Sudan Accountability and Divestment Act of 2007; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 249 and 274

[Release Nos. 34–57306; IC–28148; File No. S7–02–08]

RIN 3235–AK05

Disclosure of Divestment by Registered Investment Companies in Accordance With Sudan Accountability and Divestment Act of 2007

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission is proposing amendments to its forms under the Securities Exchange Act of 1934 and the Investment Company Act of 1940 that would require disclosure by a registered investment company that divests, in accordance with the Sudan Accountability and Divestment Act of 2007, from securities of issuers that the investment company determines, using credible information that is available to the public, conduct or have direct investments in certain business operations in Sudan. The Sudan Accountability and Divestment Act limits civil, criminal, and administrative actions that may be brought against a registered investment company that divests itself from such securities, provided that the investment company makes disclosures in accordance with regulations prescribed by the Commission.

DATES: Comments should be submitted on or before March 17, 2008.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*);
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–02–08 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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 S7–02–08. This file number should be included on the subject line if e-mail is used. To help us 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/proposed.shtml*). Comments also are available for public 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Devin F. Sullivan, Attorney, Office of Disclosure Regulation, Division of Investment Management, at (202) 551–6784, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–5720.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') is proposing for comment amendments to Form N–CSR [1] and Form N–SAR [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] and the Investment Company Act of 1940 (''Investment Company Act'').[4]

I. Discussion

We are proposing amendments to Form N–CSR and Form N–SAR that would, if adopted, require disclosure by a registered investment company that divests, in accordance with the Sudan Accountability and Divestment Act of 2007 (''Sudan Divestment Act''),[5] from securities of issuers that the investment company determines conduct or directly invest in certain business operations in Sudan.

The Sudan Divestment Act

On December 31, 2007, the President signed the Sudan Divestment Act into law. Among other things, the Sudan Divestment Act provides that no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser of the investment company, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in certain business operations in Sudan.[6] This limitation on actions does not apply to a registered investment company, or any of its employees, officers, directors, or investment advisers, unless the investment company makes disclosures about the divestments in accordance with regulations prescribed by the Commission.[7] To that end, the Sudan Divestment Act requires us to prescribe regulations not later than 120 days after enactment that require disclosure by each registered investment company that divests itself of securities in accordance with the Act. The Sudan Divestment Act states that these rules shall require this disclosure to be included in the next periodic report filed under Section 30 of the Investment Company Act following the divestment.[8]

Proposed Amendments

To implement the Sudan Divestment Act, we are proposing to require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment. Management investment companies would provide the disclosure on Form N–CSR, and unit investment trusts would provide the disclosure on Form N–SAR.[9] We are proposing to require disclosure of information that would identify the securities divested and the magnitude of the divestment. This would include the issuer's name; exchange ticker symbol; Committee on Uniform Securities Identification Procedures (''CUSIP'') number; total number of shares or, for debt securities, principal amount divested; and dates that the securities were divested.[10] In addition, if the registered investment company continues to hold any securities of the divested issuer, it would be required to disclose the exchange ticker symbol; CUSIP number; and total number of shares or, for debt securities, principal amount of such securities, held on the date of filing.[11] This requirement is

[1] 17 CFR 294.331 and 274.128.

[2] 17 CFR 294.330 and 274.101.

[3] 15 U.S.C. 78a *et seq.*

[4] 15 U.S.C. 80a–1 *et seq.*

[5] Pub. L. 110–174, 121 Stat. 2516 (2007).

[6] Section 4(a) of the Sudan Divestment Act [to be codified at 15 U.S.C. 80a–13(c)(1)].

[7] Section 4(a) of the Sudan Divestment Act [to be codified at 15 U.S.C. 80a–13(c)(2)(B)].

[8] Section 4(b) of the Sudan Divestment Act.

[9] Proposed Item 6(b) of Form N–CSR; proposed Item 133 of Form N–SAR.

[10] Proposed Item 6(b)(1)–(5) of Form N–CSR; proposed Item 133.A.–E. of Form N–SAR. We are also proposing technical amendments to Form N–SAR to change cross-references to Item 132 to reflect the addition of Item 133.

[11] Proposed Item 6(b)(6) of Form N–CSR; proposed Item 133.F. of Form N–SAR.

intended to provide information about whether or not a registered investment company has a continuing position in the issuer whose securities were divested.

Proposed Instructions to Form N–CSR and Form N–SAR clarify that while a registered investment company is not required to disclose divestments of securities of an issuer that conducts or has direct investments in certain business operations in Sudan, the limitation on actions provided in the Sudan Divestment Act does not apply with respect to a divestment that is not disclosed.[12]

In addition, proposed Instructions to Form N–CSR and Form N–SAR state that a registered investment company that divests securities in accordance with the Sudan Divestment Act during the period that begins on the fifth business day before the date of filing a Form N–CSR or Form N–SAR and ends on the date of filing may disclose the divestment in either that filing or an amendment thereto. The amendment would be required to be filed not later than five business days after the date of filing the Form N–CSR or Form N–SAR.[13] This flexibility is intended to lessen the compliance burdens associated with divestment transactions that occur shortly before a registered investment company files a Form N–CSR or Form N–SAR.

Finally, the proposed Instructions provide that, for purposes of determining when a divestment should be reported, if a registered investment company divests its holdings in a particular security in a related series of transactions, the company may deem the divestment to occur at the time of the final transaction in the series.[14] As a result, a registrant could choose either to report each transaction in the next Form N–CSR or Form N–SAR filed following the individual transaction or to report the entire series of transactions in the next Form N–CSR or Form N–SAR filed following the final transaction in the series. This flexibility is intended to reduce opportunities for third parties to exploit information about ongoing divestments through predatory trading practices, such as trading ahead of, or ''front-running,'' a registered investment company's divestment. The proposed Instructions require a registered investment company that chooses to report the entire series of transactions following the final transaction to separately state each date on which securities were divested and the total number of shares or, for debt securities, principal amount divested, on each such date. This is intended to ensure that that the same information will be disclosed whether the series of transactions is reported in multiple filings after each transaction or on a single filing after the entire related series of transactions that comprises the divestment is complete.

[12] Proposed Instruction 1. to proposed Item 6(b) of Form N–CSR; proposed Instructions to Item 133 of Form N–SAR.

[13] Proposed Instruction 2. to proposed Item 6(b) of Form N–CSR; proposed Instructions to Item 133 of Form N–SAR.

[14] Proposed Instruction 3. to proposed Item 6(b) of Form N–CSR; proposed Instructions to Item 133 of Form N–SAR.

II. Request for Comments

The Commission requests comment on the amendments proposed in this release, whether any further changes to our rules or forms are necessary or appropriate to implement the objectives of our proposed amendments, and on other matters that might have an effect on the proposals contained in this release, including the following:

- Are Form N–CSR and Form N–SAR the appropriate locations for disclosure? Should registered investment companies include disclosure about divestments in accordance with the Sudan Divestment Act in reports that are provided directly to shareholders instead of, or in addition to, including it in Form N–CSR and Form N–SAR, which are filed with the Commission and publicly available but not provided directly to shareholders?
- What information should we require registered investment companies to disclose about divestments in accordance with the Sudan Divestment Act? Is any of the information that we propose to require unnecessary? Should we require disclosure of any other information?
- Should we require a registered investment company to make the proposed disclosures about securities of an issuer that it retains after divesting other securities of that issuer?
- The provisions of the Sudan Divestment Act concerning registered investment company divestments terminate 30 days after the President certifies to Congress that the Government of Sudan has undertaken certain actions.[15] Should the proposed amendments to Form N–CSR and Form N–SAR include a similar sunset provision? Or is this unnecessary because, for example, following any such termination under the Sudan Divestment Act, there could no longer be divestments in accordance with the Sudan Divestment Act and therefore no disclosure would be called for under the proposed amendments?
- Should we, as proposed, permit a registered investment company that divests securities in accordance with the Sudan Divestment Act during the period that begins on the fifth business day before the date of filing a Form N–CSR or Form N–SAR and ends on the date of filing, to disclose the divestment in either that filing or an amendment thereto that is filed not later than five business days after the date of filing the Form N–CSR or Form N–SAR? Should either the period prior to filing a Form N–CSR or Form N–SAR or the period for filing an amendment be shorter or longer, such as two business days or 10 business days?
- Should we, as proposed, permit a divestment that occurs in a related series of transactions to be reported after the final transaction? Should we define or limit this flexibility in any way, *e.g.*, by defining ''related series of transactions'' or limiting the length of the period during which transactions may occur and be considered ''related?''
- Should our amendments address divestments that occur after the enactment of the Sudan Divestment Act and before the effective date of our amendments? Should we, for example, permit a registered investment company that makes a divestment in accordance with the Sudan Divestment Act between December 31, 2007, and the effective date of the amendments, and that files a Form N–CSR or Form N–SAR after the divestment but before the effective date of the amendments, to disclose the divestment on an amendment to that Form N–CSR or Form N–SAR filed no later than five business days after the effective date of the amendments? Should the period for filing the amendment be shorter or longer, such as two business days or 10 business days after the effective date of the amendments?

[15] Section 12 of the Sudan Divestment Act.

III. Paperwork Reduction Act

The new form amendments contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[16] We are submitting the proposal to the Office of Management and Budget (''OMB'') for emergency review in accordance with the PRA.[17] Because the Sudan Divestment Act mandates that the Commission prescribe regulations not later than 120 days after the date of enactment, the Commission is requesting, pursuant to 44 U.S.C. 3507(j)(1), that OMB authorize the

[16] 44 U.S.C 3501 *et seq.*

[17] 44 U.S.C. 3507(j); 5 CFR 1320.13.

collections of information no later than April 29, 2008, which is 120 days after enactment. The titles for the collections of information are ''Form N–CSR under the Investment Company Act of 1940 and Securities Exchange Act of 1934, Certified Shareholder Report,'' and ''Form N–SAR under the Investment Company Act of 1940, Semi-Annual Report for Registered Investment Companies.''

Form N–CSR (OMB Control No. 3235–0570) under the Exchange Act and the Investment Company Act [18] is used by registered management investment companies filing certified shareholder reports. Form N–SAR (OMB Control No. 3235–0330) under the Exchange Act and the Investment Company Act [19] is used by registered investment companies to file periodic reports with the Commission. 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.

A. Summary of Proposed Rules

The Sudan Divestment Act, enacted on December 31, 2007, requires the Commission to prescribe regulations not later than 120 days after enactment that require disclosure by each registered investment company that divests itself of securities in accordance with the Act.[20] The Sudan Divestment Act states that these rules shall require this disclosure to be included in the next periodic report filed under Section 30 of the Investment Company Act following the divestment.[21]

To implement the Sudan Divestment Act, we are proposing amendments that would, if adopted, require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment. Management investment companies would provide the disclosure on Form N–CSR, and unit investment trusts would provide the disclosure on Form N–SAR.[22] We are proposing to require disclosure of information that would identify the securities divested and the magnitude of the divestment. This would include the issuer's name; exchange ticker symbol; CUSIP number; total number of shares or, for debt securities, principal amount divested; and dates that the securities were divested.[23] In addition, if the registered investment company continues to hold any securities of the divested issuer, it would be required to disclose the exchange ticker symbol; CUSIP number; and total number of shares or, for debt securities, principal amount of such securities, held on the date of filing.[24] Compliance with the proposed form amendments would be necessary to obtain the benefit of the limitation on civil, criminal, and administrative actions provided in the Sudan Divestment Act. The information provided will not be kept confidential.

B. Reporting and Cost Burden Estimates

The compliance burden estimates for the proposed collections of information are based on several assumptions. The compliance burden for the proposed amendments to Form N–CSR and Form N–SAR would be the reporting burden of collecting information necessary to make the disclosures under new Item 6(b) of Form N–CSR and new Item 133 of Form N–SAR. We estimate that the new collections of information would result in an increase of one-half burden hour per filing. Further, we believe that the number of registered investment companies that hold securities in companies conducting or directly investing in certain business operations in Sudan, and that will divest from these securities in accordance with the Sudan Divestment Act, will be relatively small. We estimate that approximately 15% of all registered investment company portfolios have an objective of investing internationally.[25] Based on a conservative assumption that each of these portfolios will make a divestment in accordance with the Sudan Divestment Act prior to each filing it makes on Form N–CSR or Form N–SAR, we estimate that approximately 15% of the filings on Form N–CSR and Form N–SAR will include disclosures of divestments in accordance with the Sudan Divestment Act. We request comment on these estimates.

Based on a burden hour estimate of one-half hour per filing for each respondent that makes disclosures under the proposed amendments, we estimate that registered management investment companies filing Form N–CSR will incur approximately 510 annual burden hours,[26] and unit investment trusts will incur approximately 10 annual burden hours,[27] to comply with the proposed form amendments.

The total annual burden hours for Form N–CSR, revised to include the burden hours expected from the proposed form amendments, are estimated to be 138,662.5 burden hours, an increase of 510 burden hours from the current annual burden of 138,152.5 hours. The total annual burden hours for Form N–SAR, revised to include the burden hours expected from the proposed form amendments, are estimated to be 107,213 burden hours, an increase of 10 burden hours from the current annual burden of 107,203 hours.

C. Request for Comment

We request comments to: (a) Evaluate whether the proposed amendments to our existing information collections are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) evaluate the accuracy of our estimates of the burden of the proposed form amendments; (c) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (d) evaluate whether there are ways to minimize the burden of the proposals on those who respond, including through the use of automated collection techniques or other forms of information technology.

Persons submitting comments on the collection of information requirements should direct the comments to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503, and should send a copy to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090, with reference to File No. S7–02–08. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–02–08, and be submitted to the Securities and Exchange Commission, Public Reference Room, 100 F Street, NE., Washington, DC 20549–1520. We have requested, pursuant to 44 U.S.C. 3507(j), that OMB authorize the collections of information not later than April 29, 2008.

[18] 17 CFR 249.331 and 17 CFR 274.128.

[19] 17 CFR 249.330 and 17 CFR 274.101.

[20] Section 4(b) of the Sudan Divestment Act.

[21] *Id.*

[22] Proposed Item 6(b) of Form N–CSR; proposed Item 133 of Form N–SAR.

[23] Proposed Item 6(b)(1)–(5) of Form N–CSR; proposed Item 133.A.–E. of Form N–SAR.

[24] Proposed Item 6(b)(6) of Form N–CSR; proposed Item 133.F. of Form N–SAR.

[25] This estimate is based on analysis done by the Division of Investment Management staff of publicly available data.

[26] 6,743 annual and semi-annual filings on Form N–CSR × 15% of filings on Form N–CSR × ½ burden hour = approximately 510 total burden hours (rounded to the nearest 10).

[27] 90 filings on Form N–SAR × 15% of filings on Form N–SAR × ½ burden hour = approximately 10 total burden hours (rounded to the nearest 10).

IV. Cost/Benefit Analysis

The Commission is sensitive to the costs and benefits imposed by its rules. Our proposed amendments to Form N–CSR and Form N–SAR would, if adopted, require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment.

A. Benefits

In proposing these form amendments, we intend to implement the Sudan Divestment Act's mandate for rulemaking by the Commission. The proposed amendments meet the Sudan Divestment Act's directive that the Commission ''prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940.'' [28] Disclosure under the proposed form amendments would make applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. The proposed amendments also would make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the dates of divestment, and any securities of the issuer that the registered investment company continues to hold.

We request comment on these and any other potential benefits.

B. Costs

While the proposed form amendments may lead to some additional costs for registered investment companies, we believe that these costs should be minimal. Our proposed amendments to Form N–CSR and Form N–SAR would, if adopted, require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment. Registered investment companies retain records of securities transactions that, we believe, would permit them to readily identify and disclose, for divestments made in accordance with the Sudan Divestment Act, the securities divested, the dates of divestment, and any securities of the issuer retained by the investment company. Further, to ease the burden of information collection and disclosure, we have included a proposed instruction in Form N–CSR and Form N–SAR stating that a registered investment company that divests securities in accordance with the Sudan Divestment Act during the period that begins on the fifth business day before the date of filing a Form N–CSR or Form N–SAR and ends on the date of filing may disclose the divestment in either that filing or an amendment thereto that is filed not later than five business days after the date of filing the Form N–CSR or Form N–SAR.[29] We believe that this flexibility may lessen the compliance burdens associated with reporting divestments that occur shortly before a registered investment company files a Form N–CSR or Form N–SAR.

For purposes of the PRA, we estimate that it would take approximately 510 annual burden hours [30] to comply with the proposed amendments to Form N–CSR and approximately 10 annual burden hours [31] to comply with the proposed amendments to Form N–SAR, for an aggregate of approximately 520 total annual burden hours to comply with the proposed form amendments. We estimate that this additional burden would equal total costs of approximately $145,000 annually.[32] We believe that the potential, incremental costs of disclosing divestments in accordance with the Sudan Divestment Act on Form N–CSR and Form N–SAR are justified by the fact that such disclosures would make applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. These disclosures also would make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the dates of divestment, and any securities of the issuer that the registered investment company continues to hold.

We request comment on the magnitude of these potential costs, including our estimates, and whether there are any other additional potential costs.

C. Request for Comments

We request comment on all aspects of this cost-benefit analysis, including identification of any additional costs or benefits of, or suggested alternatives to, the proposed form amendments. Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

V. Consideration of Burden on Competition; Promotion of Efficiency, Competition, and Capital Formation

Section 23(a)(2) of the Exchange Act [33] requires us, when adopting rules under the Exchange Act, to consider the impact that any new rule would have on competition. Section 23(a)(2) also prohibits us from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. In addition, Section 2(c) of the Investment Company Act,[34] Section 2(b) of the Securities Act of 1933,[35] and Section 3(f) of the Exchange Act [36] require the Commission, when engaging in rulemaking that requires it to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

The proposed form amendments are intended to implement the Sudan Divestment Act's requirement that we prescribe regulations not later than 120 days after enactment that require disclosure by each registered investment company that divests itself of securities in accordance with the Act. Disclosure provided in response to the proposed amendments would make applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. These disclosures also would make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the

[28] Section 4(b) of the Sudan Divestment Act.

[29] Proposed Instruction 2. to proposed Item 6(b) of Form N–CSR; proposed Instructions to Item 133 of Form N–SAR.

[30] *See supra* note 26.

[31] *See supra* note 27.

[32] This cost increase is estimated by multiplying the total annual hour burden (520 hours) by the estimated hourly wage rate of $279.50 and rounding to the nearest 1,000. The estimated wage figure is based on published rates for compliance attorneys and senior programmers, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, yielding effective hourly rates of $270 and $289, respectively. *See* Securities Industry Association, Report on Management & Professional Earnings in the Securities Industry 2007 (Sept. 2007). The estimated wage rate is further based on the estimate that attorneys and programmers would divide time equally, resulting in a weighted wage rate of $279.50 (($270 × .50) + ($289 × .50)).

[33] 15 U.S.C. 78w(a)(2).

[34] 15 U.S.C. 80a–2(c).

[35] 15 U.S.C. 77b(b).

[36] 15 U.S.C. 78c(f).

dates of divestment, and any securities of the issuer that the registered investment company continues to hold.

These proposed amendments may improve efficiency. Disclosure provided in response to the proposed amendments, if adopted, could increase efficiency at registered investment companies by making applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. These disclosures also could promote efficiency because they make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the dates of divestment, and any securities of the issuer that the registered investment company continues to hold. Making such information available to investors may enable them to make more informed investment decisions.

The proposed amendments may promote competition. We anticipate that our proposed form amendments may promote competition because they may make it easier for registered investment companies to choose whether or not to offer portfolios that include holdings in companies that conduct or directly invest in certain business operations in Sudan. Thus, the proposed form amendments may facilitate competition by making it easier for registered investment companies to offer different types of portfolios that appeal to different investors. We do not anticipate that the proposed amendments will impose a measurable burden on competition. We also do not anticipate that the proposed form amendments will have a significant impact on capital formation.

We request comment on whether the proposed form amendments, if adopted, would promote efficiency, competition, and capital formation. We also request comment on whether the proposed amendments would impose a burden on competition. Commenters are requested to provide empirical data and other factual support for their views if possible.

VI. Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (''Analysis'') has been prepared in accordance with the Regulatory Flexibility Act.[37] It relates to the Commission's proposed form amendments under the Exchange Act and the Investment Company Act that would require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment.

A. Reasons for, and Objectives of, Proposed Amendments

The purpose of the proposed form amendments is to implement the Sudan Divestment Act's requirement that the Commission adopt rules requiring disclosure of divestments made in accordance with the Act. Disclosure provided in response to the proposed amendments would make applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. These disclosures also would make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the dates of divestment, and any securities of the issuer that the registered investment company continues to hold.

B. Legal Basis

The Commission is proposing amendments to Forms N–CSR and N–SAR pursuant to authority set forth in Sections 10(b), 13, 15(d), 23(a), and 36 of the Exchange Act [15 U.S.C. 78j(b), 78m, 78o(d), 78w(a), and 78mm] and Sections 8, 13(c), 24(a), 30, and 38 of the Investment Company Act [15 U.S.C. 80a–8, 80a–13(c), 80a–24(a), 80a–29, and 80a–37].

C. Small Entities Subject to the Rule

The proposed form amendments would affect registered investment companies that are small entities. For purposes of the Regulatory Flexibility Act, an investment company is a small entity if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year.[38] Approximately 160 registered investment companies currently meet this definition.[39]

D. Reporting, Recordkeeping, and Other Compliance Requirements

The proposed amendments to Form N–CSR and Form N–SAR would, if adopted, require each registered investment company that divests securities in accordance with the Sudan Divestment Act to disclose the divestment on the next Form N–CSR or Form N–SAR that it files following the divestment.

For purposes of the PRA, we estimate that it would take approximately 510 annual burden hours to comply with the proposed amendments to Form N–CSR and approximately 10 annual burden hours to comply with the proposed amendments to Form N–SAR, for an aggregate of approximately 520 total annual burden hours to comply with the proposed form amendments. We estimate that this additional burden would equal total costs of approximately $145,000 annually.

E. Duplicative, Overlapping, or Conflicting Federal Rules

We believe that there are no rules that duplicate, overlap, or conflict with the proposed amendments.

F. Agency Action to Minimize the Effect on Small Entities

The Regulatory Flexibility Act directs us to consider significant alternatives that would accomplish our stated objective, while minimizing any significant adverse impact on small issuers. In connection with the proposed amendments, the Commission considered the following alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the proposed amendments for small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the proposed amendments, or any part thereof, for small entities.

The Commission believes that special compliance or reporting requirements for small entities, or an exemption from coverage for small entities, would not be appropriate or consistent with investor protection or the requirements of the Sudan Divestment Act. Disclosure provided in response to the proposed amendments would make applicable to a registered investment company, and its employees, officers, directors, and investment advisers, the limitation on actions provided by the Sudan Divestment Act. These disclosures also would make important information about divestments in accordance with the Sudan Divestment Act available to investors, including information identifying the securities divested, the dates of divestment, and any securities of the issuer that the registered

[37] 5 U.S.C. 601 *et seq.*

[38] 17 CFR 270.0–10.

[39] This estimate is based on analysis by the Division of Investment Management staff of publicly available data.

investment company continues to hold. Different disclosure requirements or different timetables for registered investment companies that are small entities do not appear to be consistent with the requirements of the Sudan Divestment Act. Finally, in this proposed rulemaking, we do not consider using performance rather than design standards to be consistent with the statutory requirement that we adopt rules for the protection of investors.

We have endeavored through the proposed amendments to minimize the regulatory burden on all registered investment companies, including small entities, while meeting the requirements of the Sudan Divestment Act. Small entities should benefit from the Commission's reasoned approach to the proposed amendments to the same degree as other registered investment companies.

G. Request for Comments

The Commission encourages the submission of written comments with respect to any aspect of this analysis. Comment is specifically requested on the number of small entities that would be affected by the proposed amendments and the likely impact of the proposal on small entities. Commenters are asked to describe the nature of any impact and provide empirical data supporting the extent of the impact. These comments will be considered in the preparation of the Final Regulatory Flexibility Analysis, if the proposed amendments are adopted, and will be placed in the same public file as comments on the proposed amendments themselves.

VII. Consideration of Impact on the Economy

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''),[40] a rule is ''major'' if it results or is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment, or innovation.

We request comment on whether our proposal would be a ''major rule'' for purposes of SBREFA. We solicit comment and empirical data on:

- The potential effect on the U.S. economy on an annual basis;
- Any potential increase in costs or prices for consumers or individual industries; and
- Any potential effect on competition, investment, or innovation.

VIII. Statutory Authority

The Commission is proposing amendments to Form N–SAR and Form N–CSR pursuant to authority set forth in Sections 10(b), 13, 15(d), 23(a), and 36 of the Exchange Act [15 U.S.C. 78j(b), 78m, 78o(d), 78w(a), and 78mm], and Sections 8, 13(c), 24(a), 30, and 38 of the Investment Company Act [15 U.S.C. 80a–8, 80a–13(c), 80a–24(a), 80a–29, and 80a–37].

List of Subjects

17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

17 CFR Part 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Proposed Form Amendments

For the reasons set out in the preamble, the Commission proposes to amend Title 17, Chapter II, of the Code of Federal Regulations as follows.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a *et seq.*, 7202, 7233, 7241, 7262, 7264, and 7265; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

2. The authority citation for part 274 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78*l*, 78m, 78n, 78o(d), 80a–8, 80a–24, 80a–26, and 80a–29, unless otherwise noted.

* * * * *

3. Form N–SAR (referenced in §§ 249.330 and 274.101) is amended by:

a. Revising the reference ''132'' in Item 6 to read ''133'';

b. Adding new Item 133;

c. Revising the reference ''132'' in the fifth paragraph of General Instruction A to read ''133''; and

d. Adding an instruction to new Item 133.

The additions read as follows:

Note: The text of Form N–SAR does not, and these amendments will not, appear in the Code of Federal Regulations.

Form N–SAR

* * * * *

133. If the Registrant has divested itself of securities in accordance with Section 13(c) of the Investment Company Act of 1940 following the filing of its last report on Form N–SAR and before filing of the current report, disclose the following information for each such divested security:

A. Name of the issuer;

B. Exchange ticker symbol;

C. CUSIP number;

D. Total number of shares or, for debt securities, principal amount divested;

E. Date(s) that the securities were divested; and

F. If the Registrant holds any securities of the issuer on the date of filing, the exchange ticker symbol; CUSIP number; and the total number of shares or, for debt securities, principal amount held on the date of filing.

* * * * *

Instructions to Specific Items

* * * * *

Item 133: Divestment of Securities in Accordance With the Sudan Accountability and Divestment Act of 2007

This item may be used by a Registrant that divested itself of securities in accordance with Section 13(c) of the Investment Company Act, which was added by the Sudan Accountability and Divestment Act of 2007. A Registrant is not required to include disclosure under this item; however, the limitation on civil, criminal, and administrative actions under Section 13(c) of the Investment Company Act does not apply with respect to a divestment that is not disclosed under this item.

If a Registrant divests itself of securities in accordance with Section 13(c) of the Act during the period that begins on the fifth business day before the date of filing a Form N–SAR and ends on the date of filing, it may disclose the divestment in either the Form N–SAR or an amendment thereto that is filed not later than five business days after the date of filing the Form N–SAR.

For purposes of determining when a divestment should be reported under this item, if a Registrant divests its holdings in a particular security in a related series of transactions, the Registrant may deem the divestment to occur at the time of the final transaction in the series. In that case, the Registrant should report each transaction in the series on a single Form N–SAR, but should separately state each date on which securities were divested and the total number of shares or, for debt securities, principal amount divested, on each such date.

* * * * *

[40] Pub. L. No. 104–21, Title II, 110 Stat. 857 (1996).

4. Form N–CSR (referenced in §§ 249.331 and 274.128) is amended by:

a. Revising the reference ''Schedule of Investments.'' in the caption to Item 6 to read ''Investments.'';

b. Designating the undesignated paragraph in Item 6 as paragraph (a);

c. Revising the reference *''Instruction.''* in Item 6 to read *''Instruction to paragraph (a).'';* and

d. Adding new paragraph (b) and new Instructions 1, 2, and 3 to paragraph (b) to Item 6.

The additions read as follows:

Note: The text of Form N–CSR does not, and these amendments will not, appear in the Code of Federal Regulations.

Form N–CSR

* * * * *

Item 6. Investments

(a) * * *

(b) If the registrant has divested itself of securities in accordance with Section 13(c) of the Investment Company Act of 1940 following the filing of its last report on Form N–CSR and before filing of the current report, disclose the following information for each such divested security:

(1) Name of the issuer;

(2) Exchange ticker symbol;

(3) Committee on Uniform Securities Identification Procedures (''CUSIP'') number;

(4) Total number of shares or, for debt securities, principal amount divested;

(5) Date(s) that the securities were divested; and

(6) If the registrant holds any securities of the issuer on the date of filing, the exchange ticker symbol; CUSIP number; and the total number of shares or, for debt securities, principal amount held on the date of filing.

Instructions to paragraph (b).

1. This Item may be used by a registrant that divested itself of securities in accordance with Section 13(c) of the Investment Company Act, which was added by the Sudan Accountability and Divestment Act of 2007. A registrant is not required to include disclosure under this Item; however, the limitation on civil, criminal, and administrative actions under Section 13(c) of the Investment Company Act does not apply with respect to a divestment that is not disclosed under this Item.

2. If a registrant divests itself of securities in accordance with Section 13(c) of the Act during the period that begins on the fifth business day before the date of filing a Form N–CSR and ends on the date of filing, it may disclose the divestment in either the Form N–CSR or an amendment thereto that is filed not later than five business days after the date of filing the Form N–CSR.

3. For purposes of determining when a divestment should be reported under this Item, if a registrant divests its holdings in a particular security in a related series of transactions, the registrant may deem the divestment to occur at the time of the final transaction in the series. In that case, the registrant should report each transaction in the series on a single Form N–CSR, but should separately state each date on which securities were divested and the total number of shares or, for debt securities, principal amount divested, on each such date.

Dated: February 11, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E8–2859 Filed 2–14–08; 8:45 am]

BILLING CODE 8011–01–P

Federal Register

Friday,
February 15, 2008

Part IV

Department of Education

Office of Innovation and Improvement; Overview Information; Full-Service Community Schools Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008; Notice

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Overview Information; Full-Service Community Schools Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215J.

DATES: *Applications Available:* February 15, 2008.

Deadline for Notice of Intent to Apply: March 17, 2008.

Date of Pre-Application Meeting: March 12, 2008.

Deadline for Transmittal of Applications: April 15, 2008.

Deadline for Intergovernmental Review: June 16, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fund for Improvement of Education (FIE), which is authorized by section 5411 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), supports nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging academic content and achievement standards. The Full-Service Community Schools (FSCS) program, which is authorized by FIE, encourages coordination of educational, developmental, family, health, and other services through partnerships between (1) public elementary and secondary schools and (2) community-based organizations and public or private entities. This collaboration will provide comprehensive educational, social, and health services for students, families, and communities.

Priority: We are establishing this priority for the FY 2008 grant competition only in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: This priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Full-Service Community Schools.

Background: In order for children to be ready and able to learn, they need intellectual, social, physical, and psychological/emotional supports. The National Research Council has cited the presence of these supports as important predictors of future adult success.[1] Comprehensive evaluations of full-service community schools commissioned by the Milton S. Eisenhower Foundation in 2005, indicated that students' needs are better met when the adults responsible for providing services to students come together to deliver those services in a well-coordinated and collaborative manner.

Full-service community schools provide comprehensive academic, social, mental, physical, and vocational programs and services to meet individual, family, and community needs. This priority will support projects that propose to establish, through collaborative efforts among State and local agencies, community service organizations, and parents, full-service community schools offering a range of student services.

Priority: To meet this priority, applicants must propose a project based on scientifically based research—as defined in section 9101(3) of the ESEA—that establishes or expands an FSCS. An FSCS is a public elementary or secondary school that coordinates with community-based organizations and public or private entities to provide students, their families, and the community with access to comprehensive services. These services may include:

1. Early childhood education;
2. Remedial education and academic enrichment activities;
3. Programs that promote parental involvement and family literacy activities;
4. Mentoring and other youth development programs;
5. Parenting education and parent leadership;
6. Community service and service learning opportunities;
7. Programs that provide assistance to students who have been truant, suspended, or expelled;
8. Job training and career counseling services;
9. Nutrition services;
10. Primary health and dental care;
11. Mental health counseling services; and
12. Adult education, including instruction of adults in English as a second language.

Each applicant must propose to provide at least three of the services listed at each participating full-service elementary or secondary school.

Because interagency collaborative efforts are highly complex undertakings and, as such, require extensive planning and communication among partners and key stakeholders, applicants receiving funding under this priority may devote funds received during the first year of the project period to comprehensive program planning. If a grantee uses the first year's funding for planning, funding received during the remainder of the project period must be devoted to program implementation.

Application Requirements: In order to receive funding, an application must include the following:

1. A list of partner entities that will assist the eligible entity in coordinating or providing services.
2. A memorandum of understanding between the applicant and all partner entities describing the role the partner entities will assume.
3. A description of the capacity of the applicant to provide and coordinate qualified services at an FSCS.
4. A comprehensive plan that includes descriptions of the students, families, and school community to be served, including information about the demographic characteristics and needs of the students, families, and community residents, the estimated number of individuals to be served, and the frequency of services to be provided.
5. A list and description of the qualified services to be provided or coordinated by the eligible entity and its partner entities.

Applications that do not meet these requirements will not be read and will not be considered for funding.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed eligibility requirements, priorities, application requirements, and selection criteria. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under the No Child Left Behind Act of 2001 and, therefore, qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the eligibility requirements, priority, application requirements, and selection criteria under section 437(d)(1) of GEPA. The eligibility requirements, priority, application requirements, and selection criteria will apply to the FY 2008 grant competition only.

Program Authority: 20 U.S.C. 7243–7243b.

Applicable Regulations: 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.

[1] Eccles, J.S., and J. Gootman 2002 Programs to Promote Youth Development. Washington, DC: Board on Children, Youth, and Families, Institute of Medicine, National Research Council.

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

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

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: $4,912,650.
Estimated Range of Awards: $75,000–$500,000.
Estimated Average Size of Awards: $415,000.
Maximum Award: The maximum award amount is $500,000 per year. We may choose not to further consider or review applications with budget requests for any 12-month budget period that exceeds this amount, if we conclude, during our initial review of the application, that the proposed goals and objectives cannot be obtained with the specified maximum amount.
Estimated Number of Awards: 8–12.

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

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants under this competition are consortia consisting of a local educational agency and one or more community-based organizations, non-profit organizations, or other public or private entities. Consortia must comply with the provisions governing group applications in 34 CFR 75.127 through 75.129 of EDGAR.
2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Joan Scott-Ambrosio, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W225, LBJ, Washington, DC 20202–5970. *Telephone:* (202) 260–2715 or by *e-mail: joan.scott-ambrosio@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 competition.

Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short e-mail message indicating the applicant's intent to submit an application for funding. The e-mail need not include information regarding the content of the proposed application, only the applicant's intent to submit it. This e-mail notification should be sent to *FSCS@ed.gov*. Applicants that fail to provide this e-mail notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application.

You should limit the application narrative [Part III] to the equivalent of no more than 35 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 a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section [Part III].

3. *Submission Dates and Times:*

Applications Available: February 15, 2008. Deadline for Notice of Intent to Apply: March 17, 2008. Date of Pre-Application Meeting: The Department will hold a pre-application meeting for prospective applicants on March 12, 2008, from 1:30 p.m. to 3:30 p.m. at the U.S. Department of Education, Barnard Auditorium, 400 Maryland Avenue, SW., Washington, DC. Interested parties are invited to participate in this meeting to discuss the purpose of the FSCS program, absolute priority, selection criteria, application content, submission requirements, and reporting requirements. Interested parties may participate in this meeting either by conference call or in person. This site is accessible by Metro on the Blue, Orange, Green, and Yellow lines at the Seventh Street and Maryland Avenue exit of the L'Enfant Plaza station. After the meeting, FSCS staff also will be available from 3:30 p.m. to 4:30 p.m. on that same day to provide information and technical assistance through individual consultation.

Individuals interested in attending this meeting are encouraged to pre-register by e-mailing their name, organization, and contact information with the subject heading PRE-APPLICATION MEETING to *FSCS@ed.gov*. There is no registration fee for attending this meeting. For further information contact Jill Staton, U.S. Department of Education, Office of Innovation and Improvement, room 4W215, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 401–2492 or by *e-mail: FSCS@ed.gov*.

Assistance to Individuals With Disabilities at the Pre-Application Meeting

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request we receive after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Deadline for Transmittal of Applications: April 15, 2008.

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: June 16, 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 competition.

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 FSCS program, CFDA Number 84.215J, 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 FSCS 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 84.215, not 84.215J).

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: Joan Scott-Ambrosio, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W225, Washington, DC 20202–5970. *FAX:* (202) 205–5630.

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 84.215J), 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 84.215J), 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 84.215J), 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: We are establishing the following selection criteria for the FY 2008 grant competition only in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion.

The criteria are as follows:

1. *Quality of the project design* (up to 35 points).

(a) The Secretary considers the quality of the design of the proposed project.

(b) In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project consists of a comprehensive plan that includes a description of—

(i) The project objectives, which must be based on scientifically based research;

(ii) The students, families, and school community to be served, including information about the demographic characteristics and needs of the students, families, and community residents and the estimated number of individuals to be served; and

(iii) The qualified services (as specified in the Priority section of this notice) to be provided or coordinated by

the applicant and its partner entities, how those services will meet the needs of students and their families, and the frequency with which those services will be provided to students and their families.

2. *Adequacy of resources* (up to 15 points).

(a) The Secretary considers the adequacy of resources for the proposed project.

(b) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources to be provided by the applicant and consortium partners.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which costs are reasonable in relation to the number of persons to be served and services to be provided.

3. *Quality of the management plan* (up to 25 points).

(a) The Secretary considers the quality of the management plan for the proposed project.

(b) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project consists of a comprehensive plan that includes a description of planning, coordination, management, and oversight of the qualified services (as specified in the Priority section of this notice) to be provided at each school to be served, including the role of the school principal, the FSCS coordinator, partner entities, parents, and members of the community.

(ii) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

4. *Quality of the project evaluation* (up to 25 points).

(a) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(b) In determining the quality of the evaluation, the Secretary considers the extent to which the proposed evaluation—

(i) Sets out methods of evaluation that include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible;

(ii) Will provide timely and valid information on the management, implementation, or efficiency of the project; and

(iii) Will provide guidance on or strategies for replicating or testing the project intervention in multiple settings.

Note: A strong evaluation plan should be included in the application narrative and should be used, as appropriate, to shape the development of the project from the beginning of the project period. The plan should include benchmarks to monitor progress toward specific project objectives and also outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. More specifically, the plan should identify the individual or organization that has agreed to serve as evaluator for the project and describe the qualifications of that evaluator. The plan should describe the evaluation design, indicating: (1) What types of data will be collected; (2) when various types of data will be collected; (3) what methods will be used; (4) what instruments will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and about effective strategies for replication in other settings. Applicants are encouraged to devote an appropriate level of resources to project evaluation.

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 Secretary has established one performance indicator for this program: the percentage of families targeted for services who receive services during each year of the project period. All grantees will be required to submit an annual performance report documenting their contribution in assisting the Department in measuring the performance of the program against this indicator, as well as performance on project-specific indicators.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jill Staton, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W215, Washington, DC 20202–5970. *Telephone:* (202) 401–2492 or by *e-mail: FSCS@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.

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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: February 12, 2008.

Morgan S. Brown,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E8–2934 Filed 2–14–08; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday,
February 15, 2008

Part V

The President

Executive Order 13460—Blocking Property of Additional Persons in Connection With the National Emergency With Respect to Syria

Federal Register
Vol. 73, No. 32
Friday, February 15, 2008

Presidential Documents

Title 3—

The President

Executive Order 13460 of February 13, 2008

Blocking Property of Additional Persons in Connection With the National Emergency With Respect to Syria

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the Government of Syria continues to engage in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to undermining efforts with respect to the stabilization of Iraq. I further find that the conduct of certain members of the Government of Syria and other persons contributing to public corruption related to Syria, including by misusing Syrian public assets or by misusing public authority, entrenches and enriches the Government of Syria and its supporters and thereby enables the Government of Syria to continue to engage in certain conduct that formed the basis for the national emergency declared in Executive Order 13338. In light of these findings, and to take additional steps with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, I hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3) and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria.

(b) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. Section 3(a)(iv) of Executive Order 13338 is hereby amended to read as follows:

> ''(iv) to be or to have been responsible for or otherwise significantly contributing to actions taken or decisions made by the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq; or''.

Sec. 3. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 4. For purposes of this order:

(a) the term ''person'' means any individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 5. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, persons whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13338 and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 6. For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13338 and relied upon for additional steps taken in Executive Order 13399, there need be no prior notice of a determination made pursuant to this order.

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All executive agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

THE WHITE HOUSE,
February 13, 2008.

[FR Doc. 08–761
Filed 2–14–08; 10:37 am]
Billing code 3195–01–P

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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