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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

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

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.

2. The relationship between the Federal Register and Code of Federal Regulations.

3. The important elements of typical Federal Register documents.

4. An introduction to the finding aids of the FR/CFR system.

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

WHEN: Tuesday, February 13, 2007
9:00 a.m.–Noon

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

RESERVATIONS: (202) 741–6008

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Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. APHIS–2006–0145]

Tuberculosis in Cattle and Bison; State and Zone Designations; Texas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the bovine tuberculosis regulations regarding State and zone classifications by raising the designation of Texas from modified accredited advanced to accredited-free. The interim rule was based on our determination that Texas met the criteria for designation as an accredited-free State.

DATES: Effective on January 4, 2007, we are adopting as a final rule the interim rule published at 71 FR 58252–58254 on October 3, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Orloski, Epidemiologist, National Tuberculosis Eradication Program, National Center for Animal Health Programs, VS, APHIS, 2150 Centre Avenue, Building B, M/S 3E20, Fort Collins, CO 80526–8117, (970) 494–7221.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule [1] effective on September 29, 2006, and published in the **Federal Register** on October 3, 2006 (71 FR 58252–58254, Docket No. APHIS–2006–0145), we amended the bovine tuberculosis regulations regarding State and zone classifications in 9 CFR part 77 by raising the designation of Texas from modified accredited advanced to accredited-free. The interim rule was based on our determination that Texas met the criteria for designation as an accredited-free State.

Comments on the interim rule were required to be received on or before December 4, 2006. We received one comment by that date, from a private citizen. The commenter stated his belief that if his herd of cattle is tested, then all neighboring herds should be tested to ensure that all cattle in the area are free of tuberculosis. We noted in the interim rule that State animal health authorities in Texas have demonstrated to us that the State meets the criteria for accredited-free status set forth in the definition of *accredited-free State or zone* in § 77.5 of the tuberculosis regulations. Those criteria include a requirement for zero percent prevalence of affected cattle or bison herds.

Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

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

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

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 71 FR 58252–58254 on October 3, 2006.

Done in Washington, DC, this 26th day of December 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–22545 Filed 1–3–07; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule and the comment we received, go to *http://www.regulations.gov*, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS–2006–0145, then click "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25643; Directorate Identifier 2006–NM–135–AD; Amendment 39–14869; AD 2006–26–11]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain EMBRAER Model ERJ 170 and ERJ 190 airplanes. This AD requires repetitive inspections to detect damaged smoke seals in the aft avionics compartment, repair/replacement if any damage is found, and reinforcement if no damage is found. This AD also requires eventual replacement of all smoke seals in the aft avionics compartment with new, improved seals having new part numbers, which terminates the repetitive inspections. This AD results from a report of damaged smoke seals in the aft avionics compartment of the affected airplanes. We are issuing this AD to prevent smoke from penetrating into the passenger cabin during a fire in the avionics compartment.

DATES: This AD becomes effective February 8, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of February 8, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343–CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601

Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain EMBRAER Model ERJ 170 and ERJ 190 airplanes. That NPRM was published in the **Federal Register** on August 21, 2006 (71 FR 48490). That NPRM proposed to require repetitive inspections to detect damaged smoke seals in the aft avionics compartment, repair/replacement if any damage is found, and reinforcement if no damage is found. That AD also proposed to require eventual replacement of all smoke seals in the aft avionics compartment with new, improved seals having new part numbers, which would terminate the repetitive inspections.

Comments

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

Request To Withdraw the NPRM

EMBRAER states that an AD does not apply in this case because there is no unsafe condition associated with this failure mode. EMBRAER explains that the smoke seals in the aft avionics compartment are installed to demonstrate compliance with section 25.831(c) of the Federal Aviation Regulations (14 CFR 25.831(c)). EMBRAER states that the configuration of the smoke seals was approved during the ERJ 170/190 certification campaign, based on the procedures established by Advisory Circular AC 25–9A ("Smoke Detection, Penetration, and Evacuation Tests and Related Flight Manual Emergency Procedures"), dated January 6, 1994, which, in part, provides guidelines for conducting certification tests relating to smoke detection, penetration, and evacuation. EMBRAER states that the smoke penetration test was carried out under critical conditions with a very large amount of smoke, and confirmed that the smoke seal is an efficient smoke barrier. EMBRAER also states that the potential source of smoke coming from the aft avionics compartment is residual smoke coming from the electronic equipment, which is designed not to generate fire. Therefore, EMBRAER states that no fire event is expected in the region, only a small amount of smoke.

EMBRAER also addresses the damage on the smoke seal and states that all of the reported cases most likely happened during maintenance. EMBRAER states that these small damaged areas would not prevent the smoke seal from working satisfactorily as a smoke barrier, and that even in case of an unexpected smoke generation in the area, only a small amount of smoke would enter the passenger compartment. EMBRAER points out that the presence of smoke wisps in the passenger compartment was considered in the environmental system safety assessment, and that there are crew actions defined to mitigate this condition.

We disagree that an AD does not apply in this case. EMBRAER has not provided sufficient technical justification that damaged smoke seals in the aft avionics compartment of the affected airplanes are not a potentially serious safety problem. Specifically, EMBRAER does not state whether it has performed smoke penetration testing with damaged or worn seals. EMBRAER also does not state if it has performed flight testing or only ground testing for smoke penetration. Finally, EMBRAER states that it has defined crew actions to mitigate wisps of smoke entering the cabin but does not refer to a documented cabin smoke evacuation procedure in the airplane flight manual to support this claim.

We have determined that an unsafe condition exists, and that issuing an AD is the appropriate way to correct an unsafe condition. In addition, Agencia Nacional de Aviação Civil (ANAC), which is the airworthiness authority for Brazil, issued Brazilian airworthiness directives 2006–05–04 (for Model ERJ 170 airplanes) and 2006–05–07 (for Model ERJ 190 airplanes), both effective June 14, 2006, to address the subject unsafe condition. ANAC has not withdrawn their airworthiness directives, and has not advised us that it plans to do so. If EMBRAER can provide additional information to substantiate its statements, we may consider further rulemaking then. We have not changed the AD in this regard.

Request To Change Incorporation of Certain Information

The Modification and Replacement of Parts Association (MARPA), states that, typically, airworthiness directives are based on service information originating with the type certificate holder or its suppliers. MARPA adds that manufacturer service documents are privately authored instruments generally having copyright protection against duplication and distribution. MARPA notes that when a service document is incorporated by reference into a public document, such as an airworthiness directive, it loses its private, protected status and becomes a public document. MARPA adds that if a service document is used as a mandatory element of compliance, it should not simply be referenced, but should be incorporated into the regulatory document; by definition, public laws must be public, which means they cannot rely upon private writings. MARPA is concerned that the failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA adds that incorporated by reference service documents should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates them. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals; traditionally, "affected individuals" means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class includes maintenance and repair organizations, component servicing and repair shops, parts purveyors and distributors, and organizations manufacturing or servicing alternatively certified parts under part 21 of the Federal Aviation Regulations (14 CFR part 21), section 21.303 (parts manufacturer approval (PMA)). MARPA adds that the concept of brevity is now nearly archaic, as documents exist more frequently in electronic format than on paper. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the

regulatory instrument, and published in the DMS.

We understand MARPA's comment concerning incorporation by reference. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

Additionally, we do not publish service documents in DMS. We are currently reviewing our practice of publishing proprietary service information. Once we have thoroughly examined all aspects of this issue, and have made a final determination, we will consider whether our current practice needs to be revised. However, we consider that to delay this AD action for that reason would be inappropriate, since we have determined that an unsafe condition exists and that the requirements in this AD must be accomplished to ensure continued safety. Therefore, we have not changed the AD in this regard.

Request To Reference PMA Parts

MARPA also states that type certificate holders in their service documents universally ignore the possible existence of PMA parts. MARPA states that this is especially true with foreign manufacturers where the concept may not exist or be implemented in the country of origin. MARPA points out that the service document upon which an airworthiness directive is based frequently will require removing a certain part-numbered part and installing a different part-numbered part as a corrective action. According to MARPA, this runs afoul of section 21.303 ("Parts Manufacturer Approval") of the Federal Aviation Regulations (14 CFR 21.303), which permits the development, certification, and installation of alternatively certified parts.

MARPA further states that installing a certain part-numbered part to the exclusion of all other parts is not a favored general practice. MARPA states that such an action has the dual effect of preventing, in some cases, the installation of a perfectly good part; while at the same time prohibiting the development of new parts permitted under section 21.303. According to MARPA, such a prohibition runs the risk of taking the AD out of the realm of safety and into the world of economics, since prohibiting the development, sale, and use of a perfectly airworthy part has nothing to do with safety. MARPA states that courts could easily construe such actions as being outside the statutory basis of the AD (safety) and, as such, unenforceable. MARPA adds that courts are reluctant to find portions of a rule unenforceable since they lack the knowledge and authority to re-write requirements, and are thus generally inclined to simply void the entire rule.

We infer that MARPA would like the AD to permit installation of any equivalent PMA parts so that it is not necessary for an operator to request approval of an alternative method of compliance (AMOC) in order to install an "alternatively certified" PMA part. Whether an alternative part resolves the unsafe condition can be determined only on a case-by-case basis, based on a complete understanding of the unsafe condition. We are not currently aware of any such parts. Our policy is that, in order for operators to replace a part with one that is not specified in the AD, they must request an AMOC. This is necessary so that we can make a specific determination that an alternative part is or is not susceptible to the same unsafe condition.

In response to MARPA's statement regarding running afoul of section 21.303 of the Federal Aviation Regulations (14 CFR 21.303), under which the FAA issues PMAs, this statement appears to reflect a misunderstanding of the relationship between ADs and the certification procedural regulations of 14 CFR part 21. Those regulations, including section 21.303, are intended to ensure that aeronautical products comply with the applicable airworthiness standards. But ADs are issued when, notwithstanding those procedures, we become aware of unsafe conditions in these products or parts. Therefore, an AD takes precedence over design approvals when we identify an unsafe condition, and mandating installation of a certain part number in an AD is not at variance with section 21.303.

The AD provides a means of compliance for operators to ensure that the identified unsafe condition is addressed appropriately. For an unsafe condition attributable to a part, the AD normally identifies the replacement parts necessary to obtain that compliance. As stated in section 39.7 of the Federal Aviation Regulations (14 CFR 39.7), "Anyone who operates a product that does not meet the requirements of an applicable airworthiness directive is in violation of this section." Unless an operator obtains approval for an AMOC, replacing a part with one not specified by the AD would make the operator subject to an enforcement action and result in a civil penalty. No change to the AD is necessary in this regard.

Request for Compliance With FAA Order 8040.2/Agreement on Parts Replacement

MARPA also points out that the NPRM, as written, does not comply with proposed Order 8040.2 (AD Process for Mandatory Continuing Airworthiness Information (MCAI)), which states in the PMA section: "MCAI that require replacement or installation of certain parts could have replacement parts approved under 14 CFR § 21.303 based on a finding of identicality. We have determined that any parts approved under this regulation and installed should be subject to the actions of our AD and included in the applicability of our AD."

MARPA states that in this case, certain seals have been determined to be defective and must be replaced with parts not containing the identified defect. MARPA has reviewed both the MARPA PMA database and the FAA's database for possible PMA alternatives to the defective seals, and found none. MARPA states that this does not guarantee that such parts do not now exist or may not exist in the future and believes the proposed regulatory action should address the possibility that there are or will be PMA parts matching those determined not to be airworthy. MARPA has noted that the FAA frequently states its policy of identifying defective parts only when they are known, but MARPA is of the opinion that the FAA's state of mind is irrelevant when constructing enforceable regulatory actions. MARPA believes that incorporating the language specified in proposed FAA Order 8040.2 should adequately address this concern.

MARPA points out that the Small Airplane Directorate has developed a blanket statement that resolves this issue. The statement includes words similar to that in the proposed Order 8040.2. MARPA also points out that the Engine and Rotocraft Directorates avoid the issue by specifying "airworthy parts" be installed, leaving the determination of exactly which parts to the discretion of the installer.

MARPA further states that because the NPRM differs markedly in treatment of this issue from that of the other directorates, the mandates contained in

Section 1, paragraph (b)(10) of Executive Order 12866 are not being met. This paragraph requires that all agencies act uniformly on a given issue. MARPA therefore requests that we take steps to bring the universe of PMA parts under the appropriate scope of this AD both with respect to possible defective PMA parts and the use of possible present or future approved parts.

We infer that MARPA would like the Transport Airplane Directorate to include words similar to those quoted from proposed Order 8040.2 in our ADs. We disagree. The order has been approved and released as Order 8040.5 (AD Process for Mandatory Continuing Airworthiness Information (MCAI)), dated September 29, 2006. The approved order does not include the requested language.

Request To Append Certain Language

MARPA also requests that we append the language in paragraph (f)(2) of the NPRM to add the following words, "or FAA-approved equivalent part number." MARPA contends that the addition of those words would remove any possible conflict with 14 CFR 21.303 that may be raised with respect to the unmodified text in paragraph (f)(2) of the NPRM.

We recognize the need for standardization on this issue and currently are in the process of reviewing it at the national level. The Transport Airplane Directorate considers that to delay this particular AD action would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety. Therefore, no change has been made to the final rule in this regard.

Explanation of Change to Applicability

We have revised the applicability of the existing AD to identify model designations as published in the most recent type certificate data sheet for the affected models.

Conclusion

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

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection, per inspection cycle.	1	$80	None	$80, per inspection cycle	78	$6,240.
Reinforcement	1	80	Operator supplied	$80, per inspection cycle	78	$6,240.
Replacement	8	80	$244 to $265	$884 to $905	78	$68,952 to $70,590.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–26–11 Empresa brasileira De Aeronautica S.A. (EMBRAER): Amendment 39–14869. Docket No. FAA–2006–25643; Directorate Identifier 2006–NM–135–AD.

Effective Date

(a) This AD becomes effective February 8, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in Table 1 of this AD, certificated in any category.

TABLE 1.—AIRPLANES AFFECTED BY THIS AD

EMBRAER Model—	As identified in EMBRAER service bulletin—
ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes.	170–21–0017, Revision 01, dated February 15, 2006.
ERJ 190–100 STD, –100 LR, and –100 IGW airplanes	190–21–0003, Revision 01, dated February 15, 2006.

Unsafe Condition

(d) This AD results from a report of damaged smoke seals in the aft avionics compartment of the affected airplanes. We are issuing this AD to prevent smoke from penetrating into the passenger cabin during a fire in the avionics compartment.

Compliance

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

Service Bulletin References

(f) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For the inspections, applicable corrective actions, and reinforcement specified in paragraph (g) of this AD: EMBRAER Service Bulletins 170–21–0017, Revision 01, dated February 15, 2006 (for Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes); and 190–21–0003, Revision 01, dated February 15, 2006 (for Model ERJ 190–100 STD, –100 LR, and –100 IGW airplanes); and

(2) For the replacement specified in paragraph (h) of this AD: EMBRAER Service Bulletins 170–21–0018, Revision 01, dated February 15, 2006 (for Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes); and 190–21–0004, dated December 2, 2005 (for Model ERJ 190–100 STD, –100 LR, and –100 IGW airplanes).

Inspections and Reinforcement

(g) Within 600 flight hours after the effective date of this AD: Do a detailed inspection for damaged smoke seals in the aft avionics compartment; and, following the inspection, before further flight, reinforce around the Velcro fasteners by installing silver tape if no damage is found, and do all applicable corrective actions if any damage is found. Repeat the inspection thereafter at intervals not to exceed 1,200 flight hours until the replacement required by paragraph (h) of this AD is done. Where the applicable service bulletin specifies reinforcing around the Velcro fasteners by installing silver tape if no damage is found during the detailed inspection, that reinforcement must be done the first time; it is required again only if damage is found during any repeat inspection. Do all actions in accordance with the applicable service bulletin specified in paragraph (f)(1) of this AD. If any damage exceeds the limits specified in the applicable service bulletin: Before further flight, do the replacement in paragraph (h) of this AD.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Replacement

(h) Within 6,000 flight hours after the effective date of this AD: Replace the smoke seal in the aft avionics compartment with a new, improved seal, having a new part number, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (f)(2) of this AD. Doing this replacement terminates the repetitive inspection requirements of paragraph (g) of this AD.

Parts Installation

(i) As of the effective date of this AD, no person may install a smoke seal in the aft avionics compartment on any airplane that has part number 170–96563–509, –511, –513, –515, –517, –519, –521, or –523; 171–04768–501, –503, –505, or –507; 190–15062–501, –503, –505, or –507; or 190–15902–501, –503, –505, or –507.

Actions Accomplished According to Previous Issues of Service Bulletins

(j) Actions done before the effective date of this AD in accordance with the applicable service bulletins identified in Table 2 of this AD, are acceptable for compliance with the corresponding requirements of paragraphs (g) and (h) of this AD.

TABLE 2.—PREVIOUS ISSUES OF SERVICE BULLETINS

EMBRAER service bulletin	Date
170–21–0017	December 29, 2005.
170–21–0018	December 2, 2005.
190–21–0003	December 29, 2005.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(l) Brazilian airworthiness directives 2006–05–04 (for Model ERJ 170 airplanes) and 2006–05–07 (for Model ERJ 190 airplanes), both effective June 14, 2006, also address the subject of this AD.

Material Incorporated by Reference

(m) You must use the service information specified in Table 3 of this AD, as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 3.—MATERIAL INCORPORATED BY REFERENCE

EMBRAER service bulletin	Revision level	Date
170–21–0017	01	February 15, 2006.
170–21–0018	01	February 15, 2006.
190–21–0003	01	February 15, 2006.

TABLE 3.—MATERIAL INCORPORATED BY REFERENCE—Continued

EMBRAER service bulletin	Revision level	Date
190–21–0004	Original	December 2, 2005.

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22464 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22629; Directorate Identifier 2005–NM–089–AD; Amendment 39–14867; AD 2006–26–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–200, –300, –400, and –500 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737–200, –300, –400, and –500 series airplanes. This AD requires a one-time inspection of the frames between station 360 and station 907 to determine if a subject support bracket for the air conditioning outlet extrusion is installed, and related repetitive investigative actions and repair if necessary. This AD also provides an optional preventive modification that ends the repetitive investigative actions. This AD also requires a one-time post-modification/repair inspection for cracking of each repaired/modified frame. This AD results from numerous reports indicating that frame cracks have been found at the attachment holes for support brackets for the air conditioning outlet extrusion. We are issuing this AD to detect and correct such cracking, which, if the cracking were to continue to grow, could result in a severed frame. A severed frame, combined with existing multi-site damage at the stringer 10 lap splice, could result in rapid decompression of the airplane.

DATES: This AD becomes effective February 8, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of February 8, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

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

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 737–200, –300, –400, and –500 series airplanes. That NPRM was published in the **Federal Register** on October 6, 2005 (70 FR 58358). That NPRM proposed to require a one-time inspection of frames between station 360 and station 907 to determine if a subject support bracket for the air conditioning outlet extrusion is installed, and related repetitive investigative actions and repair if necessary. That NPRM also proposed to provide an optional preventive modification that would end the repetitive investigative actions. That NPRM also proposed to require a one-time post-modification/repair inspection for cracking of each repaired/modified frame.

Comments

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

Request To Extend Certain Compliance Times

KLM Royal Dutch Airlines (KLM), and the Air Transport Association (ATA), on behalf of United Airlines (UAL) and US Airways, ask that the compliance time for the inspection be changed to coincide with scheduled maintenance checks.

UAL notes that the 6,000–flight-cycle interval for the post-modification/repair inspection (between 18,000 and 24,000 flight cycles) does not fall into a compatible maintenance opportunity. UAL states that, when given the opportunity by Boeing to review the preliminary service bulletin, the requirement for this inspection was "within 30,000 flight cycles." UAL asks if there is an alternative inspection method, such as an open hole eddy current inspection, which would extend the 6,000–flight-cycle repetitive inspection interval to 9,000 flight cycles to align with a heavy maintenance check.

US Airways adds that the repeat inspection interval will have an adverse impact on operations. US Airways also adds that the repeat inspection interval seems to be arbitrary and unreasonable, and it imposes undue costs to the airline. US Airways has been addressing this issue since 1999, and notes that the existing maintenance program currently has a repeat inspection interval of 12,500 flight hours or approximately 9,375 flight cycles for the inspection for frame cracks in this location. US Airways adds that the inspection program has proven adequate to find and repair these cracks before they have an adverse impact on the structural integrity of the airplane. US Airways concludes that the increased inspection interval mentioned previously also minimizes impact to fleet operations, while still maintaining a sufficient level of safety. US Airways requests that the repeat inspection interval be increased to align with the existing scheduled heavy maintenance visits.

KLM states that page 3 of the NPRM, under "Relevant Service Information," specifies a compliance time of 5,000 flight cycles after the date of the service bulletin for the initial inspection, and an interval of 6,000 flight cycles for the repetitive inspections. KLM adds that the inspection is applicable to all frames, which amounts to 35 frames on the left- and right-hand sides, for a total of 70 inspection areas on a Boeing Model 737–300 airplane. Due to the extent of this work, the inspection in the NPRM must be accomplished during a planned maintenance check, preferably a D-check when the support brackets are

accessible. Based on the current inspection interval, the inspection must be accomplished during a C-check, which necessitates additional work. KLM asks if we have considered possible cycle interval changes in order to relieve the economic burden of this inspection.

We agree with the commenters' request to extend the inspection interval. We have worked with Boeing to expand the standard analysis methodology to better model service experience. The new analysis methodology allows for longer compliance times and longer grace periods for airplanes that did not have lower row lap splice cracking concerns.

The new compliance times are identified in paragraph 1.E., "Compliance," of Revision 1 of Boeing Special Attention Service Bulletin 737–53–1216, dated June 8, 2006. The new compliance times for the initial general visual, medium frequency eddy current (MFEC) and high frequency eddy current (HFEC) inspections, as applicable, are prior to the accumulation of 40,000 total flight cycles, or within 5,000 or 9,000 flight cycles (depending on the airplane configuration) after issuance of the service bulletin, whichever occurs later. The service bulletin specifies a repetitive interval (for all subject frames) of 9,000 flight cycles. We have reviewed the procedures in Revision 1 and have determined that they are essentially the same as those in the original issue of the service bulletin (which was referenced in the NPRM). The effectivity section in Revision 01 shows changes of airplane operators; however, Revision 01 does not necessitate additional work. Therefore, we have revised this AD to refer to Revision 1 of the service bulletin as the appropriate source of service information for accomplishing the required actions at the new extended compliance times. We have also added a statement to paragraph (l) of this AD that gives credit for actions accomplished before the effective date of this AD in accordance with the original issue of the service bulletin.

Request To Adopt an Alternative Compliance/Inspection Schedule

Southwest Airlines (SWA) requests that we consider an alternative inspection method—an external detailed visual inspection—that would extend the grace period from 5,000 flight cycles to a total of 10,000 flight cycles, particularly for airplanes that are not susceptible to multi-site damage. SWA notes that the areas of inspection are not easily accessible as those areas are located behind the overhead bins. SWA adds that the majority of operators do not have convenient scheduled maintenance visits that result in access to the interior area behind the overhead bins within a span of 5,000 or 6,000 flight cycles. SWA suggests revising the repetitive inspection requirements (every 6,000 flight cycles) to longer thresholds (every 10,000 flight cycles) for airplanes over 30,000 flight cycles, provided that the external inspections are being accomplished. SWA proposes an alternative inspection option for those airplanes that are not susceptible to multi-site damage, as follows:

- Airplanes with less than 40,000 total flight cycles.
- Airplanes on which Boeing Service Bulletin 737–53A1177, Revision 6, has been done for lap joint repairs, including window belt replacements.
- Airplanes having line numbers 2553 and above, on which the lower row of fasteners of the stringer 10 lap joint is not susceptible to cracking.

SWA provided an example of an alternative compliance/inspection table, which could be used for airplanes having over 30,000 flight cycles.

We agree partially with the commenter's request. As stated previously under "Request to Extend Certain Compliance Times," we have changed the compliance time in the AD to allow for better maintenance scheduling for operators. However, in order for operators to accomplish an inspection that is not specified in the AD, they must request and receive approval of an alternative method of compliance (AMOC) in accordance with paragraph (m) of this AD. This is necessary so that we can make a specific determination that an alternative inspection does or does not address the identified unsafe condition. If, after reviewing the changes included in this AD, SWA still wants to pursue the alternative inspection proposal, it can request an AMOC.

Request To Change Paragraph (f) of This AD

Boeing asks that the second sentence in paragraph (f) of the NPRM be changed to eliminate the reference to "part number (P/N) 65C7021." Boeing reiterated the wording in that sentence and suggested it be changed to read, "Subject support brackets are attached to the frame with two rivets." Boeing states that this change is required because the P/N may not be visible or even exist on the bracket, but the brackets can be easily identified by the number of fasteners attaching them to the frame. The structural detail of concern in the referenced service bulletin is the two fastener attachments. There are some air conditioning brackets (not having P/N 65C7021–( )) attached to the frame with three or more fasteners, but there is no known cracking at these locations.

We agree with the commenter's request for the reasons provided by the commenter. We have changed paragraph (f) of this AD accordingly.

Request To Clarify Which Frames Require Inspection

ATA, on behalf of Alaska Airlines, requests clarification of inspection requirements. Alaska states that the NPRM is not clear on the inspection requirements for the subject frames, and asks that clarification be provided in the final rule. Alaska also asks if access/identification of the brackets at the frame locations specified in the referenced service bulletin is required.

In addition, Alaska asks for clarification of the requirements for the optional preventive modification specified in paragraph (i) of the NPRM. Alaska states that the frames that do not require inspection may have two rivet attachments.

We agree that clarification is needed for the reason provided by the commenter. The frames between stations 360 and 907 that have a support bracket with a two-rivet configuration attached need to be identified and inspected. The specific bracket does not need to be identified by part number. Inspection of the frames at stations 540, 663.75, 685, and 727 is not necessary. In addition, inspection of the frames at stations 616 and 601 on Model 737–200/–300/–400/–500 airplanes and the frames at stations 578 and 601 on Model 737–400 airplanes is not necessary. These frames are not susceptible to cracking at the bracket attachment. The optional preventive modification is not necessary for frames not susceptible to cracking. We have revised paragraph (f) of this AD to clarify the frames that do require an inspection. The change for paragraph (f) of this AD also clarifies the provision for the optional preventive modification as specified in paragraph (i) of this AD.

Request To Include Previously Repaired Frames

United Airlines (UAL) states that neither the referenced service bulletin nor the NPRM addresses the disposition of a frame that has been repaired previously per the structural repair manual (SRM). UAL adds that inspection requirements are included in the service bulletin, but the corrective action necessary for cracking found during an inspection of a frame repaired

previously per the SRM is not included. In addition, an option to install a new repair on a frame that was repaired previously per the SRM in order to end the repetitive inspection requirement is not included.

We agree partially with the commenter. We infer that the commenter wants further instruction on corrective action for discrepancies found in previously repaired frames and an option to install a new repair on those frames. We understand that installation of the generic frame repairs described in the SRM may vary extensively, depending on the original damage being repaired; however, guidelines do not exist to allow evaluation of these frame repairs for appropriate follow-on action. We agree that guidelines could be created that would allow the operator to evaluate the frame repair that is installed currently for appropriate follow-on actions. Such guidelines could be evaluated for issuance of an AMOC. Operators may request approval of an AMOC for repairs that are not identified in this AD under the provisions of paragraph (m)(1) of this AD. We have made no change to the AD in this regard.

Request for Credit for Previously Accomplished Actions

ATA, on behalf of Delta Airlines (DAL), states that on August 20, 2002, Boeing issued All Operator Message M–7200–02–01292. The message specifies accomplishing medium frequency eddy current inspections of affected brackets for airplanes with less than 30,000 total flight cycles, or within 5,000 flight cycles after issuance of the message, whichever occurred later. The inspections are to be repeated every 6,000 flight cycles (except where repairs or modifications were installed). The message also describes typical repairs and a terminating modification. DAL adds that neither the NPRM or the referenced service bulletin refer to the message or to the inspections and repairs accomplished per the message. DAL notes that this is a serious omission, as operators have been accomplishing inspections and repairs per the message during the twenty-eight months between issuance of the message and issuance of the referenced service bulletin. DAL states that credit for inspection/repairs and modifications accomplished in accordance with the message should be given in the AD.

We agree with the commenter's request for the reasons provided. We have reviewed Boeing Communication M–7200–02–01292, dated August 20, 2002, and find that the procedures therein are essentially the same as the procedures specified in the referenced service bulletin. Therefore, we have added a new paragraph (j) to the AD, and re-identified subsequent paragraphs, to give credit for actions accomplished before the effective date of this AD per the Boeing communication. The Boeing communication does not specify any post repair or modification inspection, therefore, operators are still required to accomplish those actions required by paragraph (k) of this AD.

Request To Increase Work Hours

KLM, and ATA, on behalf of UAL and U.S. Airways, ask that the work hours included in the Costs of Compliance section of the NPRM be increased.

UAL states that there is an enormous amount of open-up required to do the inspection that is not taken into account in the Costs of Compliance section of the NPRM.

US Airways states that the cost section does not accurately reflect the actual cost of the NPRM to the airline industry. U.S. Airways notes that the frames between station 360 and station 907 are affected by the subject inspection and encompass essentially all of section 43 and section 46 of the airplane. Passenger seats, passenger service units, overhead bins, and sidewall liners must be removed to accommodate the inspection. This excessive teardown of the interior passenger cabin will add considerable downtime to this inspection. These interior passenger cabin items are not routinely removed at the intervals required by the initial inspection, nor the repeat inspection intervals (6,000 flight cycles), identified by the NPRM. Additionally, the Costs of Compliance section does not reflect an accurate time required to perform repairs should any cracks be found. U.S. Airways requests that the Costs of Compliance section be revised to accurately reflect the impact this NPRM would have on the industry by including factors for interior tear down and assembly for the initial and repeat inspections, plus a more accurate downtime cost incurred to accomplish repairs.

KLM states that the work hours specified for the preventive modification and repair specified in the Costs of Compliance section are conservative. The estimated costs are based upon the inspection itself, while all activities to gain access to the support brackets are not taken into account. KLM adds that the work hours required to gain access in accordance with the referenced service bulletin are conservative when taking into account that passenger seats, service units, overhead stowage bins, and sidewall lining need to be removed. KLM requests that a more realistic number of work hours be specified in the Costs of Compliance section.

We do not agree with the commenters' requests. The cost information below describes only the direct costs of the specific actions required by this AD. Based on the best data available, the manufacturer provided the number of work hours (2 work hours per frame) necessary to do the required actions. This number represents the time necessary to perform only the actions actually required by this AD. We recognize that, in doing the actions required by an AD, operators may incur incidental costs in addition to the direct costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs such as the time required to gain access and close up, time necessary for planning, or time necessitated by other administrative actions. Those incidental costs, which may vary significantly among operators, are almost impossible to calculate. We have not changed the AD in this regard.

We do not agree that the on-condition costs specified in the NPRM for time required to perform repairs if any cracks are found is inaccurate. As we noted above, the information provided by the manufacturer is the latest information we have, and that information has been used as the time required to perform repairs. We have not changed the AD in this regard.

Conclusion

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

Costs of Compliance

There are about 2,131 airplanes of the affected design in the worldwide fleet. This AD affects about 938 airplanes of U.S. registry. The inspection to identify subject support brackets, and subsequent MFEC and HFEC inspections take about 2 work hours per frame, with approximately 32 to 45 frames to be inspected per airplane, at an average labor rate of $65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is between $3,902,080 and $5,487,300, or between $4,160 and $5,850 per airplane.

The following table provides the estimated costs for U.S. operators to comply with the inspections of each frame for cracking, the preventive modification, and the repair specified in this AD, at an average labor rate of $65 per work hour. Note that the estimated cost specified in the table is per frame, not per airplane, as it is unknown how many frames on each airplane will have a subject bracket installed.

ESTIMATED ON-CONDITION COSTS

Action	Work hours	Parts	Cost per frame
Preventive modification	4	Operator-provided	$260
Repair	6	$608	998

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–26–09 Boeing: Amendment 39–14867. Docket No. FAA–2005–22629; Directorate Identifier 2005–NM–089–AD.

Effective Date

(a) This AD becomes effective February 8, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–200, –300, –400, and –500 series airplanes; certificated in any category; as identified in Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006.

Unsafe Condition

(d) This AD results from numerous reports indicating that frame cracks have been found at the attachment holes for support brackets for the air conditioning outlet extrusion. We are issuing this AD to detect and correct such cracking, which, if the cracking were to continue to grow, could result in a severed frame. A severed frame, combined with existing multi-site damage at the stringer 10 lap splice, could result in rapid decompression of the airplane.

Compliance

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

Inspection to Determine Subject Support Brackets

(f) Perform a one-time general visual inspection of the frames between station 360 and station 907 to identify the support brackets for the air conditioning outlet extrusion attached with a two-rivet configuration, in accordance with Part I of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006. Do this inspection at the applicable time specified in paragraph 1.E., "Compliance," of the service bulletin, except, where the service bulletin specifies a compliance time after the issuance of the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Repetitive Inspections for Cracking

(g) For each frame with a subject support bracket identified during the inspection in accordance with paragraph (f) of this AD: Perform a medium-frequency eddy current inspection for cracking of the frame around the attachment rivets of the support bracket, and a high-frequency eddy current inspection for cracking of the frame adjacent to the inboard fastener hole, by doing all the actions specified in and in accordance with Part I of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006, except for paragraph 3.B.2. of Part I (which was already done in accordance with paragraph (f) of this AD). Do the initial inspections at the applicable time specified in paragraph 1.E., "Compliance," of the service bulletin, except, where the service bulletin specifies a compliance time after the issuance of the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD. If no cracking is found, repeat the inspections thereafter at intervals not to exceed the repeat interval specified in paragraph 1.E., "Compliance," of the service bulletin, until paragraph (h) or (i) of this AD is done.

Repair

(h) For any frame in which cracking is found during any inspection required by paragraph (g) of this AD: Before further flight, repair the cracking by doing all applicable actions in accordance with Part III of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006. Then, do paragraph (k) of this AD, at the time specified in that paragraph. Doing this repair ends the repetitive inspections required by

paragraph (g) of this AD for each modified frame.

Optional Preventive Modification

(i) For any frame on which a support bracket for the air conditioning outlet extrusion attached with a two-rivet configuration is installed: Doing all actions associated with the preventive modification in accordance with Part II of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006, ends the repetitive inspections required by paragraph (g) of this AD for each modified frame. Do the requirements of paragraph (k) of this AD on each modified frame at the time specified in that paragraph.

Actions Accomplished According to Related Service Information

(j) Actions accomplished before the effective date of this AD according to Boeing Communication M–7200–02–01292, dated August 20, 2002; are considered acceptable for compliance with the corresponding actions specified in paragraphs (f), (g), (h), and (i) of this AD, as applicable.

Post-Modification/Repair Inspections

(k) For each frame repaired or modified in accordance with paragraph (h), (i), or (j) of this AD, as applicable: Within 24,000 flight cycles after doing the modification/repair, but after a minimum of 18,000 flight cycles after doing the modification/repair, do one-time detailed inspections for cracking of the repaired/modified frame, air conditioning attach brackets, and stringer clips, by doing all actions in accordance with Part IV of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006. If any cracking is found during the post-modification/repair inspections, before further flight, repair the cracking using a method approved in accordance with paragraph (m) of this AD.

Actions Accomplished Previously

(l) Inspections/modifications/repairs done before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 737–53–1216, dated January 27, 2005, are acceptable for compliance with the corresponding actions required by this AD.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle Aircraft Certification Office (ACO), has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(3) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(n) You must use Boeing Special Attention Service Bulletin 737–53–1216, Revision 1, dated June 8, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22462 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25389; Directorate Identifier 2006–NM–059–AD; Amendment 39–14870; AD 2006–26–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all Airbus Model A330, A340–200, and A340–300 series airplanes. That AD currently requires repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary. This new AD requires replacement of the existing bracket with a titanium-reinforced bracket, which ends the repetitive inspections in the existing AD. This AD also requires related investigative and corrective actions while accomplishing the replacement, and reduces the applicability in the existing AD. This AD results from a report of cracking damage found on certain brackets that were replaced per the requirements in the existing AD. We are issuing this AD to prevent a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

DATES: This AD becomes effective February 8, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of February 8, 2007.

On April 25, 2005 (70 FR 13345, March 21, 2005), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–25–3227, including Appendix 01, dated June 17, 2004; and Airbus Service Bulletin A340–25–4230, including Appendix 01, dated June 17, 2004.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2005–06–08, amendment 39–14016 (70 FR 13345, March 21, 2005). The existing AD applies to all Airbus Model A330, A340–200, and A340–300 series airplanes. That NPRM was published in the **Federal Register** on July 19, 2006 (71 FR 40942). That NPRM proposed to continue to require repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary. The NPRM also proposed to add a requirement for replacement of the existing bracket with a titanium-reinforced bracket, which would end the repetitive inspections in the existing AD. The NPRM also proposed to require related investigative and corrective actions while accomplishing the replacement, and to reduce the applicability in the existing AD.

Comments

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

Request To Change Applicability

Airbus suggests that the referenced service bulletins in paragraph (k) of the NPRM be added to the applicability in paragraph (c) of the NPRM. Airbus states that airplanes modified in service would then be excluded from the applicability after the service bulletins are done.

We disagree with Airbus. The applicability of European Aviation Safety Agency (EASA) airworthiness directives 2006–0045 and 2006–0047, both dated February 16, 2006, excludes airplanes on which Airbus Service Bulletins A330–25–3249 and A340–25–4245, both dated May 3, 2005, have been accomplished in service. However, we have not excluded those airplanes in the applicability of the AD; rather, the AD includes a requirement to accomplish the actions specified in those service bulletins. This requirement will ensure that the actions specified in the service bulletins and required by this AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this AD unless an alternative method of compliance (AMOC) is approved. We have made no change to the AD in this regard.

Request To Clarify Certain Requirements

Airbus suggests that paragraph (k) of the NPRM refer to Airbus (inspection) Service Bulletins A330–25–3227 and A340–25–4230, both Revision 01, both dated May 3, 2005, to avoid confusion with Airbus (modification) Service Bulletins A330–25–3249 and A340–25–4245, both dated May 3, 2005.

We agree with Airbus. We have changed paragraph (f) of this AD to limit the (inspection) service bulletin reference to paragraphs (g), (h), and (i) of this AD. In addition, we have changed paragraph (k) of this AD to refer to (modification) Airbus Service Bulletins A330–25–3249 and A340–25–4245, both dated May 3, 2005.

Airbus also suggests that the description of the related investigative and corrective actions specified in parenthesis in paragraph (k) be expanded, for clarification, to include the horizontal beam.

We do not agree with Airbus. The description in parenthesis is informational only; there is no need to expand it further as the description is not meant to be all inclusive. We have made no change to the AD in this regard.

Request To Remove Part Number

Airbus recommends removing the reference to titanium-reinforced brackets having part number (P/N) F2511305220096, as specified in paragraph (k) of the NPRM. Airbus states that referring to a specific part number for the replacement brackets may suggest that no other part number is acceptable. Airbus adds that, if a new or upgraded part is released in the field (illustrated parts catalog), installation of a new part number may lead to operator requests for information for the difference between the part number specified in the NPRM and any new part number. Airbus notes that this information would be technical documentation for demonstration of continued conformity to the AD. Airbus concludes that recording application of the referenced service bulletin should be adapted for compliance with the NPRM.

We do not agree with Airbus. Replacement of brackets, as specified in paragraph (k) of this AD, is to be accomplished in accordance with the Accomplishment Instructions of Airbus Service Bulletins A330–25–3249 and A340–25–4245, both dated May 3, 2005. Each of these service bulletins provides instructions for removal of the old bracket and installation of the new, reinforced bracket having P/N F2511305220096. Any other part number for the bracket, even if upgraded from those in the subject service bulletins, will need to be approved as an AMOC to paragraph (k) of this AD, in accordance with the requirements in paragraph (l) of this AD. We have made no change to the AD in this regard.

Request to Publish Service Information/ Incorporate by Reference in NPRM

The Modification and Replacement Parts Association (MARPA) states that ADs are based on service information that originates from the type certificate holder or its suppliers. MARPA adds that manufacturer's service documents are privately authored instruments, generally having copyright protection against duplication and distribution. When a service document is incorporated by reference into a public document, such as an AD, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51, it loses its private, protected status and becomes a public document. MARPA notes that if a service document is used as a mandatory element of compliance it should not simply be referenced, but should be incorporated by reference. MARPA believes that public laws, by definition, should be public, which means they cannot rely upon private writings for compliance. MARPA adds that the legal interpretation of a document is a question of law, not of fact; therefore, unless the service document is incorporated by reference it cannot be considered. MARPA is concerned that failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA also states that service documents incorporated by reference should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates those documents. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals. MARPA adds that, traditionally, "affected individuals" means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that, a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class

includes maintenance and repair organizations, component servicing, and/or servicing alternatively certified parts under section 21.303 ("Replacement and modification parts") of the Federal Aviation Regulations (14 CFR 21.303). MARPA notes that the concept of brevity is now nearly archaic as documents exist more frequently in electronic format than on paper. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the regulatory instrument and published in DMS.

We understand MARPA's concern about incorporating by reference service information. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the document necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, as noted by the commenter, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to MARPA's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in response to these comments.

Requests Regarding Parts Manufacturer Approval (PMA) Parts

MARPA states that type certificate holders in their service documents universally ignore the possible existence of PMA parts. According to MARPA, this is especially true with foreign manufacturers where the concept may not exist or be implemented in the country of origin. MARPA states that frequently the service bulletin upon which an AD is based will require the removal of a certain part number and the installation of a different part number as a corrective action. MARPA states that this practice runs afoul of section 21.303 ("Replacement of modification parts") of the Federal Aviation Regulations (14 CFR 21.303), which permits the development, certification, and installation of alternatively certified parts (PMA). MARPA states that mandating the installation of a certain part number to the exclusion of all other parts is not a favored general practice. According to MARPA, such action has the dual effect of preventing, in some cases, the installation of perfectly good parts, while at the same time prohibiting the development of new parts permitted under 14 CFR 21.303. MARPA states that such a prohibition runs the risk of taking the AD out of the realm of safety and into the world of economics since prohibiting the development, sale, and use of a perfectly airworthy part has nothing to do with safety. MARPA adds that courts could easily construe such actions as being outside the statutory basis of the AD (safety), and thus unenforceable. MARPA concludes that courts are reluctant to find portions of a rule unenforceable since they lack the knowledge and authority to rewrite requirements, and are generally inclined to void the entire rule.

In addition, MARPA believes that the practice of requiring an AMOC to install a PMA part should be stopped. MARPA states that this is somehow tantamount to illogically stating that all PMA parts are inherently defective and require an additional layer of approval when the original equipment manufacturer (OEM) part is determined to be defective. MARPA suspects that FAA personnel who diligently labored to certify the PMA part might disagree with such a narrow, OEM slanted view. MARPA adds that if the PMA part is defective then it must be deemed so in the AD, and not simply implied by a catch-all AMOC requirement. MARPA states that it has repeatedly requested that language be adopted to trap such defective parts. MARPA suggests that, to accomplish this, the Transport Airplane Directorate adopt the language used by the Small Airplane Directorate. MARPA adds that this action, as written, does not comply with proposed FAA Order 8040.2, which requires replacement or installation of certain parts, could have replacement parts approved under Federal Aviation Regulation 14 CFR 21.203, based on a finding of the part being identical.

MARPA also points out that another AD issued from a Directorate other than the Transport Airplane Directorate contains a blanket statement that resolves the PMA issue by adding the phrase, "or FAA-approved equivalent P/N" to the part number mandated to be installed. MARPA requests that the FAA modify the NPRM to include this language.

The NPRM did not address PMA parts, as provided in draft FAA Order 8040.2, because the Order was only a draft that was out for comment at the time. After issuance of the NPRM, the Order was revised and issued as FAA Order 8040.5 with an effective date of September 29, 2006. FAA Order 8040.5 does not address PMA parts in ADs.

The FAA recognizes the need for standardization of this issue and is currently in the process of reviewing issues that address the use of PMAs in ADs at the national level. However, the Transport Airplane Directorate considers that to delay this particular AD action would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety. Therefore, no change has been made to the AD in this regard.

Conclusion

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

Costs of Compliance

This AD affects about 24 Model A330 series airplanes of U.S. registry.

The inspections that are required by AD 2005–06–08 and retained in this AD take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the currently required actions is $80 per airplane, per inspection cycle.

The new replacement and investigative actions take about 9 work hours per airplane, at an average labor rate of $80 per work hour. Required parts will cost about $330 per airplane. Based on these figures, the estimated cost of the new actions specified in this AD for U.S. operators is $25,200, or $1,050 per airplane.

There are currently no affected Model A340–200 and –300 series airplanes of U.S. registry. However, if one of these airplanes is imported and put on the U.S. Register in the future, these cost estimates will also apply to those airplanes.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14016 (70 FR 13345, March 21, 2005) and by adding the following new airworthiness directive (AD):

2006–26–12 Airbus: Amendment 39–14870. Docket No. FAA–2006–25389; Directorate Identifier 2006–NM–059–AD.

Effective Date

(a) This AD becomes effective February 8, 2007.

Affected ADs

(b) This AD supersedes AD 2005–06–08.

Applicability

(c) This AD applies to Airbus Model A330, A340–200, and A340–300 series airplanes; certificated in any category; except airplanes on which Airbus Modification 53446 has been incorporated in production.

Unsafe Condition

(d) This AD results from a report of cracking damage found on certain brackets that were replaced to address an unsafe condition. We are issuing this AD to prevent a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

Compliance

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

Restatement of Certain Requirements of AD 2005–06–08

Service Bulletin Reference

(f) The term "service bulletin," as used in paragraphs (g), (h), and (i) of this AD, means the Accomplishment Instructions of Airbus Service Bulletins A330–25–3227 (for Model A330 series airplanes) and A340–25–4230 (for Model A340–200 and –300 series airplanes), both Revision 01, both dated May 3, 2005; as applicable. Accomplishment before the effective date of this AD of Airbus Service Bulletins A330–25–3227 and A340–25–4230, both including Appendix 01, both dated June 17, 2004, as applicable, is an acceptable means of compliance for paragraphs (g), (h), and (i) of this AD.

Initial Inspection

(g) At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a detailed inspection of the bracket having part number (P/N) F2511012920000, which attaches the flight deck instrument panel to airplane structure, in accordance with the applicable service bulletin.

(1) For Model A330 series airplanes: Prior to the accumulation of 16,500 total flight cycles, or within 60 days after April 25, 2005 (the effective date of AD 2005–06–08), whichever is later.

(2) For Model A340–200 and –300 series airplanes: Prior to the accumulation of 9,700 total flight cycles, or within 2,700 flight cycles after April 25, 2005, whichever is later.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

No Cracking/Repetitive Inspections

(h) If no crack is found during the initial inspection required by paragraph (g) of this AD: Repeat the inspection thereafter at the applicable interval specified in paragraph (h)(1) or (h)(2) of this AD, until the replacement specified in paragraph (k) of this AD has been accomplished.

(1) For Model A330 series airplanes: Intervals not to exceed 13,800 flight cycles.

(2) For Model A340–200 and –300 series airplanes: Intervals not to exceed 7,000 flight cycles.

Crack Found/Replacement and Repetitive Inspections

(i) If any crack is found during any inspection required by paragraph (g) or (h) of this AD: Do the actions in paragraphs (i)(1) and (i)(2) of this AD, except as provided by paragraph (j) of this AD, until accomplishment of the replacement required by paragraph (k) of this AD.

(1) Before further flight: Replace the cracked bracket with a new, improved bracket having P/N F2511012920095, in accordance with the service bulletin.

(2) Repeat the inspection of the replaced bracket as required by paragraph (g) of this AD, at the time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD. Then, do repetitive inspections or replace the bracket as specified in paragraph (h) or (i) of this AD, as applicable.

(i) For Model A330 series airplanes: Within 16,500 flight cycles after replacing the bracket.

(ii) For Model A340–200 and –300 series airplanes: Within 9,700 flight cycles after replacing the bracket.

(j) If both flanges of a bracket are found broken during any inspection required by this AD: Before further flight, replace the bracket as specified in paragraph (i) of this AD and perform any applicable related investigative and corrective actions (which may include inspections for damage to surrounding structure caused by the broken bracket, and corrective actions for any damage that is found), in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

New Requirements of This AD

Replacement of Brackets/Investigative and Corrective Actions

(k) Except as required by paragraph (i)(1) of this AD: Within 72 months after the effective date of this AD, replace existing brackets having P/N F2511012920000 or P/N

F2511012920095 with titanium-reinforced brackets having P/N F2511305220096; and perform any related investigative and corrective actions (which may include detailed inspections for cracking of the bracket or damage to surrounding structure caused by a broken bracket, and applicable corrective actions for any damage that is found); in accordance with the Accomplishment Instructions of Airbus Service Bulletins A330–25–3249 and A340–25–4245, excluding Appendix 01, both dated May 3, 2005, as applicable. If any crack is found, before further flight, repair in accordance with the applicable service bulletin. Replacement of the affected bracket with a titanium-reinforced bracket having P/N F2511305220096 ends the repetitive inspections required by paragraph (h) or (i) of this AD. Although the service bulletins specify to submit certain information to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(m) EASA airworthiness directives 2006–0045 and 2006–0047, both dated February 16, 2006, also address the subject of this AD.

Material Incorporated by Reference

(n) You must use the applicable service bulletin specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of the service bulletins specified in Table 2 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On April 25, 2005 (70 FR 13345, March 21, 2005), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–25–3227, including Appendix 01, dated June 17, 2004; and Airbus Service Bulletin A340–25–4230, including Appendix 01, dated June 17, 2004.

(3) Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 1.—ALL MATERIAL INCORPORATED BY REFERENCE

Airbus service bulletin	Revision level	Date
A330–25–3227, including Appendix 01	Original	June 17, 2004.
A330–25–3227, excluding Appendix 01	01	May 3, 2005.
A330–25–3249	Original	May 3, 2005.
A340–25–4230, including Appendix 01	Original	June 17, 2004.
A340–25–4230, excluding Appendix 01	01	May 3, 2005.
A340–25–4245	Original	May 3, 2005.

TABLE 2.—NEW MATERIAL INCORPORATED BY REFERENCE

Airbus service bulletin	Revision level	Date
A330–25–3227, excluding Appendix 01	01	May 3, 2005.
A330–25–3249	Original	May 3, 2005.
A340–25–4230, excluding Appendix 01	01	May 3, 2005.
A340–25–4245	Original	May 3, 2005.

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22473 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 522

Implantation or Injectable Dosage Form New Animal Drugs; Doxapram

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Modern Veterinary Therapeutics, LLC. The ANADA provides for the use of doxapram hydrochloride injectable solution in dogs, cats, and horses to stimulate respiration during and after general anesthesia.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: *john.harshman@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Modern Veterinary Therapeutics, LLC, 18301 SW. 86th Ave., Miami, FL 33157, filed ANADA 200–435 that provides for use of RESPIRAM (doxapram hydrochloride), an injectable solution, in dogs, cats, and horses to stimulate respiration during and after general anesthesia. Modern Veterinary Therapeutics, LLC's RESPIRAM is approved as a generic copy of DOPRAM-V Injectable, sponsored by Fort Dodge Animal Health, Division of Wyeth, under NADA 034 879. The ANADA is approved as of November 21, 2006, and the regulations are amended in 21 CFR 522.775 to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

In addition, Modern Veterinary Therapeutics, LLC, has not been previously listed in the animal drug regulations as a sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to add entries for this firm.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a

summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), alphabetically add a new entry for "Modern Veterinary Therapeutics, LLC"; and in the table in paragraph (c)(2) numerically add a new entry for "015914" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Modern Veterinary Therapeutics, LLC, 18301 SW. 86th Ave., Miami, FL 33157.	015914
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
015914	Modern Veterinary Therapeutics, LLC, 18301 SW. 86th Ave., Miami, FL 33157
* *	* * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. Revise § 522.775 to read as follows:

§ 522.775 Doxapram.

(a) *Specifications.* Each milliliter of solution contains 20 milligrams (mg) doxapram hydrochloride.

(b) *Sponsor.* See Nos. 000856 and 015914 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* For intravenous use in dogs and cats at a dose of 2½ to 5 mg per pound (/lb) body weight in barbiturate anesthesia, 0.5 mg/lb in inhalation anesthesia; for intravenous use in horses at 0.25 mg/lb body weight in barbiturate anesthesia, 0.2 mg/lb in inhalation anesthesia, 0.25 mg/lb with chloral hydrate with or without magnesium sulfate; for subcutaneous, sublingual, or umbilical vein administration in neonate puppies at a dose rate of 1 to 5 mg; for subcutaneous or sublingual use in neonate kittens at 1 to 2 mg. Dosage may be repeated in 15 to 20 minutes if necessary.

(2) *Indications for use.* Administer to dogs, cats, and horses to stimulate respiration during and after general anesthesia; or to speed awakening and return of reflexes after anesthesia. Administer to neonate dogs and cats to initiate respiration following dystocia or caesarean section; or to stimulate respiration following dystocia or caesarean section.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: December 19, 2006.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E6–22510 Filed 12–29–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Clomipramine Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The supplemental NADA adds a 5-milligram tablet size of clomipramine hydrochloride, used in dogs for treatment of separation anxiety.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Novartis Animal Health US, Inc., 3200 Northline Ave., suite 300, Greensboro, NC 27408, filed a supplement to NADA 141–120 that provides for the veterinary prescription use of CLOMICALM (clomipramine hydrochloride) Tablets for treatment of separation anxiety in dogs. The supplement provides for a 5-milligram tablet size of clomipramine hydrochloride. The supplemental NADA is approved as of November 22, 2006, and 21 CFR 520.455 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type

that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 520.455, revise the section heading and paragraph (a) to read as follows:

§ 520.455 Clomipramine tablets.

(a) Specifications. Each tablet contains 5, 20, 40, or 80 milligrams (mg) clomipramine hydrochloride.

* * * * *

Dated: December 19, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E6–22509 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Florfenicol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Schering-Plough Animal Health Corp. The supplemental NADA revises the nomenclature for a respiratory pathogen in the label claim for florfenicol when used in swine drinking water for the treatment of respiratory disease.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Joan C. Gotthardt, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7571, e-mail: *joan.gotthardt@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Schering-Plough Animal Health Corp., 556 Morris Ave., Summit NJ 07901, filed a supplement to NADA 141–206 for NUFLOR (florfenicol) 2.3% Concentrate Solution used to make medicated drinking water for administration to swine for the treatment of respiratory disease associated with several bacterial pathogens. The supplemental NADA revises the nomenclature for a respiratory pathogen in the label claim. The supplemental NADA is approved as of December 8, 2006, and the regulations in 21 CFR 520.955 are amended to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.955 [Amended]

■ 2. In paragraph (d)(2) of § 520.955, remove the words "Type 2".

Dated: December 21, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E6–22516 Filed 12–29–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Dirlotapide

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc. The NADA provides for the veterinary prescription use of dirlotapide solution in dogs for the management of obesity.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017–5755, filed NADA 141–260 for SLENTROL (dirlotapide) Oral Solution. The NADA provides for the veterinary prescription use of dirlotapide solution in dogs for the management of obesity. The application is approved as of December 12, 2006, and the regulations are amended in 21 CFR part 520 by adding new § 520.666 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of

marketing exclusivity beginning December 12, 2006.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Section 520.666 is added to read as follows:

§ 520.666 Dirlotapide.

(a) *Specifications.* Each milliliter (mL) of solution contains 5 milligrams (mg) dirlotapide.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* The initial dosage is 0.01 mL/kg (0.0045 mL/lb) body weight for the first 14 days. After the first 14 days of treatment, the dose volume is doubled to 0.02 mL/kg (0.009 mL/lb) body weight for the next 14 days (days 15 to 28 of treatment). Dogs should be weighed monthly and the dose volume adjusted every month, as necessary, to maintain a target percent weight loss until the desired weight is achieved.

(2) *Indications for use.* For the management of obesity.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: December 20, 2006.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E6–22542 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Dexmedetomidine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an original new animal drug application (NADA) filed by Orion Corp. The NADA provides for veterinary prescription use of dexmedetomidine hydrochloride injectable solution as a sedative, analgesic, and preanesthetic in dogs.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Orion Corp., Orionintie 1, 02200 Espoo, Finland, filed NADA 141–267 for DEXDOMITOR (dexmedetomidine hydrochloride). The NADA provides for the veterinary prescription use of dexmedetomidine hydrochloride injectable solution as a sedative, analgesic, and preanesthetic in dogs. The application is approved as of December 1, 2006, and 21 CFR part 522 is amended by adding new § 522.558 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under § 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning December 1, 2006.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Parts 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Add § 522.558 to read as follows:

§ 522.558 Dexmedetomidine.

(a) *Specifications.* Each milliliter of solution contains 10 milligrams (mg) dexmedetomidine hydrochloride.

(b) *Sponsor.* See No. 052483 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Indications for use and amount*—(i) For use as a sedative and analgesic in dogs to facilitate clinical examinations, clinical procedures, minor surgical procedures, and minor dental procedures, administer 375 micrograms (µg) per square meter (/m^2) of body surface area by intravenous injection or 500 µg/m^2 of body surface area by intramuscular injection.

(ii) For use as a preanesthetic to general anesthesia, administer 125 µg/m^2 of body surface area or 375 µg/m^2 of body surface area by intramuscular injection.

(2) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: December 19, 2006.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E6–22508 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Atipamezole

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Orion Corp. The supplemental NADA adds a claim for reversal of the sedative and analgesic effects of dexmedetomidine hydrochloride to labeling for atipamezole hydrochloride injectable solution for dogs.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Orion Corp., Orionintie 1, 02200 Espoo, Finland, filed a supplement to NADA 141–033 for ANTISEDAN (atipamezole hydrochloride), an injectable solution approved for reversal of the sedative and analgesic effects of medetomidine hydrochloride in dogs. The supplemental NADA adds a claim for reversal of sedative and analgesic effects of dexmedetomidine hydrochloride to labeling for atipamezole hydrochloride injectable solution for dogs. The application is approved as of December 1, 2006, and the regulations are amended in 21 CFR 522.147 to reflect the approval and a current format.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), summaries of the safety and effectiveness data and information submitted to support approval of these applications may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning December 1, 2006.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Parts 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 522.147, revise the section heading and paragraphs (a) and (c) to read as follows:

§ 522.147 Atipamezole.

(a) *Specifications.* Each milliliter of solution contains 5.0 milligrams atipamezole hydrochloride.

* * * * *

(c) *Conditions of use in dogs*—(1) *Amount.* Inject intramuscularly the same volume as that of dexmedetomidine or medetomidine used.

(2) *Indications for use.* For reversal of the sedative and analgesic effects of dexmedetomidine hydrochloride or medetomidine hydrochloride.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: December 19, 2006.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E6–22515 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Chlorhexidine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Animal Health, Division of Wyeth. The supplemental NADA provides for a revised food safety warning on labeling for chlorhexidine ointment.

DATES: This rule is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Fort Dodge Animal Health, Division of Wyeth, 800 Fifth St. NW., Fort Dodge, IA 50501, filed a supplement to NADA 9–782 for NOLVASAN (chlorhexidine acetate) Antiseptic Ointment, approved as a topical antiseptic for superficial wounds of dogs, cats, and horses. The supplemental NADA provides for a revised food safety warning on labeling. The supplemental application is approved as of November 28, 2006, and the regulations are amended in 21 CFR 524.402 to reflect the approval and a current format.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 524

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Revise § 524.402 to read as follows:

§ 524.402 Chlorhexidine.

(a) *Specifications.* Each gram of ointment contains 10 milligrams chlorhexidine acetate.

(b) *Sponsors.* See Nos. 000856 and 058829 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs, cats, and horses*—(1) *Indications for use.* For use as a topical antiseptic ointment for surface wounds.

(2) *Limitations.* Do not use in horses intended for human consumption.

Dated: December 19, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E6–22514 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2006–0577–200620(a); FRL–8265–4]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on January 20, 2006. The revisions pertain to the Knox County portion of the Tennessee SIP, and include changes to the Knox County Air Quality Regulations (KCAQR) Section 46.0—"Regulation of Volatile Organic Compounds." The changes were made following EPA action on the corresponding federal law. The changes add four compounds to the list of compounds excluded from the definition of volatile organic compounds (VOC) on the basis that they make a negligible contribution to ozone formation. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective March 5, 2007 without further notice, unless EPA receives adverse comment by February 5, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2006–0577 by one of the following methods:

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

2. *E-mail*: *louis.egide@epa.gov*.

3. *Fax*: (404) 562–9019.

4. *Mail*: "EPA–R04–OAR–2006–0577," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier*: Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2006–0577. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov* or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9240. Dr. Louis can also be reached via electronic mail at *louis.egide@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Today's Action

On January 20, 2006, the State of Tennessee, through TDEC, submitted revisions to the Knox County portion of the Tennessee SIP to include changes to KCAQR Section 46.0—"Regulation of Volatile Organic Compounds." The change adds four compounds to the list

of those excluded from the definition of VOC on the basis that they make a negligible contribution to ozone formation. The definition in Section 46.0, now reads that 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$, HFE–7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethy) hexane (HFE–7500), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea) and methyl formate ($HCOOCH_3$) will be considered to be negligibly reactive. Notably, as part of the January 20, 2006, submittal, the State of Tennessee requested that EPA approve changes to the Knox County portion of the Tennessee SIP to reflect changes made to KCAQR Section 26.0—"Permits," and Section 45.0—"Prevention of Significant Deterioration." EPA is not taking action on these rules at this time, but will address them in the future.

II. Background

Tropospheric ozone occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere. Because of the harmful health effects of ozone, EPA regulations limit the amount of VOC and NO_X that can be released into the atmosphere. VOC are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate) which, in addition to NO_X, form ozone through atmospheric photochemical reactions. Compounds of carbon (i.e., or organic compounds) have different levels of reactivity. As a result, they do not react at the same speed, and do not form ozone to the same extent.

In accordance with EPA policy, compounds of carbon with a negligible level of reactivity need not be regulated to reduce ozone (see, 42 FR 35314, July 8, 1977). EPA determines whether a given carbon compound has "negligible" reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these negligibly reactive compounds in its regulations at 40 CFR 51.100(s), and excludes them from the definition of VOC. EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds from the list.

On November 29, 2004 (69 FR 69298), EPA finalized a rule approving the addition of the four compounds that were added to KCAQR Section 46.0., to the list of those excluded from the definition of VOC. The instant SIP submittal is consistent with EPA's rule change in November 2004.

III. Final Action

EPA is taking direct final action to approve the January 20, 2006, SIP revision submitted by TDEC regarding changes to KCAQR Section 46.0—"Regulation of Volatile Organic Compounds." These changes are at least as stringent as the corresponding federal regulations. As a result, the revision is approvable pursuant to section 110 of the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective March 5, 2007 without further notice unless the Agency receives adverse comments by February 5, 2007.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on March 5, 2007 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. 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 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. As a result, it does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 5, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 20, 2006.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 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 (RR)—(Tennessee)

■ 2. Section 52.2220(c) is amended by revising entry in Table 3 of the Knox County portion of the Tennessee State Implementation Plan, for "Section 46.0", to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 3.—EPA-APPROVED KNOX COUNTY, REGULATIONS

State citation	Title/subject	State effective	EPA approval date	Explanation
* * *	*	*	* *	*
46.0	Regulation of Volatile Organic Compounds.	10/12/05	1/04/07 [Insert citation of publication]	
* * *	*	*	* *	*

* * * * *

[FR Doc. E6–22478 Filed 1–3–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0876; FRL–8258–8]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Imperial County Air Pollution Control District and South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from architectural coatings and organic liquid storage tanks. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on March 5, 2007 without further notice, unless EPA receives adverse comments by February 5, 2007. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2006–0876], by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.
2. *E-mail: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Francisco Dóñez, EPA Region IX, (415) 972–3956, *donez.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
ICAPCD	424	Architectural Coatings	1/11/05	4/26/05
SCAQMD	463	Organic Liquid Storage	5/6/05	10/20/05

On June 3, 2005, ICAPCD's Architectural Coatings Rule was found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review. And on November 22, 2005, SCAQMD's Organic Liquid Storage Rule was found to meet the completeness criteria in 40 CFR Part 51, Appendix V.

B. Are there other versions of these rules?

We approved a version of ICAPCD Rule 424 into the SIP on May 3, 1984. There are no later versions of Rule 424 in the SIP although ICAPCD adopted revisions to the SIP approved version of Rule 424 on September 14, 1999, and CARB submitted it to us on May 26, 2000. We approved a revised version of SCAQMD Rule 463 into the SIP on October 23, 1996. No later versions were submitted to us. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

C. What is the purpose of the submitted rule revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 424, Architectural Coatings, controls emissions of VOCs from various categories of coatings. Rule 463, Organic Liquid Storage, controls emissions of VOCs from above-ground storage tanks used for storage of organic liquids. Rule 424 was extensively revised to match the Suggested Control Measure (SCM) for Architectural Coatings approved by CARB on June 22, 2000. The SCM is a model rule which seeks to provide statewide consistency for the regulation of architectural coatings. The SCM was reviewed by EPA during its development. This revision adopts all provisions of the SCM except the special provisions for industrial maintenance coatings (relevant only in certain northern California air districts) and the averaging provisions. The revisions submitted to SCAQMD Rule 463 would amend several definitions, allow the use under certain circumstances of an alternative vapor control device, removes the hydrogen sulfide concentration standard for crude oil stored in a floating roof tank, and add language to enhance enforceability of the requirements for various organic compounds through the use of vapor pressure information. Rule 463 revisions also include language amending the reporting and recordkeeping requirements, to allow the use of alternative test methods under certain circumstances, to remove a requirement to use a test method for meeting the hydrogen sulfide standard, and to add test methods for determining true vapor pressure and API gravity. EPA's technical support documents (TSD) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for VOC sources covered by a Control Technique Guideline (CTG) and for major sources in nonattainment areas (see section 182(a)(2)(A) and 182(b)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). ICAPCD and SCAQMD regulate ozone nonattainment areas (see 40 CFR part 81). However, because ICAPCD Rule 424 regulates sources that are not covered by a CTG and that are nonmajor area sources, they are not subject to CAA RACT requirements.

Guidance and policy documents that we use to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.
2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).
3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).
4. CARB's "Suggested Control Measures for Architectural Coatings" (June 22, 2000).
5. The National Volatile Organic Compound Emission Standard for Architectural Coatings (40 CFR Part 59, Subpart D).
6. "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks," EPA–450/2–78–047.
7. "Control of Volatile Organic Emissions from Storage of Petroleum Liquid in Fixed Roof Tanks," EPA–450/2–77–036.

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously

proposing approval of the same submitted rules. If we receive adverse comments by February 5, 2007, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 5, 2007. This will incorporate these rules into the federally enforceable SIP.

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.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the 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 is not economically significant.

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 March 5, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 7, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

■ Part 52, 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(336)(i)(C)(*2*) and (c)(342)(i)(C)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(336) * * *

(i) * * *

(C) * * *

(*2*) Rule 424, adopted on November 9, 1982 and revised on January 11, 2005.

* * * * *

(342) * * *

(i) * * *

(C) * * *

(*3*) Rule 463, adopted on August 15, 1977 and amended on May 6, 2005.

* * * * *

[FR Doc. E6–22416 Filed 1–3–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–B–7703]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Washington.	City of Fayetteville 06–06–BA12P.	November 9, 2006 November 16, 2006 *Arkansas Democrat Gazette.*	The Honorable Dan Coody Mayor, City of Fayetteville 113 West Mountain Fayetteville, AR 72701.	November 20, 2006 ..	050216
California:					
Sacramento	Unincorporated areas of Sacramento County (06–09–BD69P).	November 9, 2006 November 16, 2006 *The Daily Territorial.*	The Honorable Roberta Macglashan Chair, Sacramento County Board of Supervisors 700 H Street, Suite 2450 Sacramento, CA 95814.	December 1, 2006	060262
Contra Costa	City of Oakley (06–09–BA94P).	November 16, 2006 November 23, 2006 *Contra Costa Times.*	The Honorable Brad Nix Mayor, City of Oakley 3231 Main Street Oakley, CA 94561.	February 22, 2007	060766
San Luis Obispo.	City of Arroyo Grande (06–09–BA92P).	November 22, 2006 November 29, 2006 *The Tribune.*	The Honorable Tony M. Ferrara Mayor, City of Arroyo Grande 215 East Branch Street Arroyo Grande, CA 93420.	February 28, 2007	060305
Colorado:					
Boulder	Town of Lyons (06–08–B252P).	November 22, 2006 November 29, 2006 *The Daily Camera.*	The Honorable Tim Kyer Mayor, Town of Lyons P.O. Box 49 Lyons, CO 80540.	February 28, 2007	080029

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Boulder	Unincorporated areas of Boulder County (06–08–B252P).	November 22, 2006 November 29, 2006 *The Daily Camera.*	The Honorable Ben Pearlman Chairman, Boulder County Board of Commissioners P.O. Box 471 Boulder, CO 80306.	February 28, 2007	080023
Delaware: Sussex	Unincorporated areas of Sussex County (05–03–A587P).	November 29, 2006 December 6, 2006 *Delaware Wave.*	Mr. Robert L. Stickels County Administrator Sussex County No. 2 The Circle Georgetown, DE 19947.	March 7, 2007	100029
Florida:					
Duvall	City of Jacksonville (06–04–BL18P).	November 20, 2006 November 27, 2006 *Jacksonville Daily Record.*	The Honorable John Peyton Mayor, City of Jacksonville 117 West Duval Street Jacksonville, FL 32202.	October 31, 2006	120077
Duvall	City of Jacksonville (06–04–BL19P).	November 27, 2006 December 4, 2006 *Jacksonville Daily Record.*	The Honorable John Peyton Mayor, City of Jacksonville City Hall at St. James, Fourth Floor 117 West Duval Street Jacksonville, FL 32202.	December 1, 2006	120077
Polk	City of Winter Haven (07–04–0025X).	November 9, 2006 November 16 2006 *The Polk County Democrat.*	The Honorable Mike Easterling Mayor, City of Winter Haven 451 Third Street Northwest Winter Haven, FL 33881.	October 19, 2006	120271
Georgia: Peach ..	Unincorporated areas of Peach County (06–04–BM78P).	October 25, 2006 November 1, 2006 *The Leader Tribune.*	The Honorable James Khoury Chairman, Peach County Board of Commissioners 205 West Church Street, Suite 204 Fort Valley, GA 31030.	January 25, 2007	130373
Maryland: Frederick.	Unincorporated areas of Frederick County (06–03–B384P).	November 9, 2006 November 16, 2006 *The Frederick News-Post.*	The Honorable John L. Thompson, Jr. President, Frederick County Board of County Commissioners Winchester Hall 12 East Church Street Frederick, MD 21701.	February 15, 2007	240027
Mississippi: Rankin.	City of Brandon (06–04–B977P).	August 16, 2006 August 23, 2006 *Rankin County News.*	The Honorable Carlo Martella Mayor, City of Brandon P.O. Box 1539 Brandon, MS 39043.	November 22, 2006 ..	280143
Missouri: Warren	City of Wright City (06–07–B605P).	November 16, 2006 November 23, 2006 *Warren County Record.*	The Honorable Eileen Klocke Mayor, City of Wright City P.O. Box 436 Wright City, MO 63390.	February 22, 2007	290654
Missouri: Warren	Unincorporated areas of Warren County (06–07–B605P).	November 16, 2006 November 23, 2006 *Warren County Record.*	The Honorable Fred Vahle Presiding Commissioner, Warren County Board of Commissioners 104 West Main Street, Suite B Warrenton, MO 63383.	February 22, 2007	290443
South Dakota:					
Brown	City of Aberdeen (06–08–B272P).	November 2, 2006 November 9, 2006 *Aberdeen American News.*	The Honorable Mike Levsen Mayor, City of Aberdeen 123 South Lincoln Aberdeen, SD 57401.	February 8, 2007	460007
Brown	Unincorporated areas of Brown County (06–08–B272P).	November 2, 2006 November 9, 2006 *Aberdeen American News.*	The Honorable Deb Knecht Chairman, Brown County Board of Commissioners 25 Market Street Aberdeen, SD 57401.	February 8, 2007	460006
Tennessee: Hamilton.	City of Chattanooga (05–04–3186P).	November 16, 2006 November 23, 2006 *Chattanooga Times Free Press.*	The Honorable Ron Littlefield Mayor, City of Chattanooga 1001 Lindsay Street Chattanooga, TN 37402.	February 22, 2007	370072
Texas:					
Dallas	City of Hutchins (06–06–B194P).	November 22, 2006 November 29, 2006 *The Daily Commercial Reocord.*	The Honorable Artis Johnson Mayor, City of Hutchins P.O. Box 500 Hutchins, TX 75141.	February 28, 2007	480179
Dallas	City of Wilmer (06–06–B194P).	November 22, 2006 November 29, 2006 *The Daily Commercial Reocord.*	The Honorable Linda Root Mayor, City of Wilmer 128 North Dallas Avenue Wilmer, TX 75172.	February 28, 2007	480190

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
El Paso	City of El Paso (06–06–B414P).	November 9, 2006 November 16, 2006 *El Paso Times.*	The Honorable John Cook Mayor, City of El Paso Two Civic Center Plaza, 10th Floor El Paso, TX 79901.	February 15, 2007	480214

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 22, 2006.

David I. Maurstad,

Director Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–22523 Filed 1–3–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

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

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Saluda County, South Carolina and Incorporated Areas Docket No.: FEMA B–7462			
Big Creek	Approximately 510 feet downstream of Shiloh Road.	+420	Saluda County (Unincorporated Areas).
	Approximately 760 feet upstream of Shiloh Road.	+424	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Little Saluda River	Approximately 570 feet downstream of U.S. Highway 378.	+386	Saluda County (Unincorporated Areas), Town of Saluda.
	Approximately 4,870 feet upstream of U.S. Highway 378.	+396	
Lake Murray	Approximately 2,000 feet north of the intersection of Holly Ferry Road and Laurel Rock Point.	+362	Saluda County (Unincorporated Areas).
	At State Route 391	+362	

Depth in feet above ground.
*National Geodetic Vertical Datum.
+National American Vertical Datum.

ADDRESSES

Saluda County (Unincorporated Areas).
Maps are available for inspection at 615 Bonham Road, Saluda, South Carolina 29138.
Town of Saluda
Maps are available for inspection at 100 South Jefferson Street, Saluda, South Carolina 29138.
Town of Monetta
Maps are available for inspection at 21 Walden Street, Monetta, SC 29150.
Town of Ridge Spring
Maps are available for inspection at 101 Town Square, P.O. Box 444, Ridge Spring, SC 29129–0444.
Town of Ward
Maps are available for inspection at 113 East Front Street, Ward, SC 29166.

Harris County, Texas and Incorporated Areas
Docket No.: FEMA–B–7453

Adlong Ditch	At confluence with Cedar Bayou	+42	Harris County (Unincorporated Areas).
	Approximately 100 feet downstream of Peters Road.	+62	
Armand Bayou	Approximately 1,500 feet upstream of Nasa Road.	+12	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Oleander Drive.	+30	City of Pasadena.
B112–02–00 Interconnect	At confluence with Spring Gully	+17	City of La Porte.
	At confluence with B112–02–00	+20	
Bear Creek	At confluence with Langham Creek	+101	City of Houston.
	Approximately 3,500 feet downstream of Katy Hockley Cut-Off Road.	+160	Harris County (Unincorporated Areas).
Beltway 8 Outfall Ditch	At confluence with White Oak Bayou	+99	Harris County (Unincorporated Areas).
	Approximately 1,300 feet downstream of Fallbrook Road.	+106	
Bender Lake & Continuation of Bender Lake	At confluence with Spring Creek	+90	Harris County (Unincorporated Areas).
	Approximately 900 feet downstream of Dry Spring Lane.	+104	
Bens Branch	At confluence with West Fork San Jacinto River.	+50	City of Houston.
	Approximately 300 feet upstream of Northpark Drive.	+73	Harris County (Unincorporated Areas).
Bering Ditch	Approximately at Olympic Circle	+52	City of Houston.
	At confluence with Buffalo Bayou	+52	
Berry Bayou	At confluence with Sims Bayou	+21	City of Houston.
	600 feet upstream of Evalyn Wilson Park	+34	City of South Houston.
Berry Creek (and Unnamed Tributary to Berry Creek)	At confluence with Berry Bayou	+21	City of Houston.
	200 feet downstream of Wingtip Drive	+41	
Big Gulch	At confluence with Greens Bayou	+26	Harris County (Unincorporated Areas).
	Approximately 4,000 feet upstream of Beaumont Highway.	+40	
Big Island Slough	At confluence with Armada Bayou	+12	City of Pasadena.
	Approximately 200 feet upstream of McCarthy Road.	+23	City of La Porte. Harris County (Unincorporated Areas).
Bintliff Ditch	At confluence with Brays Bayou	+61	City of Houston.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 100 feet downstream of Bellaire Boulevard.	+64	
Blacks Branch	At confluence with West Fork San Jacinto River.	+61	City of Humble.
	Approximately 500 feet upstream of Cantertrot Drive.	+66	Harris County (Unincorporated Areas).
Boggs Gully	At confluence with Spring Creek	+153	Harris County (Unincorporated Areas).
	Approximately 900 feet upstream of Baker Drive.	+179	City of Tomball.
Boggy Bayou	At confluence with Buffalo Bayou -Houston Ship Channel.	+11	City of Pasadena.
	Approximately 300 feet upstream of Willowbend Drive.	+30	
Brays Bayou	At confluence with Ship Channel	+12	City of Houston.
	Approximately 900 feet downstream of Vineyary Drive.	+85	Harris County (Unincorporated Areas).
Briar Branch	At confluence with Spring Branch	+48	City of Houston.
	Approximately 500 feet downstream of Blalock Road.	+75	City of Spring Valley
Brickhouse Gully	At confluence with White Oak Bayou	+66	City of Houston.
	Approximately 500 feet upstream of Gessner Road.	+97	
Bufalo Bayou-Houston Ship Channel	At confluence with San Jacinto River, Houston Ship Channel.	+11	City of Houston.
	Approximately at Phelps Road	+12	
Buffalo Bayou	At confluence with Ship Channel	+12	City of Houston.
	Approximately 100 feet upstream of Highway 6.	+77	City of Piney Point Village.
Cane Island Branch	At confluence with Barker Dam	+97	Harris County (Unincorporated Areas).
	Approximately at Pitts Road	+158	
Caney Creek	At confluence with East Fork San Jacinto River.	+58	City of Houston.
	Approximately 3,000 feet upstream of Main Street (Extended).	+63	
Cannon Gully	At confluence with Willow Creek	+130	Harris County (Unincorporated Areas).
	Approximately 100 feet upstream of Kuykendahl Road.	+138	
Carpenter Bayou	At confluence with Ship Channel	+12	Harris County (Unincorporated Areas).
	Approximately 500 feet upstream of Beaumont Highway.	+39	City of Houston.
Cary Bayou	At confluence with Cedar Bayou	+14	City of Baytown.
	Approximately 2,500 feet upstream of Archer Road.	+29	Harris County (Unincorporated Areas).
Cedar Bayou	At confluence with Galveston Bay	+12	Harris County (Unincorporated Areas).
	Approximately 1,500 feet upstream of Huffman Eastgate Road.	+71	City of Baytown.
Cedar Bayou Diversion Channel	Approximately at Tri City Beach Road	+12	City of Baytown.
	At confluence with Galveston Bay	+12	Harris County (Unincorporated Areas).
Channel A to Cypress Creek	At confluence with Cypress Creek	+149	Harris County (Unincorporated Areas).
	Approximately 1,500 feet upstream Mason Road.	+156	
Channel D to Channel A to Cypress Creek	At confluence with Channel A	+154	Harris County (Unincorporated Areas).
	Approximately 150 feet upstream of Edworthy Road.	+170	
Chimney Rock Diversion Channel	At confluence with Brays Bayou	+56	City of Houston.
	Approximately 100 feet upstream of Benning Drive.	+57	
City Ditch	At confluence with Brays Bayou	+65	City of Houston.
	Approximately 500 feet downstream of Bellaire Boulevard.	+66	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Clawson Ditch	At confluence with Cedar Bayou	+34	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of FM 1942.	+45	
Clear Creek	At confluence with Galveston Bay	+18	City of Seabrook.
	Approximately 2,000 feet downstream of Hiram Clarke Road.	+64	City of El Lago. City of Houston. City of Nassau Bay. City of Pearland. City of Webster. Harris County (Unincorporated Areas).
Clodine Ditch	At confluence with Buffalo Bayou	+77	City of Houston.
	Approximately 7,000 feet upstream of Bridgecrest Court (Extended).	+93	
Cole Creek	At confluence with White Oak Bayou	+70	City of Houston.
	Approximately 100 feet upstream of Fisher Road.	+100	Harris County (Unincorporated Areas).
Cotton Patch Bayou	At confluence with Buffalo Bayou-Houston Ship Channel.	+12	City of Houston.
	Approximately at Railroad	+14	City of Pasadena.
County	At confluence with Armand Bayou	+27	City of Pasadena.
	Approximately 100 feet upstream of Wisdom Drive.	+32	City of Deer Park.
Cow Bayou	700 feet upstream of Camino Real Boulevard.	+12	City of Houston.
	At confluence with Clear Creek	+12	City of Webster.
Cypress Creek	At confluence with Spring Creek	+78	Harris County (Unincorporated Areas).
	Approximately at Harris County Limit	+185	
Dinner Creek	At confluence with Langham Creek	+119	Harris County (Unincorporated Areas).
	Approximately 3,000 feet upstream Fry Road.	+142	
Dry Creek	At confluence with Cypress Creek	+140	Harris County (Unincorporated Areas).
	Approximately 4,000 feet upstream of Cypresswood Drive.	+155	
Dry Gully	At confluence with Cypress Creek	+114	Harris County (Unincorporated Areas).
	Approximately 600 feet downstream of Spring Cypress Road.	+137	
E. 13th St. Outfall Channel	At confluence with Patrick Bayou	+20	City of Deer Park.
	Approximately 700 feet downstream of Luella Lane.	+25	
East Fork Goose Creek	At confluence with Goose Creek	+15	Harris County (Unincorporated Areas).
	Approximately 500 feet downstream of South Road.	+25	City of Baytown
East Fork Mound Creek	Approximately at Highway 6	+248	Harris County (Unincorporated Areas).
	Approximately at Highway 290	+270	
East Fork San Jacinto River	At confluence with Lake Houston	+50	City of Houston.
	Approximately 700 feet upstream of Huffman Cleveland Road.	+72	Harris County (Unincorporated Areas).
Faulkey Gully	At confluence with Cypress Creek	+124	Harris County (Unincorporated Areas).
	Approximately 2,000 feet downstream of Telge Road.	+157	
Fondren Diverson Channel	At confluence with Brays Bayou	+61	City of Houston.
	Approximately 900 feet upstream of Garden Road.	+65	City of Missouri City.
Garners Bayou	At confluence with Greens Bayou	+56	City of Humble.
	Approximately 600 feet downstream of Humble Westfield Road.	+87	City of Houston. Harris County (Unincorporated Areas).
Glenmore Ditch	At confluence with Buffalo Bayou-Houston Ship Channel.	+12	City of Houston.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately at Bond Street	+27	City of Pasadena
Goose Creek	At confluence with Ship Channel	+12	Harris County (Unincorporated Areas).
	Approximately 100 feet downstream of Barbers Hill Road.	+42	City of Baytown.
Greens Bayou	At confluence with Buffalo Bayou—Houston Ship Channel.	+12	City of Houston.
	Approximately 400 feet downstream of Cope Land Road.	+128	Harris County (Unincorporated Areas).
Gum Gully	At confluence with Jackson Bayou	+28	Harris County (Unincorporated Areas).
	Approximately 1,000 feet upstream of Stroker Road.	+59	
Halls Bayou	At confluence with Greens Bayou	+36	City of Houston.
	Approximately at Moselle Road	+99	Harris County (Unincorporated Areas).
Halls Road Ditch	At confluence with Clear Creek	+29	City of Houston.
	Approximately 3,300 feet upstream of Fuqua Road.	+39	Harris County (Unincorporated Areas).
Harris Gully	At confluence with Brays Bayou	+41	City of Houston.
	At Rice Boulevard	+46	
Horsepen Bayou	At confluence with Armand Bayou	+12	City of Houston.
	Approximately 900 feet downstream of SH 3 Highway.	+25	City of Pasadena.
Horsepen Bayou (City of Baytown)	At confluence with Cedar Bayou	+15	City of Baytown.
	Approximately 2,500 feet upstream of FM 146.	+20	
Horsepen Bayou Diversion Channel	Approximately 100 feet upstream of Garden Creek Way.	+20	City of Houston.
	At confluence with Horsepen Bayou	+20	
Horsepen Creek	Approximately at Summerville Lane	+105	Harris County (Unincorporated Areas).
	Approximately 4,500 feet upstream West Road.	+135	City of Houston.
Hughes Gully	At confluence with Willow Creek	+128	Harris County (Unincorporated Areas).
	Approximately at Lenze Road	+133	
Hunting Bayou	At confluence with Ship Channel	+12	City of Houston.
	Approximately 500 feet downstream of Jensen Drive.	+46	City of Galena Park. City of Jacinto City.
Jackson Bayou	At confluence with Ship Channel	+28	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Ramsey Road.	+49	
Jordan Gully	At confluence with West Fork San Jacinto River.	+60	City of Humble.
	Approximately 400 feet downstream of Derric Drive.	+70	City of Houston. Harris County (Unincorporated Areas).
Keegans Bayou	At Braeswood Boulevard	+64	City of Houston.
	Approximately 1,300 feet upstream of Eldridge.	+84	
Kickapoo Creek	At confluence with Spring Creek	+220	Harris County (Unincorporated Areas).
	Approximately 300 feet downstream of Fiel Store Road.	+271	
Kothman Gully	At confluence with Seals Gully	+106	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Peachstone Place.	+134	
Lake Houston	At Lake Houston Dam	+49	City of Houston.
	Approximatley at FM 1960	+50	
Langham Creek (& Addicks Reservoir Diversion Channel).	At confluence with Buffalo Bayou	+76	Harris County (Unincorporated Areas).
	Approximately at Peek Road	+158	City of Houston.
Lemm Gully	At confluence with Cypress Creek	+91	Harris County (Unincorporated Areas).
	Approximately 800 feet upstream of Louetta Road.	+112	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Little Ceder Bayou	Approximately at South Broadway Street	+13	City of La Porte.
	Approximately 100 feet upstream of Southren Pacific Railroad.	+21	
Little Cypress Creek	At confluence with Little Cypress Creek ..	+132	Harris County (Unincorporated Areas).
	Approximately 3,000 feet downstream of Kermier Road.	+219	
Little Mound Creek	At confluence with Mound Creek	+208	Harris County (Unincorporated Areas).
	Approximately 1,100 feet downstream of Burton Cemetery Road.	+234	
Little Vince Bayou	At confluence with Vince Bayou	+12	City of Houston.
	Approximately at Wichita Street	+28	City of Pasadena.
Little White Oak Bayou	At confluence with White Oak Bayou	+38	City of Houston.
	Approximately 200 feet upstream of Rittenhouse.	+81	
Luce Bayou	At confluence with East Fork San Jacinto	+50	Harris County (Unincorporated Areas).
	Approximately 4,500 feet upstream of Trent Road (Extended).	+72	City of Houston.
Mason Creek (& Unnamed Tributary to Mason Creek)	At confluence with Barker Reservoir	+97	Harris County (Unincorporated Areas).
	Approximately 100 feet downstream Charlton House Lane.	+135	City of Houston.
McGee Gully	At confluence with Cedar Bayou	+17	Harris County (Unincorporated Areas).
	Approximately 1,600 feet downstream of North Main Street.	+33	
Metzler Creek	At confluence with Cannon Gully	+131	Harris County (Unincorporated Areas).
	Approximately 500 feet downstream of Kuykendahl Road.	+138	
Mexican Gully	Approximately 2,000 feet upstream of confluence with Luce Bayou.	+64	Harris County (Unincorporated Areas).
	At confluence with Luce Bayou	+64	
Mills Branch	At confluence with White Oak Creek	+61	City of Houston.
	Approximately 1,000 feet upstream of Mills Branch Road.	+73	
Mound Creek	Approximately 6,500 feet downstream of Yellowbird Road (Extended).	+192	Harris County (Unincorporated Areas).
	Approximately 1,500 feet downstream of confluence with Little Mound Creek.	+207	
North Fork Greens Bayou	At confluence with Greens Bayou	+91	City of Houston.
	Approximately 400 feet downstream Sablechase Drive.	+108	Harris County (Unincorporated Areas).
Panther Creek	At confluence with Buffalo Bayou-Houston Ship Channel.	+12	City of Houston.
	Approximately at Holland Avenue	+14	City of Galena Park.
Patrick Bayou	At confluence with Buffalo Bayou-Houston Ship Channel.	+11	City of Houston.
	Approximately 100 feet downstream of Avenue X.	+25	City of Deer Park.
Pillot Gully	At confluence with Cypress Creek	+120	Harris County (Unincorporated Areas).
	Approximately 400 feet downstream of Gregson Road.	+145	
Pine Gully (C103–00–00)	At confluence with Sims Bayou	+21	City of Houston.
	200 feet upstream of Plum Road	+35	
Pine Gully (F220–00–00 & F220–03–00)	Approximately at Old Highway 146	+12	City of Seabrook.
	At confluence with Tributary of Pine Guly	+12	Harris County (Unincorporated Areas).
Pine Gully (Q101–00–00)	Approximately at Tri City Beach Road	+12	City of Baytown.
	At confluence with Cedar Bayou	+12	
Plum Creek	At confluence with Sims Bayou	+19	City of Houston.
	150 feet upstream of Fennel Road	+20	
Poor Farm Ditch	At confluence with Brays Bayou	+48	City of Houston.
	Approximately 1,000 feet downstream of Milford Street.	+50	City of Southside Place. City of West University Place.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Private	Approximately 700 feet upstream of Havana Drive.	+32	City of Deer Park.
	At confluence with B114–00–00	+32	
Reinhardt Bayou	At confluence with Garners Bayou	+65	City of Houston.
	Approximately 4,000 feet downstream John F. Kennedy Service Road.	+78	
Roan Gully	At confluence with Willow Creek	+137	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Stuebner Airline Road.	+148	
Rock Hollow	At confluence with Cypress Creek	+161	Harris County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Mound Road.	+208	
Rolling Fork	At confluence with White Oak Bayou	+96	Harris County (Unincorporated Areas).
	Approximately 200 feet upstream of Plum Ridge Drive.	+108	
Rummel Creek	At confluence with Buffalo Bayou	+66	City of Houston.
	Approximately at Chatterton Drive	+86	
Salt Water Ditch	At confluence with Sims Bayou	+35	City of Houston.
	150 feet upstream of Bellfort Avenue	+41	
San Jacinto River	Approximately 1,000 feet upstream of I–10.	+13	Harris County (Unincorporated Areas).
	Approximately at the downstream fame of Lake Houston Dam.	+33	City of Houston.
San Jacinto River—Houston Ship Channel	Approximately at Battleground Road	+15	City of Houston.
	At confluence with Galveston Bay	+19	
Schramm Gully	Approximately at Cavalcade	+46	City of Houston.
	At confluence with Hunting Bayou	+46	
Schultz Gully	At confluence with Cypress Creek	+84	Harris County (Unincorporated Areas).
	Approximately 700 feet of downstream Aldine Westfield Road.	+94	
Seals Gully	At confluence with Cypress Creek	+96	Harris County (Unincorporated Areas).
	Approximately at Rhodes Road	+134	
Senger Gully	At confluence with Lemm Gully	+91	Harris County (Unincorporated Areas).
	Approximately 500 feet upstream of Old Holzwarth Road.	+113	City of Houston.
Sheldon Reservoir	Approximately 2,500 feet upstream of South Lake Houston Parkway.	+48	Harris County (Unincorporated Areas).
	At confluence with Carpenter Bayou	+48	
Shook Gully	At confluence with Luce Bayou	+59	Harris County (Unincorporated Areas).
	Approximately 5,500 feet upstream of Doverbrook Drive (Extended).	+76	
Sims Bayou	At confluence with Ship Channel	+13	City of Houston.
	200 feet upstream of Beltway 8	+66	
Soldiers Creek	At confluence with Buffalo Bayou	+52	City of Piney Point Village.
	Approximately 200 feet downstream of Piney Point Road.	+72	
South Mayde Creek (& Unnamed Tributary to South Mayde Creek).	At confluence with Addicks Reservoir	+101	Harris County (Unincorporated Areas).
	Approximately 10,500 feet upstream of Katy Hockley Road.	+170	
Spring Branch	At confluence with Buffalo Bayou	+48	City of Spring Valley.
	Approximately at Campbell Road	+77	City of Houston.
Spring Creek	At confluence with West Fork San Jacinto River.	+66	City of Houston.
	Approximately 1,000 feet upstream of Waller Gladdish Road.	+291	City of Tomball. Harris County (Unincorporated Areas).
Spring Gully (B109–00–00)	Approximately 1,500 feet upstream of Red Bluff Road.	+14	City of Pasadena.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 2,500 feet upstream of Fairmont Parkway.	+17	City of La Porte. Harris County (Unincorporated Areas).
Spring Gully (K131–00–00)	At confluence with Cypress Creek	+108	Harris County (Unincorporated Areas).
	Approximately 1,000 feet upstream of Spring Cypress Road.	+138	
Spring Gully (O200–00–00)	At confluence with Burnett Bay	+12	Harris County (Unincorporated Areas).
	Approximately 1,000 feet downstream of Prairie Road.	+35	
Spring Gully (P–110–00–00)	At confluence with Greens Bayou	+29	City of Baytown.
	Approximately 1,500 feet downstream of Lake Houston Parkway.	+30	Harris County (Unincorporated Areas).
Spring Gully Diversion Channel	At confluence with San Jacinto River	+13	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Spring Gully.	+20	
Sulphur Gully	At confluence with Greens Bayou	+28	Harris County (Unincorporated Areas).
	Approximately 1,500 feet downstream of Flagstaff Lane.	+34	
Swengel Ditch	At confluence with Sims Bayou	+40	City of Houston.
	At East Ocean Drive	+42	City of Houston.
Taylor Bayou	At Shoreacres Boulevard	+11	City of Taylor Lake Village.
	At confluence with Clear Creek	+11	City of El Lago. City of Pasadena.
Taylor Bayou Diversion Channel	1,000 feet west of Shady Lane	+11	Harris County (Unincorporated Areas).
	At confluence with Taylor Bayou	+11	City of Pasadena.
Taylor Gully	At confluence with White Oak Creek	+59	City of Houston.
	Approximately 400 feet upstream of Manor Drive.	+73	
Theiss Gully & Tributary to Theiss Gully	At confluence with Spring Gully	+108	Harris County (Unincorporated Areas).
	Approximately 1,700 feet upstream of Suzanne Court.	+144	
Tirbutary 1.61 to Brickhouse Gully	At confluence with Brickhouse Gully	+71	City of Houston.
	Approximately at Pinemont Drive	+82	
Tributary 0.12 to Tributary 13.92	At confluence with Tributary 13.92 to Little Cypress Creek.	+187	Harris County (Unincorporated Areas).
	Approximately 2,000 feet upstream of Botkins Road.	+215	
Tributary 0.26 to Willow Creek	Approximately 2,000 feet downstream of Fox Hollow Boulevard.	+120	Harris County (Unincorporated Areas).
	At confluence with Willow Creek	+120	
Tributary 0.55 to Tributary 3.19 Garners	At confluence with Williams Gully	+63	City of Humble.
	Approximately 100 feet downstream of Houston Avenue.	+77	Harris County (Unincorporated Areas).
Tributary 1.25 to Boggs Gully	At confluence with Boggs Gully	+159	Harris County (Unincorporated Areas).
	Approximately 800 feet downstream of Hufsmith Kohrville Road.	+173	City of Tomball.
Tributary 1.63 to Rock Hollow	At confluence with Rock Hollow	+165	Harris County (Unincorporated Areas).
	Approximately 1.5 miles downstream of Mount Road.	+193	
Tributary 1.78 to Willow Springs Bayou	At confluence with Willow Springs Bayou	+20	City of Deer Park.
	Approximately 300 feet upstream of North P Street.	+27	City of La Porte.
Tributary 1.95 to North Fork Greens Bayou	At confluence with Greens Bayou	+97	Harris County (Unincorporated Areas).
	Approximately 2,000 feet downstream Bammel Road (FM1960).	+108	
Tributary 10.08 to Clear Creek	At confluence with Clear Creek	+12	Harris County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	2,500 feet downstream of Bay Area Boulevard.	+23	
Tributary 10.1 to White Oak Bayou	At confluence with White Oak Bayou	+71	City of Houston.
	Approximately 300 feet downstream of Pinemont Drive.	+80	
Tributary 10.46 to Armand Bayou	At confluence with Armand Bayou	+20	City of Pasadena
	Approximately 700 feet upstream of Preston Boulevard.	+33	
Tributary 10.77 to Sims Bayou	At confluence with Sims Bayou	+36	City of Houston.
	Approximately 200 feet downstream of Orem Drive.	+40	
Tributary 10.99 to Little Cypress Creek	At confluence with Little Cypress Creek	+175	Harris County (Unincorporated Areas).
	Approximately 300 feet downstream of Cook Road.	+212	
Tributary 11.715 to Carpenters Bayou	At confluence with Carpentes Bayou	+39	Harris County (Unincorporated Areas).
	Approxiamtely 1,700 feet usptream of Beaumont Highway.	+43	
Tributary 11.96 to Halls Bayou	Approximately 900 feet downstream of East Carby Street.	+73	City of Houston.
	At confluence with Halls Bayou	+73	Harris County (Unincorporated Areas).
Tributary 12.05 to Hunting Bayou	At confluence with Hunting Bayou	+44	City of Houston.
	Approximately at Wipprecht Street	+48	
Tributary 12.18 to Armand Bayou	At confluence with Armand Bayou	+26	City of Pasadena.
	Approximately at Beltway 8	+30	
Tributary 12.70 to Hunting Bayou	Approximately at Crane Street	+45	City of Houston.
	At confluence with Hunting Bayou	+45	
Tributary 13.50 to Willow Creek	At confluence with Willow Creek	+160	Harris County (Unincorporated Areas).
	Approximately 1,000 feet downstream of FM 2920.	+174	
Tributary 13.83 to Sims Bayou	Approximately 250 feet upstream of Sunbeam.	+42	City of Houston.
	At confluence with Sims Bayou	+42	
Tributary 13.92 to Little Cypress Creek	At confluence with Little Cypressn Creek	+187	Harris County (Unincorporated Areas).
	Approximately 600 feet downstream of Botkins Road.	+199	
Tributary 14.27 to Greens Bayou	At confluence with Greens Bayou	+43	City of Houston.
	Approximately 300 feet downstream of Van Zandt.	+62	Harris County (Unincorporated Areas).
Tributary 14.82 to Greens Bayou	At confluence with Greens Bayou	+44	City of Houston.
	Approximately 200 feet downstream of Spottswood Drive.	+63	Harris County (Unincorporated Areas).
Tributary 15.8 to Whie Oak Bayou	At confluence with White Oak Bayou	+89	Harris County (Unincorporated Areas).
	Approximately 500 feet downstream of Fairbanks North Houston Road.	+100	
Tributary 17.82 to Sims Bayou	Approximately 100 feet downstream of Airport Boulevard.	+52	City of Houston.
	At confluence with Sims Bayou	+52	
Tributary 19.05 to White Oak Bayou	At confluence with White Oak Bayou	+104	City of Jersey Village.
	Approximately 1,300 feet downstream of Wright Road.	+111	
Tributary 19.82 to White Oak Bayou	At confluence with White Oak Bayou	+106	City of Jersey Village.
	Approximately at Highway 290	+114	
Tributary 2.00 to Berry Bayou	At confluence with Berry Bayou	+24	City of Houston.
	700 feet upstream of College Street	+33	City of South Houston.
Tributary 2.01 to Williams Gully	At confluence with Williams Gully	+58	Harris County (Unincorporated Areas).
	Approximately 1,000 feet downstream of Atascocita Road.	+70	
Tributary 2.1 to Spring Gully	At confluence with Spring Gully	+114	Harris County (Unincorporated Areas).
	Approximately 600 feet upstream of Plymouth Ridge.	+133	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Tributary 2.17 to Tributary 52.9 to Upper Buffalo Bayou/Cane.	Approximately 300 feet downstream of Mason Road.	+100	Harris County (Unincorporated Areas).
	At confluence with Tributary 52.9 to Upper Buffalo Bayou/Cane.	+100	
Tributary 2.44 to Willow Creek	At confluence with Willow Creek	+123	Harris County (Unincorporated Areas).
	Approximately 400 feet downstream of Alderley Road.	+135	
Tributary 2.70 to Gum Gully	At confluence with Gum Gully	+35	Harris County (Unincorporated Areas).
	Approximately 1,200 feet upstream of Humble Crosby Road.	+51	
Tributary 20.25 to Sims Bayou	At confluence with Sims Bayou	+55	City of Houston.
	Approximately 500 feet downstream of Melanite.	+59	
Tributary 20.86 to Brays Bayou	At confluence with Brays Bayou	+67	City of Houston.
	Approximately 100 feet downstream of Southern Pacific Railroad.	+72	
Tributary 20.88 to Greens Bayou	At confluence with Greens Bayou	+59	City of Houston.
	Approximately 200 feet downstream IH 59.	+68	Harris County (Unincorporated Areas).
Tributary 20.90 to Brays Bayou	At confluence with Brays Bayou	+67	City of Houston.
	Approximately 200 feet upstream of Cook Road.	+81	
Tributary 21.08 to Spring Creek	At confluence with Spring Creek	+118	Harris County (Unincorporated Areas).
	Approximately 250 feet downstream of Railroad.	+131	
Tributary 21.95 to Brays Bayou	Approximately 1,000 feet downstream of Wilcrest Drive.	+71	City of Houston.
	Approximately at Synott Road	+80	
Tributary 22.69 to Brays Bayou	Approximately 400 feet upstream of Richmond Avenue.	+72	City of Houston.
	Approximately 500 feet downstream of High Star Drive.	+72	
Tributary 23.53 to Brays Bayou	At confluence with Brays Bayou	+73	Harris County (Unincorporated Areas).
	Approximately 100 feet downstream of Metro Boulevard.	+80	City of Houston.
Tributary 24.97 to Greens Bayou	At confluence with Greens Bayou	+68	City of Houston.
	Approximately 350 feet downstream IH 45.	+82	Harris County (Unincorporated Areas).
Tributary 26.20 to Brays Bayou	At confluence with Bray Bayou	+78	Harris County (Unincorporated Areas).
	Approximately 2,000 feet upstream of Piping Rock Road.	+82	City of Houston.
Tributary 26.64 to Greens Bayou—Hoods Bayou	At confluencewith Greens Bayou	+73	City of Houston.
	Approximately 2,000 feet upstream Farrell Road.	+98	Harris County (Unincorporated Areas).
Tributary 29.16 to Brays Bayou	At confluence with Brays Bayou	+84	Harris County (Unincorporated Areas).
	Approximately 400 feet upstream of Addicks Clodine Road.	+85	
Tributary 3.08 to Gum Gully	At confluence with Gum Gully	+36	Harris County (Unincorporated Areas).
	Approximately 7,500 feet upstream of Golf Club Drive.	+56	
Tributary 3.10 to Taylor Bayou	3,000 feet downstream of Red Bluff Road	+11	Harris County (Unincorporated Areas).
	At confluence with Taylor Bayou	+11	
Tributary 3.19 to Garners Bayou	At confluence with Garners Bayou	+61	City of Houston.
	Approximately 150 feet downstream Wilson Road.	+71	Harris County (Unincorporated Areas).
Tributary 3.31 to Berry Bayou	At confluence with Berry Bayou	+29	City of Houston.
	100 feet upstream of Princess Drive	+34	City of South Houston.
Tributary 3.33 to Capenters Bayou	At confluence with Carpenters Bayou	+14	Harris County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 700 feet downstream of Ashland Drive.	+28	
Tributary 3.36 to Taylor Bayou	1,000 feet downstream of Choates Road	+11	Harris County (Unincorporated Areas).
	At confluence with Taylor Bayou	+11	
Tributary 3.9 to Turkey Creek	At confuence with Turkey Creek	+101	Harris County (Unincorporated Areas).
	Approximately 300 feet downstream West Little York Road.	+110	City of Houston.
Tributary 3.93 to Taylor Bayou	500 feet west of Railroad	+11	Harris County (Unincorporated Areas).
	At confluence with Taylor Bayou	+11	City of Pasadena.
Tributary 32.23 to Greens Bayou	At confluence with Greens Bayou	+92	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream Spears Road.	+98	
Tributary 34.60 to Greens Bayou	At confluence with Greens Bayou	+99	Harris County (Unincorporated Areas).
	Approximately 300 feet downstream Antoine Drive.	+103	
Tributary 36.6 to Cypress Creek	At confluence with Cypress Creek	+147	Harris County (Unincorporated Areas).
	Approximately 6,000 feet upstream of Access Road.	+152	
Tributary 37.1 to Cypress Creek	At confluence with Cypress Creek	+148	Harris County (Unincorporated Areas).
	Approximately 1,000 feet downstream of Highway 290.	+153	
Tributary 4.51 to Horespen Bayou	At confluence with Horsepen Bayou	+19	City of Houston.
	Approximately 600 feet upstream of Space Cneter Boulevard.	+22	
Tributary 4.96 to Mason Creek	At confluence with Mason Creek	+122	Harris County (Unincorporated Areas).
	Approximately 7,800 feet upstream of Peek Road South.	+135	City of Houston.
Tributary 40.7 to Cypress Creek	At confluence with Cypress Creek	+156	Harris County (Unincorporated Areas).
	Approximately 1,500 feet downstream of Highway 290.	+198	
Tributary 42.7 to Cypress Creek	At confleunce with Cypress Creek	+159	Harris County (Unincorporated Areas).
	Approximately 2 miles upstream of Jack Road.	+197	
Tributary 44.5 to Cypress Creek	At confluence with Cypress Creek	+164	Harris County (Unincorporated Areas).
	Approximately 3,800 feet downstream of Mound Road.	+208	
Tributary 5.44 to Horsepen Bayou	200 feet upstream of Crescent Landing	+21	City of Houston.
	At confluence with Horsepen Bayou	+21	
Tributary 52.9 to Upper Buffalo Bayou/Cane	At confluence with Cane Island Branch	+97	Harris County (Unincorporated Areas).
	Approximately 3,000 feet downstream Highland Knolls Drive.	+102	City of Houston.
Tributary 6.71 to Halls Bayou	At confluence with Halls Bayou	+56	City of Houston.
	Approximately 200 feet downstream of Mount Houston.	+62	Harris County (Unincorporated Areas).
Tributary 6.77 to Buffalo Bayou	Approximately 400 feet upstream of First Street.	+12	City of Houston.
	At confluence with Buffalo Bayou-Houston Ship Channel.	+12	
Tributary 7.62 to Mound Creek	Approximately at Burton Cemetery Road (Extended).	+225	Harris County (Unincorporated Areas).
	Approximately 600 feet upstream of Burton Cemetery Road (Extended).	+227	
Tributary 8.16 to Willow Creek	At confluence with Willow Creek	+143	Harris County (Unincorporated Areas).
	Approximately 2,000 feet downstream of Mahaffey Road.	+158	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Tributary 9.36 to Little Cypress Creek	At confluence with Little Cypress Creek	+168	Harris County (Unincorporated Areas).
	Approximately 800 feet downstream of Bauer Hockley Road.	+174	
Tributary 9.39 to Armand Bayou	At confluence with Armand Bayou	+18	City of Pasadena.
	Approximately 6,000 feet downstream of Farley Road.	+28	City of Houston.
Tributary 9.4 to South Mayde Creek	At confluence with South Mayde Creek	+125	Harris County (Unincorporated Areas).
	Approximately at Katy Hockley Cut-off Road.	+147	
Tributary B to Willow Springs Bayou	At confluence with Willow Springs Bayou	+26	City of Deer Park.
	Approximately 150 feet upstream of Amy Drive.	+26	
Tributary to Spring Gully	At confluence with Spring Gully	+123	Harris County (Unincorporated Areas).
	Approximately 1,200 feet upstream of T.C. Jester Boulevard.	+139	
Tributary to Turkey Creek	At confluence with Turkey Creek	+78	City of Houston.
	Approximately 200 feet upstream of Farrel Road.	+81	
Turkey Creek (A119–00–00)	At confluence with Clear Creek	+28	Harris County (Unincorporated Areas).
	At Sageglen Road	+31	City of Houston.
Turkey Creek (K111–00–00)	At confluence with Cypress Creek	+78	Harris County (Unincorporated Areas).
	Approximately at Willow West Drive	+105	City of Houston.
Turkey Creek and Continuation of Turkey Creek	At confluence with Buffalo Bayou	+75	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of West Little York Road.	+106	City of Houston.
TxDOT Ditch #4	Approximatley 1,700 feet downstream Houston Avenue.	+60	City of Humble.
	At confluence with Jordan Gully	+60	City of Houston. Harris County (Unincorporated Areas).
Unnamed Tributary of Buffalo Bayou (W157–00–00)	At confluence with Buffalo Bayou	+67	City of Houston.
	Approximately 500 feet downstream of Westheimer Road.	+71	
Unnamed Tributary to A119–07–00	At confluence with A119–07–02	+31	City of Houston.
	1,000 feet upstream of Conklin Lane	+32	
Unnamed Tributary to B114–00–00	Approximately 100 feet downstream of Kalwick Drive.	+32	City of Deer Park.
	At confluence with B114–00–00	+32	
Unnamed Tributary to Bear Creek	At confluence with Bear Creek	+103	Harris County (Unincorporated Areas).
	Approximately 100 feet downstream Judyleigh Drive.	+117	City of Houston.
Unnamed Tributary to Buffalo Bayou (W170–00–00)	At confluence with Buffalo Bayou	+77	Harris County (Unincorporated Areas).
	Approximately 100 feet upstream of Barker Clodine Road.	+101	City of Houston.
Unnamed Tributary to Cedar Bayou	At confluence with Cedar Bayou	+52	Harris County (Unincorporated Areas).
	Approximately 200 feet downstream of Crosby Eastgate Road.	+60	
Unnamed Tributary to Cow Bayou	100 feet upstream of Camino Real Boulevard.	+12	City of Houston.
	At confluence with Cow Bayou	+12	City of Webster.
Unnamed Tributary to Greens Bayou (P–147–00–00)	At confluence with Greens Bayou	+93	City of Houston.
	Approximately 1,200 feet downstream Antoine Drive.	+104	
Unnamed Tributary to Greens Bayou (P114–00–00)	At confluence with Greens Bayou	+32	City of Houston.
	Approximately 200 feet downstream of Mesa Drive.	+38	
Unnamed Tributary to Greens Bayou (P155–00–00)	At confluence with Greens Bayou	+78	City of Houston.
	Approximately 200 feet downstream of P140–00–00.	+80	Harris County (Unincorporated Areas).
Unnamed Tributary to Greens Bayou (P156–00–00)	At confluence with Greens Bayou	+80	City of Houston.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
	Approximately 400 feet upstream of Goodnight Trail.	+82	Harris County (Unincorporated Areas).
Unnamed Tributary to San Jacinto River (G103–01–00).	At confluence with San Jacinto River	+11	Harris County (Unincorporated Areas).
	Approximately at Pine Street	+26	
Unnamed Tributary to San Jacinto River (G103–07–00).	At confluence with San Jacinto River	+22	Harris County (Unincorporated Areas).
	Approximately 600 feet downstream of Miller Road No. 2.	+41	
Unnamed Tributary to Turkey Creek (A119–05–00)	At confluence with Turkey Creek	+30	City of Houston.
	250 feet downstream of SH 3	+32	
Unnamed Tributary to Turkey Creek (A119–07–00)	600 feet upstream of confluence with Turkey Creek.	+31	City of Houston.
	At confluence with Turkey Creek	+31	
Unnamed Tributary to White Oak Bayou	At confluence with White Oak Bayou	+85	City of Houston.
	Approximately 150 feet downstream of Round Bank Drive.	+104	Harris County (Unincorporated Areas).
Unnamed Tributary to Willow Creek	Approximately 300 feet upstream of Elberry Road.	+123	Harris County (Unincorporated Areas).
	At confluence with Willow Creek	+123	
Vince Bayou	At confluence with Ship Channel	+12	City of Houston.
	Approximately at Fairmont Parkway	+33	City of Pasadena.
Vogel Creek	At confluence with White Oak Bayou	+74	City of Houston.
	Approximately 300 feet downstream of Fallbrook Road.	+104	Harris County (Unincorporated Areas).
Wallisville Outfall	At confluence with Hunting Bayou	+26	City of Houston.
	Approximately 200 feet downstream of Gelhorn Drive.	+36	
West Fork San Jacinto River	At confluence with Lake Houston	+50	City of Humble.
	Approximately 600 feet upstream of U.S. Highway 59.	+68	City of Houston. Harris County (Unincorporated Areas).
White Oak Bayou	Approximately at I–10	+35	City of Houston.
	Approximately 200 feet downstream of Highway 290.	+131	City of Jersey Village. Harris County (Unincorporated Areas).
White Oak Creek	At confluence with Caney Creek	+58	City of Houston.
	Approximately 1,800 feet upstream of Hueni Road.	+63	
Wild Cow Gulch	At confluence with Cypress Creek	+78	Harris County (Unincorporated Areas).
	Approximately at Hickory Gate Drive	+95	
Williams Gully	At confluence with Garners Bayou	+58	Harris County (Unincorporated Areas).
	Approximately 300 feet upstream of Will Clayton Parkway.	+63	
Willow Creek & Continuation of Willow Creek	At confluence with Spring Creek	+120	Harris County (Unincorporated Areas).
	Approximately 6,500 feet upstream of Juergen Road.	+201	
Willow Springs Bayou	At confluence with Armand Bayou	+20	City of Pasadena.
	Approximately 300 feet downstream of Luella Lane.	+27	City of Deer Park. City of La Porte. Harris County (Unincorporated Areas).
Willow Waterhole Bayou	At confluence with Brays Bayou	+52	City of Houston.
	At Braewick Drive	+59	
Wunsche Gully	At confluence with Lemm Gully	+97	Harris County (Unincorporated Areas).
	Approximately 2,000 feet east of Wuensche Road.	+125	City of Houston.

Depth in feet above ground.
*National Geodetic Vertical Datum (to convert to NAVD, add 4.2 feet to NGVD elevation).
+National American Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected

ADDRESSES

Harris County (Unincorporated Areas)

Maps are available for inspection at 10000 Northwest Freeway, Suite 102, Houston, TX 77092.

City of Baytown

Maps are available for inspection at 2401 Market Street, Baytown, TX 77520.

City of Bellaire

Maps are available for inspection at 7008 South Rice Avenue, Bellaire, TX 77401.

City of Bunker Hill Village

Maps are available for inspection at 10000 Northwest Freeway, Suite 102, Houston, TX 77092.

City of Chelford M.U.D.

Maps are available for inspection at Putney, Moffatt & Easley Inc., 1301 Sherwood Forest, Houston, TX 77043.

City of Deer Park

Maps are available for inspection at 710 East Saint Augustine Street, Deer Park, TX 77536.

City of El Lago

Maps are available for inspection at 98 Lakeshore Drive, El Lago, TX 77586.

City of Galena Park

Maps are available for inspection at 2000 Clinton Drive, Galena Park, TX 77547

City of Hedwig Village

Maps are available for inspection at 10000 Northwest Freeway, Suite 102, Houston, TX 77092.

City of Hillshire Village

Maps are available for inspection at 8389 Westview Drive, Houston, TX 77055.

City of Houston

Maps are available for inspection at 901 Bagby, Houston TX 77002.

City of Humble

Maps are available for inspection at 114 West Higgins, Humble, TX 77338.

City of Jacinto City

Maps are available for inspection at 10301 Market Street Road, Houston, TX 77029.

City of Jersey Village

Maps are available for inspection at 16501 Jersey Drive, Houston, TX 77040.

City of La Porte

Maps are available for inspection at 604 West Fairmont Parkway, La Porte, TX 77571.

City of Missouri City

Maps are available for inspection at 1522 Texas Parkway, Missouri City, TX 77489.

City of Morgans Point

Maps are available for inspection at 1415 East Main Street, Morgans Point, TX 77571.

City of Nassau Bay

Maps are available for inspection at 1800 NASA Road One, Nassau Bay, TX 77058.

City of Pasadena

Maps are available for inspection at 1211 East Southmore, Pasadena, TX 77502.

City of Pearland

Maps are available for inspection at 3519 Liberty Drive, Pearland, TX 77581.

City of Piney Village

Maps are available for inspection at 7721 San Felipe, Houston, TX 77063.

City of Seabrook

Maps are available for inspection at 1700 First Street, Seabrook, TX 77586.

City of Shoreacres

Maps are available for inspection at 601 Shoreacres Blvd, La Porte, TX 77571.

City of South Houston

Maps are available for inspection at 1018 Dallas Street, South Houston, TX 77587.

City of Southside Place

Maps are available for inspection at 6309 Edloe Street, Houston, TX 77005.

City of Spring Valley

Maps are available for inspection at 1025 Campbell Road, Houston, TX 77055.

City of Stafford

Maps are available for inspection at 2610 South Main Street, Stafford, TX 77477.

City of Taylor Lake Village

Maps are available for inspection at 500 Kirby, Seabrook, TX 77586.

City of Tomball

Maps are available for inspection at 401 West Market Street, Tomball, TX 77375.

City of Webster

Maps are available for inspection at 311 Pennsylvania Ave, Webster, TX 77598.

City of West University Place

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected

Maps are available for inspection at 3826 Amherst Street, West University Place, TX 77005.

Kingsbridge M.U.D.
Maps are available for inspection at 14526 Royal Hill Drive, Houston, TX 77093.

Mission Bend M.U.D. #1
Maps are available for inspection at 10000 Northwest Freeway, Suite 102, Houston, TX 77092.

Mission Bend M.U.D. #1
Maps are available for inspection at Moffatt-Easley Inc, 1303 Sherwood Forest, Houston, TX 77043.

West Keegans Bayou Improvement District
Maps are available for inspection at 5757 Woodway, Houston, TX 77057.

Willow Fork Drainage District
Maps are available for inspection at Turner, Collie & Braden, 5757 Woodway, Houston, TX 77057.

Davis County, Utah and Incorporated Areas
Docket No.: FEMA B–7464

Great Salt Lake	Approximately 1000 feet West of intersection of N 800 W and W Jim Bridger.	+4217	City of Centerville.
	At intersection of 900 W and Parish Lane	+4218	
Great Salt Lake	Approximately 400 feet Northwest of intersection of N Ranch and W Prairie View.	+4218	City of Farmington.
	Approximately 1400 feet West of intersection of N Ranch and W Prairie View.	+4219	
Great Salt Lake	Approximately 1800 feet South-Southeast of intersection of S View Crest and W Thomas.	+4218	City of Kaysville.
Great Salt Lake	Approximately 400 feet West of intersection of N 5000 W and W 300 North.	+4217	City of West Point.
Great Salt Lake	Approximately 0.9 miles West of intersection of W 2425 S and N Redwood.	+4218	City of Woods Cross.
Great Salt Lake	Approximately 1600 feet West of intersection of W York and N Skipton.	+4218	City of North Salt Lake City.
Great Salt Lake	Approximately 1500 feet West of intersection of County Road 127 and County Road 110.	+4217	Davis County (Unincorporated Areas).
	Approximately 0.6 miles Northwest of intersection of W Porter and N 1100 W.	+4219	
Great Salt Lake	Approximately 200 feet West of Intersection of N Willowbrook and N 880 W.	+4218	City of West Bountiful.
Jordan River	Approximately 1600 feet South of intersection of W Interchange and S Enterprise.	+4217	City of North Salt Lake City.
	Approximately 600 feet west of intersection of W Interchange and S Enterprise.	+4218	

Depth in feet above ground.
*National Geodetic Vertical Datum.
+National American Vertical Datum.

ADDRESSES

City of Centerville
Maps are available for inspection at 655 North 1250 West, Centerville, UT 84014.

City of Farmington
Maps are available for inspection at 130 North Main, Farmington, UT 84025.

City of Kaysville
Maps are available for inspection at 23 East Center Street, Kaysville, UT 84037.

City of North Salt Lake City
Maps are available for inspection at 20 South Highway 89, North Salt Lake City, UT 84054.

City of West Bountiful
Maps are available for inspection at 550 North 800 West, West Bountiful, UT 84087.

City of West Point
Maps are available for inspection at 3200 West 300 North, West Point, UT 84015.

City of Woods Cross
Maps are available for inspection at 1555 South 800 West, Woods Cross, UT 84087.

Davis County (Unincorporated Areas)
Maps are available for inspection at 28 East State Street, Farmington, UT 84025.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 22, 2006.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–22521 Filed 1–3–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

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

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Person County, North Carolina and Incorporated Areas Docket No.: FEMA–D–7570,D–7582, and FEMA–D–7668			
Alderidge Creek	At the upstream side of Berry Road	+527	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Satterfield Road	+536	
Alderidge Creek Tributary	At the confluence with Alderidge Creek	+530	Person County (Unincorporated Areas).
	Approximately 0.3 mile upstream of the confluence with Alderidge Creek.	+535	
Big Blue Wing Creek	Approximately 1,300 feet downstream of High View Church Road (State Route 1509).	+403	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Tatum Road (State Route 1511).	+506	
Big Blue Wing Tributary 1	Approximately 2,000 feet downstream of Wind Dancer Lane ...	+399	Person County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 0.4 mile upstream of Epps-Martin Road (State Route 1506).	+450	
Bowes Branch	At the Virginia/North Carolina State boundary	+361	Person County (Unincorporated Areas).
	Approximately 1,440 feet upstream of Virginia/North Carolina State boundary.	+368	
Bredlov Creek	At the confluence with Big Blue Wing Creek	+407	Person County (Unincorporated Areas).
	Approximately 1,400 feet upstream of the confluence with Big Blue Wing Creek.	+413	
Broachs Mill Creek	At the confluence with South Hyco Creek	+433	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Hester's Store Road (State Route 1162).	+515	
Bushy Fork Creek	Approximately 600 feet downstream of Charlie Long Road	+571	Person County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Bradsher Road	+616	
Bushy Fork Creek Tributary	At the confluence with Bushy Fork Creek	+606	Person County (Unincorporated Areas).
	Approximately 0.38 mile upstream of the confluence with Bushy Fork Creek.	+622	
Byrds Creek	Approximately 850 feet upstream of the confluence with South Flat River.	+546	Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with South Flat River.	+558	
Castle Creek	At the confluence with Hyco River	+360	Person County (Unincorporated Areas).
	Approximately 790 feet downstream of Shiloh Church Road (State Route 1322).	+394	
Cattail Branch	At the confluence with Big Blue Wing Creek	+428	Person County (Unincorporated Areas).
	Approximately 1,750 feet upstream of the confluence with Big Blue Wing Creek.	+437	
Cobbs Creek	Approximately 0.8 mile upstream of the confluence with Hyco Lake.	+414	Person County (Unincorporated Areas).
	At the Person/Caswell County boundary	+510	
Cub Creek Tributary 1	At the Person/Granville County boundary	+477	Person County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence of Cub Creek Tributary 2.	+499	
Cub Creek Tributary 2	At the confluence with Cub Creek Tributary 1	+490	Person County (Unincorporated Areas).
	Approximately 1,500 feet upstream of the confluence with Cub Creek Tributary 1.	+496	
Deep Creek	At the Person/Durham County boundary	+419	Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Mollie Moonie Road	+561	
Deep Creek Tributary	At the confluence with Deep Creek	+477	Person County (Unincorporated Areas).
	Approximately 2,000 feet upstream of the confluence with Deep Creek.	+485	
Deep Creek Tributary 2	At the confluence with Deep Creek	+516	Person County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Deep Creek.	+520	
Dial Creek	At the Person/Durham County boundary	+515	Person County (Unincorporated Areas).
	Approximately 400 feet upstream of the Person/Durham County boundary.	+519	
Flat River Tributary 5	At the confluence with Flat River	+474	Person County (Unincorporated Areas).
	At the Person/Durham County boundary	+496	
Ghents Creek	At the confluence with Hyco River	+367	Person County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Edwin Robertson Road (State Route 1322).	+387	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Hyco River	Approximately 1.4 miles downstream of Railroad	+358	Person County (Unincorporated Areas).
	At the Hyco Dam	+380	
Hyco River Tributary 1	At the confluence with Hyco River	+380	Person County (Unincorporated Areas).
	Approximately 600 feet upstream of the confluence with Hyco River.	+380	
Lick Creek 1	At the upstream side of Ashley Road	+533	Person County (Unincorporated Areas).
	At the Person/Orange County boundary	+545	
Marlowes Creek	At the upstream side of Cavel Chub Lake Road	+469	Person County (Unincorporated Areas), City of Roxboro.
	Approximately 860 feet upstream of Depot Street	+610	
Marlowes Creek Tributary 1	At the confluence with Marlowes Creek	+469	Person County (Unincorporated Areas).
	Approximately 840 feet upstream of Chub Lake Road (State Route 1337).	+680	
Marlowes Creek Tributary 1A	At the confluence with Marlowes Creek Tributary 1	+490	Person County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Chub Lake Road (State Route 1337).	+656	
Marlowes Creek Tributary 2	At the confluence with Marlowes Creek	+552	Person County (Unincorporated Areas), City of Roxboro.
	Approximately 0.5 mile upstream of Broad Road (State Route 1534).	+617	
Mayo Creek	Approximately 740 feet downstream of Mayo Lake Road (State Route 1501).	+349	Person County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Denny's Store Road (State Route 1536).	+511	
Mayo Creek Tributary 14	At the confluence with Mayo Creek	+444	Person County (Unincorporated Areas).
	Approximately 1,300 feet upstream of the confluence with Mayo Creek.	+444	
Mayo Creek Tributary 15	At the confluence with Mayo Creek	+450	Person County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Mayo Creek.	+475	
Mill Creek	Approximately 400 feet downstream of Street's Store Road (State Route 1519).	+445	Person County (Unincorporated Areas).
	Approximately 530 feet upstream of Todd Road (State Route 1547).	+559	
North Flat River	Approximately 500 feet upstream of Paynes Tavern Road	+604	Person County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Paynes Tavern Road	+617	
North Flat River Tributary	Just upstream of Railroad crossing	+542	City of Roxboro, Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of U.S. HWY 158	+711	
North Flat River Tributary 2	Approximately 600 feet upstream of the confluence with North Flat River.	+580	City of Roxboro, Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Industrial Drive	+701	
North Flat River Tributary 3	At the confluence with North Flat River	+604	Person County (Unincorporated Areas).
	Approximately 325 feet upstream of Noah Davis Road	+625	
North Flat River Tributary 5	At the confluence with North Flat River Tributary	+582	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with North Flat River Tributary.	+600	
North Flat River Tributary 7	At the confluence with North Flat River Tributary 2	+592	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with North Flat River Tributary 2.	+607	
North Flat River Tributary 8	At the confluence with North Flat River Tributary 2	+595	Person County (Unincorporated Areas).
	Approximately 825 feet upstream of Hurdle Mills Road	+606	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
North Flat River Tributary 9	At the confluence with North Flat River Tributary 2	+608	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with North Flat River Tributary 2.	+649	
Powells Creek	At the confluence with Hyco River	+367	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Hyco River.	+367	
Rock Fork	At the confluence with Deep Creek	+445	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Deep Creek.	+453	
Satterfield Creek	At the confluence with Storys Creek	+489	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of confluence with Storys Creek.	+491	
South Flat River	At the upstream side of Jim Morton Road	+618	Person County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Jim Morton Road	+627	
South Flat River Tributary	Approximately 100 feet upstream of the confluence with South Flat River.	+491	Person County (Unincorporated Areas).
	Approximately 500 feet upstream of U.S. HWY 501/State Route 57.	+508	
South Flat River Tributary 3	Approximately 0.3 mile upstream of the confluence with South Flat River.	+517	Person County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with South Flat River.	+522	
South Flat River Tributary 4	Approximately 1,400 feet upstream of the confluence with South Flat River.	+593	Person County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with South Flat River.	+602	
South Flat River Tributary 5	Approximately 1,200 feet upstream of the confluence with South Flat River.	+603	Person County (Unincorporated Areas).
	Approximately 575 feet upstream of Briggs Road	+617	
South Hyco Creek	At the upstream side of John Brewer Road (State Route 1343).	+415	Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of State Highway 49	+543	
South Hyco Creek Tributary 2	At the confluence with South Hyco Creek	+516	Person County (Unincorporated Areas).
	Approximately 1,900 feet upstream of the confluence with South Hyco Creek.	+553	
South Hyco Creek Tributary 8	At the confluence with South Hyco Creek	+540	Person County (Unincorporated Areas).
	Approximately 400 feet upstream of Jones Road (State Route 1100).	+602	
Storys Creek	At the confluence with Hyco River	+366	Person County (Unincorporated Areas).
	Approximately 1.2 miles upstream of City Lake Road (State Route 1336).	+489	
Tanyard Branch	At the downstream side of Railroad	+570	City of Roxboro.
	Approximately 1,300 feet upstream of North Morgan Street	+658	
Tar River	At the Person/Granville County boundary	+499	Person County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Gentry Road	+551	
Tar River Tributary 5	At the confluence with the Tar River	+510	Person County (Unincorporated Areas).
	Approximately 150 feet upstream of Depot Street	+541	

Depth in feet above ground
* National Geodetic Vertical Datum
+ North American Vertical Datum

ADDRESSES

City of Roxboro

Maps are available for inspection at the Roxboro City Planning Department, 105 South Lamar Street, Roxboro, North Carolina.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Person County (Unincorporated Areas)			
Maps are available for inspection at the Person County Planning and Zoning Department, 20A Court Street, Roxboro, North Carolina.			

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 22, 2006.

David I. Maurstad,

Director Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–22522 Filed 1–3–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 050613158–5262–03; I.D. 090105A]

RIN 0648–AT48

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning

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

ACTION: Temporary rule; emergency action; extension of effective period.

SUMMARY: This action reinstates a temporary final rule published on October 18, 2005. The regulations contained in the temporary rule, emergency action, published on October 18, 2005, at the request of the U.S. Food and Drug Administration (FDA) and that were subsequently extended on December 28, 2005, and again on June 30, 2006, expire on December 31, 2006. This temporary rule extends the closure through June 30, 2007. The FDA has determined that current oceanographic conditions and alga sampling data suggests that the northern section of the Temporary Paralytic Shellfish Poison (PSP) Closure Area remain closed to the harvest of bivalve molluscan shellfish and that the southern area remain closed to the harvest of whole or roe-on scallops. NMFS is publishing the regulatory text associated with this closure in this temporary emergency rule in order to ensure that current regulations accurately reflect the codified text that has been modified and extended numerous times so that the public is aware of the regulations being extended through June 30, 2007.

DATES: The amendment to § 648.14 is effective from January 1, 2007, to June 30, 2007. The expiration date of the temporary emergency action published on June 30, 2006 (71 FR 37505), is extended to June 30, 2007. Comments must be received by February 5, 2007.

ADDRESSES: Copies of the small entity compliance guide, the emergency rule, the environmental assessment, and the regulatory impact review prepared for the October 18, 2005, reinstatement of the September 9, 2005, emergency action and subsequent extensions of the emergency action, are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. These documents are also available via the internet at *http://www.nero.noaa.gov.*

Comments may be submitted by any of the following methods:

- *E-mail: PSPclosure2@NOAA.gov.* Include the subject line the following: "Comments on the October Emergency Rule for Area closures Due to PSP."
- *Federal e-Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Paper, disk, or CD–ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on October PSP closure."
- *Fax:* (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Brian Hooker, Fishery Policy Analyst, phone: (978) 281–9220, *fax:* (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

This emergency closure was implemented at the request of the FDA after samples of shellfish from the inshore and offshore waters off of the coasts of New Hampshire and Massachusetts tested positive for the toxins (saxotoxins) that cause Paralytic Shellfish Poisoning (PSP). These toxins are produced by the algae *Alexandrium fundyense* that can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death from PSP.

On June 10, 2005, the FDA requested that NMFS close an area of Federal waters off the coasts of New Hampshire and Massachusetts to fishing for bivalve shellfish intended for human consumption. On June 16, 2005, NMFS published an emergency rule (70 FR 35047) closing the area recommended by the FDA, *i.e.*, the Temporary PSP Closure Area, through September 30, 2005. On July 7, 2005 (70 FR 39192), the emergency rule was modified to facilitate the testing of shellfish for the toxin that causes PSP by the FDA and/or FDA-approved laboratories through the issuance of a Letter of Authorization (LOA) from the Regional Administrator. On September 9, 2005 (70 FR 53580), the emergency regulation was once again modified by the division of the Temporary PSP Closure Area into northern and southern components. The northern area remained closed to the harvest of all bivalve molluscan shellfish while the southern component was reopened to the harvest of Atlantic surfclams and ocean quahogs but remained closed to the harvest of whole or roe-on scallops. The rule was extended as published on September 9, 2005, on October 3, 2005 (70 FR 57517), reinstated on October 18, 2005 (70 FR 60450) to correct a technical error, extended on December 28, 2005 (70 FR 76713), and subsequently on June 30, 2006 (71 FR 37505), through December

31, 2006. On December 27, 2006, the FDA indicated that they could not support the re-opening of the Temporary PSP Closure Area due to insufficient analytical data from the area.

The boundaries of the northern component of the temporary closure area comprise Federal waters bound by the following coordinates in the order stated: (1) 43°00′ N. lat., 71°00′ W. long.; (2) 43°00′ N. lat., 69°00′ W. long.; (3) 41°39′ N. lat., 69°00′ W. long.; (4) 41°39′ N. lat., 71°00′ W. long., and then ending at the first point. Under this emergency rule this area would remain closed to the harvest of Atlantic surfclams, ocean quahogs, and whole or roe-on scallops. The boundaries of the southern component of the temporary closure area comprise Federal waters bound by the following coordinates in the order stated: (1) 41°39′ N. lat., 71°00′ W. long.; (2) 41°39′ N. lat., 69°00′ W. long.; (3) 40°00′ N. lat., 69°00′ W. long.; (4) 40°00′ N. lat., 71°00′ W. long., and then ending at the first point. Under this temporary emergency rule, this southern component of the area would remain closed only to the harvest of whole or roe-on scallops.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c) (Magnuson-Stevens Act). The original emergency closure was in response to a public health emergency. Pursuant to section 305(c)(3)(C) of the Magnuson-Stevens Act, the closure to the harvest of shellfish, as modified on September 9, 2005, and re-instated on October 18, 2005, may remain in effect until the circumstances that created the emergency no longer exist, provided the public has had an opportunity to comment after the regulation was published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Commerce Secretary's action. During the initial comment period, June 16, 2005, through August 1, 2005, no comments were received. One comment was received after the re-opening of the southern component of the Temporary PSP Closure Area on September 9, 2005. The commenter expressed reluctance to re-opening a portion of the closure area without seeing the results of the FDA tests. Data used to make determinations regarding closing and opening of areas to certain types of fishing activity are collected from Federal, state, and private laboratories. NOAA maintains a Red Tide Information Center (*http://www.cop.noaa.gov/news/fs/ne_hab_200605.html*) which can be accessed directly or through the Web site listed in the **ADDRESSES** section. Information on test results, modeling of algal bloom movement, and general background on red tide can be accessed through this information center. While NMFS is the agency with the authority to promulgate the emergency regulations, it modified the regulations on September 9, 2005, at the request of the FDA, after the FDA has determined that the results of its tests warranted such action. If necessary, the regulations may be terminated at an earlier date, pursuant to section 305(c)(3)(D) of the Magnuson-Stevens Act, by publication in the **Federal Register** of a notice of termination, or extended further to ensure the safety of human health.

The rule, as last published on October 18, 2005, was determined to be not significant for the purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 28, 2006.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended to read as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, paragraphs (a)(170) and (a)(171) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(170) Fish for, harvest, catch, possess or attempt to fish for, harvest, catch, or possess any bivalve shellfish, including Atlantic surfclams, ocean quahogs, and mussels with the exception of sea scallops harvested only for adductor muscles and shucked at sea, or a vessel issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing the collection of shellfish for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated: (1) 43° 00′ N. lat., 71° 00′ W. long.; (2) 43° 00′ N. lat., 69° 00′ W. long.; (3) 41° 39′ N. lat., 69° 00′ W. long; (4) 41° 39′ N. lat., 71° 00′ W. long., and then ending at the first point.

(171) Fish for, harvest, catch, possess, or attempt to fish for, harvest, catch, or possess any sea scallops except for sea scallops harvested only for adductor muscles and shucked at sea, or a vessel issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing collection of shellfish for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated: (1) 41° 39′ N. lat., 71° 00′ W. long.; (2) 41° 39′ N. lat., 69° 00′ W. long.; (3) 40° 00′ N. lat., 69° 00′ W. long.; (4) 40° 00′ N. lat., 71° 00′ W. long., and then ending at the first point.

* * * * *

[FR Doc. 06–9975 Filed 1–3–07; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 72, No. 2
Thursday, January 4, 2007

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[EPA–HQ–OW–2006–0765; FRL–8263–1]

NPDES Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides notice of a proposed rulemaking for public comment on EPA's National Pollutant Discharge Elimination System (NPDES) Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula. With this notice, EPA proposes using its Clean Water Act (CWA) Section 106 authority to provide a financial incentive to States to utilize an adequate fee program when implementing an authorized NPDES permit program. EPA proposes to amend its existing CWA Section 106 grant allotment regulation to provide the Agency with the flexibility to allot separately a permit fee incentive amount. This action would not be effective prior to fiscal year 2008.

DATES: Comments must be received on or before March 5, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2006–0765 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ow-docket@epa.gov* Attention Docket ID No. OW–2006–0765.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2006–0765. 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–2006–0765. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions on submitting comments, go to Unit I.1 of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Lena Ferris, Office of Water, Office of Wastewater Management, 4201M, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–8831; fax number: (202) 501–2399; e-mail address: *ferris.lena@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

Affected Entities: State Agencies that are eligible to receive grants under Section 106 of the Clean Water Act (CWA).

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date, and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives; and substitute language for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

3. *Specific Questions EPA is Soliciting for Comment.* In addition to overall general comments on any/all portions of the rulemaking, EPA is specifically requesting comments on the following four questions:

(1) Is the proposed rulemaking incentive amount sufficient to encourage States to establish or expand their permit fee programs? If not, what amount should EPA consider?

(2) Are there any non-financial incentives States may prefer that would encourage States to establish or expand adequate permit fee programs?

(3) Is the proposed permit fee collection formula, to be used in determining whether States receive a full share of the incentive, something that States can attain? If not, what barriers exist to States recovering the full 100% of NPDES program costs through permit fees? What alternatives would States recommend?

(4) What impact may this rule have on the States and the NPDES permittees in the States?

II. Background

Section 106 of the CWA authorizes the EPA to provide grants to State and interstate agencies to administer programs for the prevention, reduction, and elimination of water pollution, including the development and implementation of groundwater protection strategies. Section 106(b) of the CWA directs the EPA Administrator to make allotments "in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective states." EPA's regulations implementing Section 106 can be found at 40 CFR 35.160 et seq. EPA's current allotment formula for Section 106 grants establishes an allotment ratio for each State based on six components selected to reflect the extent of the water pollution problem in the respective states. These six components are surface water area, ground water use, water quality impairment, potential point sources, nonpoint sources, and the population of urbanized areas. 40 CFR 35.162(b)(1)(i). By including a component related to point sources, EPA recognizes the important role they play in determining the extent of pollution in a State.

This proposed rule will amend the state allotment formula to incorporate financial incentives for States to implement adequate NPDES fee programs. The Clean Water Act generally requires that all discharges of pollutants from a point source into waters of the United States obtain a permit under the NPDES program. A NPDES permit establishes pollutant discharge limits based on treatment technology performance, the quality of the water into which pollutants are discharged, and the potential impact of the discharge on public health and the environment. The U.S. Environmental Protection Agency (EPA) oversees the NPDES program and also approves applications from States to administer and enforce the NPDES program in that State. Currently, 45 States are authorized by EPA to administer all or some parts of the NPDES program.

State water quality programs are funded with a mixture of State and Federal dollars. Grants awarded under CWA Section 106 are States' primary source of Federal funding. The growing complexity of water quality issues has prompted more States to implement NPDES permit fee programs. An estimated 41 States currently have permit fee programs in place, with such fees paying for all or a portion of the cost of the State's permit program.

A number of States still operate their permit programs with little or no reliance on permit fees. States can address permit program budget shortfalls through the implementation of permit fee programs that collect funds to cover the cost of issuing and administering permits. Funding permit programs with the support of permit fees allows States to use CWA Section 106 funds for other critical water quality programs.

EPA is committed to making our State surface water protection programs more sustainable through better resource management. As State Agencies carry out most of the day-to-day aspects of water quality functions, their responsibilities are expanding while they are simultaneously facing increasingly severe funding constraints. As a nation, billions of federal funds under the Water Pollution Control grants, together with State resources, have been spent to establish and maintain adequate measures for the prevention and control of surface and groundwater protection. Federal and State governments cannot carry out this responsibility alone. EPA is committed to finding effective and efficient solutions to maintaining sustainable State water pollution control programs that continue to provide this nation with clean and protected water. All levels of government and the private sector must share in this commitment. This rulemaking is designed to provide an incentive to States to move toward greater sustainability in the way they manage and budget for environmental programs and to shift part of the financial burden to those who benefit from NPDES permits.

Under this proposal, EPA would allot funds for the permit fee incentive if there is an increase in the state allotment above the FY 2006 level. The amount of any allotment would be limited to three percent of the funds allotted under 40 CFR 35.162(b) in FY 2006. Total funds allotted under 40 CFR 35.162(b) in FY 2006 amounts to approximately $169.3 million. Any funds above this amount would be allotted to States under 40 CFR 35.162(b). As a result of this change, EPA would allot the State and Interstate CWA 106 grant funds in the following order: 2.6 percent will be set-aside for allotment to the Interstates in accordance with the existing Interstate allotment formula in 40 CFR 35.162(c); next, funds may be allotted under 40 CFR 35.162(d); and finally, EPA may allot funds to States in accordance with this proposed permit fee incentive allotment formula, with the balance allotted to the States in accordance with the existing allotment formula under 40 CFR 35.162(b).

The only States which would be eligible for this set-aside are those States which have been authorized by EPA to implement the NPDES program by the first day of the fiscal year, October 1, for which funds are appropriated by Congress. These states must also submit annually, by October 1, a certification to EPA which meets two additional requirements. First, the certification must include the total percentage of NPDES program costs recovered by the State through permit fee collections during the most recently completed State fiscal year, and a statement that the amount of permit fees collected is used by the State to defray NPDES program costs. This proposal defines NPDES program costs as all activities relating to permitting, enforcement, and compliance. Second, the certification must include a statement that State recurrent expenditures for water quality programs have not decreased from the previous State fiscal year, or indicate that a decrease in such expenditures is attributable to a non-selective reduction

of the programs of all executive branch agencies of the State government. The concept of non-selective reduction is taken from the statutory requirements related to maintenance of effort from the Clean Air Act Section 105(c) and EPA's implementing regulations found at 40 CFR 35.146. Under the Clean Air Act, EPA is prohibited from awarding grants to air pollution control agencies if state recurrent expenditures are not at least equal to such expenditures during the preceding state fiscal year. EPA can still award a grant even if there are decreases in such expenditures if EPA determines that the reduction is attributable to a non-selective reduction of all state programs. For example, a state legislature enacts budget cuts across all state agencies and does not target the air program. EPA is proposing to adopt a similar approach in this rulemaking.

After EPA determines the number of eligible states, each state will be eligible to receive up to a full share of the set-aside amount. EPA will determine the amount of a full share by dividing the set-aside amount by the number of eligible states. A full share will be the same amount for each eligible state. The percent of a full share that each eligible state will receive, however, will be determined by the following formula, based on the certification information described above.

(A) A State will receive 25 percent of a full share if that State has collected permit fees which equal or exceed 75 percent of total State NPDES program costs; or

(B) A State will receive 50 percent of a full share if that State has collected permit fees which equal or exceed 90 percent of total NPDES program costs; or

(C) A State will receive a full share if that State has collected permit fees which equal 100 percent of total NPDES program costs.

In other words, in its certification, a State must inform EPA of its total NPDES program costs and the percentage of which are recovered through permit fees. EPA would use the information from this certification to determine any additional amount a State would receive in its Section 106 grant based on this financial incentive allotment formula. If, for example, a State's total NPDES program costs are $1 million, and the State collected $750,000 in NPDES permit fees, a state would receive 25% of a full share in addition to the grant amount allotted to it under the current CWA Section 106 allotment formula.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to OMB review. Because this grant action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 et.) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. Although this action proposes to create new binding legal requirements, such requirements do not substantially and directly affect Indian Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action will not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. Section 272 note) do not apply. This action does not impose an additional information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Section 3501 et seq.). The Congressional Review Act, 5 U.S.C. Section 801 et seq., generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Since this grant action, when finalized, will contain legally binding requirements, it is subject to the Congressional Review Act, and EPA will submit its final action in its report to Congress under the Act.

List of Subjects in 40 CFR Part 35

Environmental protection, Administrative practices and procedures, Environmental program grants, Water pollution control.

Dated: December 21, 2006.

Benjamin H. Grumbles,

Assistant Administrator, Office of Water.

EPA proposes to amend 40 CFR part 35 as follows:

1. The authority for citation for part 35, subpart A continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.; 33 U.S.C. 1251 et seq; 42 U.S.C. 300f et seq; 42 U.S.C. 6901 et seq; 7 U.S.C. 136 et seq; 15 U.S.C. 2601 et seq; 42 U.S.C. 13101 et seq; Pub. L. 104–134, 110 Stat. 1321, 1321–299 (1966); Pub. L. 105–65, 111 Stat. 1344, 1373 (1997).

2. Section 35.162 is amended by adding paragraph (e) to read as follows:

§ 35.162 Basis for allotment.

* * * * *

(e) *Permit fee incentive allotment formula.* If there is an increase above the FY 2006 level in the total amount of funds allotted to States under paragraph (b) of this section, EPA may award this increase as the permit fee incentive allotment to eligible States in accordance with this section. The amount of this annual allotment shall not be greater than three percent of the funds allotted under paragraph (b) of this section in FY 2006, and any funds above this amount shall be allotted to States under paragraph (b) of this section.

(1) Each eligible State may receive up to a full share of this allotment, as determined by the following formula. A full share is the allotment amount divided by the number of eligible States:

(i) A State will receive 25 percent of a full share if that State has collected permit fees which equal or exceed 75 percent of total State NPDES program costs; or

(ii) A State will receive 50 percent of a full share if that State has collected permit fees which equal or exceed 90 percent of total NPDES program costs; or

(iii) A State will receive a full share if that State has collected permit fees which equal 100 percent of total NPDES program costs.

(2) The maximum share to any State under this subsection shall not exceed 50 percent of the State's previous year's total Section 106 allotment determined under paragraph (b) of this section.

(3) Any funds left remaining after all shares have been allotted under this subsection will be re-allotted to the States under paragraph (b) of this section.

(4) In order for a State to be eligible for this incentive, a State must: Be authorized by EPA to implement the NPDES program by the first day of the Federal fiscal year, October 1, for which the funds have been appropriated; and submit to EPA a certification meeting the requirements of paragraph (e)(5) of this section.

(5) The certification required under paragraph (e)(4) of this section must meet the following requirements:

(i) The certification must be submitted annually to EPA by October 1; and

(ii) The certification must include the total percentage of NPDES program costs, as defined in paragraph (e)(6) of this section, recovered by the State through permit fee collections during the most recently completed State fiscal year, and a statement that the amount of permit fees collected is used by the State to defray NPDES program costs; and

(iii) The certification must include a statement that State recurrent expenditures for water quality programs have not decreased from the previous State fiscal year or indicate that a decrease in such expenditures is attributable to a non-selective reduction of the programs of all executive branch agencies of the State government.

(6) NPDES program costs are defined as all permitting, enforcement, and compliance costs.

[FR Doc. E6–22549 Filed 1–3–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2006–0577–200620(b); FRL–8265–3]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee, through Tennessee Department of Environment and Conservation, on January 20, 2006. The revisions pertain to the Knox County portion of the Tennessee SIP and include changes to the Knox County Air Quality Regulations Section 46.0—"Regulation of Volatile Organic Compounds." The changes were made in response to changes made by EPA to corresponding federal law. The change involves the addition of four compounds to the list of compounds excluded from the definition of volatile organic compounds on the basis that they make a negligible contribution to ozone formation. This action is being taken pursuant to section 110 of the Clean Air Act.

In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revisions 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 significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2006–0577 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: louis.egide@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* "EPA–R04–OAR–2006–0577," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal 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: Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9240. Dr. Louis can also be reached via electronic mail at *louis.egide@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: December 20, 2006.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. E6–22477 Filed 1–3–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0876; FRL–8258–9]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Imperial County Air Pollution Control District and South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from architectural coatings and organic liquid storage tanks. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by February 5, 2007.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2006–0876], by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.
2. *E-mail: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and

should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Francisco Dóñez, EPA Region IX, (415) 972–3956, *donez.francisco@epa.gov*.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: ICAPCD 424 and SCAQMD 463. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: November 7, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. E6–22418 Filed 1–3–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–D–7686]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

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

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) +Elevation in feet (NAVD)	
				Existing	Modified
Martin County, North Carolina (Unincorporated Areas)					
North Carolina	Martin County (Unincorporated Areas).	Peter Swamp	At the confluence with Sweetwater Creek	+10	+11
			Approximately 0.5 mile upstream of Railroad.	None	+20
		Peter Swamp Tributary	At the confluence with Peter Swamp.	None	+17
			Approximately 1,200 feet upstream of the confluence with Peter Swamp.	None	+22

*National Geodetic Vertical Datum.
#Depth in feet above ground.
+North American Vertical Datum.

ADDRESSES

Martin County (Unincorporated Areas)

Maps are available for inspection at the Martin County Government Center, Building Inspections Department, 305 East Main Street, Williamston, North Carolina.
Send comments to Mr. Russell Overman, Martin County Manager, P.O. Box 668, Williamston, North Carolina 27892.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Hillsborough County, Florida and Incorporated Areas				
Alderman Creek	At the confluence with Little Manatee River	None	+82	Hillsborough County (Unincorporated Areas).
	Approximately 2.4 miles upstream of Taylor Grill Road.	None	+123	
Archie Creek	Approximately 200 feet downstream of 78th Street South.	None	+11	Hillsborough County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Interstate 75.	None	+20	
Baker Canal	At the confluence with Lake Thonotosassa Tributary and Baker Creek.	+43	+44	Hillsborough County (Unincorporated Areas).
	Approximately 150 feet downstream of Acker Road.	None	+84	
Baker Canal:				
Tributary 1	At the confluence with Baker Canal	None	+44	Hillsborough County (Unincorporated Areas).
	At Taylor Road	None	+44	
Tributary 2	At the confluence with Baker Canal	None	+44	Hillsborough County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Gallagher Road.	None	+64	
Tributary 3	At the confluence with Baker Canal	None	+44	Hillsborough County (Unincorporated Areas).
	Approximately 1,100 feet upstream of U.S. Highway 92.	None	+57	
Tributary 5	At the confluence with Baker Canal	None	+44	Hillsborough County (Unincorporated Areas).
	At the upstream side of McIntosh Road	None	+57	
Tributary 6	At the confluence with Baker Canal	None	+46	Hillsborough County (Unincorporated Areas).
	At the downstream side of McIntosh Road	None	+57	
Tributary 7	At the confluence with Baker Canal	None	+73	Hillsborough County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Shady Stream Drive.	None	+83	
Tributary 8	At the confluence with Baker Canal	None	+76	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Walden Sheffield Road.	None	+96	
Baker/Pemberton Creek:				

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 1	At the confluence with Baker Creek and Pemberton Creek.	+51	+56	Hillsborough County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Emerald Acres.	None	+72	
Tributary 2	At the confluence with Baker/Pemberton Creek Tributary 1.	None	+56	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Baker/Pemberton Creek Tributary 1.	None	+60	
Baker/Pemberton/Mill Creek.	At the confluence with Baker Canal and Lake Thonotosassa Tributary.	+43	+44	Hillsborough County (Unincorporated Areas), City of Plant City.
	Approximately 200 feet upstream of North Wheeler Street.	None	+115	
Bassett Branch	At the confluence with Hillsborough River ..	+39	+37	Hillsborough County (Unincorporated Areas), City of Tampa.
	At the Hillsborough County boundary	None	+63	
Big Bend	At the confluence with Bullfrog Creek	None	+31	Hillsborough County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Simmons Loop.	None	+52	
Blackwater Creek	At the confluence with Hillsborough River ..	+50	+49	Hillsborough County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Canaan Avenue.	+110	+109	
Brooker Creek	At the Hillsborough County boundary	+29	+27	Hillsborough County (Unincorporated Areas).
	At Farmer Road	+40	+39	
Brushy Creek	At the confluence with Rocky Creek	+26	+25	Hillsborough County (Unincorporated Areas).
	Approximately 1,350 feet upstream of Dale Marby Highway North.	None	+54	
Brushy Creek Branch 2	At the confluence with Brushy Creek	+35	+39	Hillsborough County (Unincorporated Areas).
	Approximately 30 feet upstream of Hutchison Road.	None	+51	
Brushy Creek Tributary 1.	At the confluence with Brushy Creek	+48	+47	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Country Lake Drive.	None	+51	
Bullfrog Creek	Approximately 1.4 miles upstream of the railroad.	+10	+11	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Edina Street.	None	+92	
Bullfrog Creek:				
Tributary 1	At the confluence with Bullfrog Creek	+31	+26	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Lincoln Road.	None	+43	
Tributary 2	At the confluence with Bullfrog Creek	None	+58	Hillsborough County (Unincorporated Areas).
	Approximately 0.4 mile upstream of West Lake Drive.	None	+67	
Tributary 3	At the confluence with Bullfrog Creek	None	+64	Hillsborough County (Unincorporated Areas).
	Approximately 40 feet upstream of County Road 672.	None	+130	
Campbell Branch	At the confluence with Flint Creek	+39	+38	Hillsborough County (Unincorporated Areas).
	Approximately 1,500 feet downstream of Branch Forbes Road.	+89	+90	
Campbell Branch Tributary 1.	At the confluence with Campbell Branch ...	+44	+50	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet downstream of Thonotosassa Road.	None	+52	
Carlton Branch	At the confluence with Little Manatee River	+44	+46	Hillsborough County (Unincorporated Areas).
	Approximately 0.3 mile upstream of Huckleberry Road.	None	+118	
Carlton Branch:				

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 1	At the confluence with Carlton Branch	None	+60	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Leonard Lee Road.	None	+92	
Tributary 2	At the confluence with Carlton Branch	None	+69	Hillsborough County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Balm Wimauma Road.	None	+116	
Tributary 3	At the confluence with Carlton Branch	None	+88	Hillsborough County (Unincorporated Areas).
	Approximately 25 feet upstream of Sweat Loop Road.	None	+114	
Tributary 3.1	At the confluence with Carlton Branch Tributary 3.	None	+89	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Balm Wimauma Road.	None	+108	
Clay Gulley East	At the confluence with Hillsborough River	+40	+36	Hillsborough County (Unincorporated Areas).
	At Dormany Road	None	+73	
Clay Gulley East:				
Tributary 2	At the confluence with Clay Gulley East	None	+58	Hillsborough County (Unincorporated Areas).
	At Five Acre Road	None	+60	
Tributary 4	At the confluence with Clay Gulley East Tributary 6.	None	+48	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Five Acre Road.	None	+58	
Tributary 5	At the confluence with Clay Gulley East	None	+45	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Brunt Barn Avenue.	None	+68	
Tributary 6	At the confluence with Clay Gulley East	None	+45	Hillsborough County (Unincorporated Areas).
	Approximately 0.9 miles upstream of the confluence with Clay Gulley East Tributary 4.	None	+62	
Tributary 7	At the confluence with Clay Gulley East	None	+45	Hillsborough County (Unincorporated Areas).
	Approximately 450 feet upstream of Warren Byrd Lane.	None	+49	
Tributary 8	At the confluence with Clay Gulley East	None	+67	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Clay Gulley East.	None	+72	
Clay Gulley West	At the confluence with Hillsborough River	+38	+35	Hillsborough County (Unincorporated Areas), City of Tampa.
	At the Hillsborough County Boundary	None	+59	
Cow House Creek	At the confluence with Hillsborough River	+28	+27	Hillsborough County (Unincorporated Areas), City of Temple Terrace.
	Approximately 2.7 miles upstream of the confluence of Tampa Bypass Canal.	+38	+35	
Curiosity Creek	At the confluence with Little Manatee River	+10	+9	Hillsborough County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Lightfoot Road.	None	+17	
Curiosity Creek (near City of Tampa).	Approximately 100 feet upstream of Fowler Avenue.	+31	+32	Hillsborough County (Unincorporated Areas).
	Approximately 500 feet upstream of West Bearss Avenue.	None	+48	
Curiosity Creek:				
Tributary 1	At the confluence with Curiosity Creek	+10	+11	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Pinetree Circle.	None	+16	
Tributary 1.1	At the confluence with Curiosity Creek Tributary 1.	+10	+15	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Butch Cassidy Trail.	None	+18	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Cypress Creek	At the confluence with Little Manatee River	+16	+14	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of 19th Avenue NE.	None	+39	
Cypress Creek (near City of Tampa).	At the confluence with Hillsborough River ..	+29	+27	Hillsborough County (Unincorporated Areas), City of Tampa.
	Approximately 0.7 mile downstream of County Line Road.	+47	+46	
Delaney Creek	Approximately 1,000 feet downstream of Maydell Drive.	+12	+11	Hillsborough County (Unincorporated Areas).
	Approximately 1,500 feet upstream of Lakewood Drive South.	+30	+31	
Delaney Creek:				
Lateral C	At the confluence with Delaney Creek	+21	+19	Hillsborough County (Unincorporated Areas).
	Approximately 20 feet upstream of Rideout Road.	None	+24	
Lateral D	At the confluence with Delaney Creek	+22	+20	Hillsborough County (Unincorporated Areas).
	Approximately 700 feet upstream of Ridein Road.	None	+23	
Lateral E	At the confluence with Delaney Creek	+26	+28	Hillsborough County (Unincorporated Areas).
	Approximately 800 feet upstream of Palm River Road.	None	+28	
Tributary 1	At the upstream side of Causeway Boulevard.	None	+11	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Maydell Drive.	None	+12	
Tributary 2	At the confluence with Delaney Creek	+19	+17	Hillsborough County (Unincorporated Areas).
	Approximately 900 feet upstream of Robindale Road.	None	+20	
Dug Creek	At the confluence with Little Manatee River	+21	+18	Hillsborough County (Unincorporated Areas).
	Approximately 0.2 mile upstream of State Road 674/Sun City Center Boulevard.	None	+69	
Dug Creek:				
Tributary 1	At the confluence with Dug Creek	+21	+20	Hillsborough County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Ed Lane.	None	+47	
Tributary 2	At the confluence with Dug Creek	None	+32	Hillsborough County (Unincorporated Areas).
	Approximately 0.2 mile upstream of West Lake Drive.	None	+69	
Tributary 3	At the confluence with Dug Creek	None	+60	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of West Lake Drive.	None	+84	
East Canal	At the confluence with Itchepackesassa Creek.	+98	+96	Hillsborough County (Unincorporated Areas), City of Plant City.
	At the downstream side of Frontage Road	None	+114	
East Canal Tributary	At the confluence with East Canal	None	+119	City of Plant City.
	Approximately 700 feet upstream of Crystal Terrace.	None	+133	
East Canal Upstream of Frontage Road.	At the upstream side of Frontage Road	None	+118	City of Plant City.
	Approximately 15 feet upstream of Alsobrook Street.	None	+127	
Flint Creek	At the confluence with Hillsborough River ..	+38	+35	Hillsborough County (Unincorporated Areas).
	Approximately 160 feet downstream of Kelso Road.	+39	+38	
Gulley Branch	At the confluence with Little Manatee River	+38	+39	Hillsborough County (Unincorporated Areas).
	Approximately 2.5 miles upstream of the confluence with Little Manatee River.	None	+94	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Half Moon Lake Branch	At the confluence with Rocky Creek	+36	+33	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet downstream of Vanderbilt Drive.	None	+43	
Hillsborough Bay	Areas within MacDill Air Force Base	None	+10	Hillsborough County (Unincorporated Areas), City of Tampa.
Hillsborough River	Approximately 500 feet downstream of Temple Terrace.	+24	+23	Hillsborough County (Unincorporated Areas), City of Tampa, City of Temple Terrace.
	Approximately 700 feet upstream of the confluence of Big Ditch Creek.	+57	+52	
Hollomans Branch	At the confluence with Hillsborough River	+38	+35	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of West Knights Griffin Road.	None	+97	
Hollomans Branch:				
Tributary 1	At the confluence with Hollomans Branch	None	+69	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of Dormany Road.	None	+76	
Tributary 2	At the confluence with Hollomans Branch	None	+62	Hillsborough County (Unincorporated Areas).
	At the downstream side of Platt Road	None	+91	
Tributary 3	At the confluence with Hollomans Branch	None	+55	Hillsborough County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Knights Griffin Road.	None	+71	
Howard Prairie Branch	At the confluence with Little Manatee River	+55	+57	Hillsborough County (Unincorporated Areas).
	Approximately 40 feet upstream of South County Road 39.	None	+109	
Howard Prairie Branch:				
Tributary 1	At the confluence with Howard Prairie Branch.	None	+57	Hillsborough County (Unincorporated Areas).
	Approximately 3.2 miles upstream of Grange Hall Loop.	None	+73	
Tributary 2	At the confluence with Howard Prairie Branch.	None	+76	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of South County Road 39.	None	+117	
Itchepackesassa Creek	At the confluence with Blackwater Creek	+90	+88	Hillsborough County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Knights Griffin Road.	+113	+112	
Itchepackesassa Creek:				
Tributary 1	At the confluence with Itchepackesassa Creek.	+106	+104	Hillsborough County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Knights Griffin Road.	None	+110	
Tributary 2	At the confluence with Itchepackesassa Creek.	+104	+101	Hillsborough County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Itchepackesassa Creek.	+106	+103	
Lake Thonotosassa Tributary.	At Thonotosassa Road	+39	+38	Hillsborough County (Unincorporated Areas).
	At the confluence of Baker Creek and Baker Canal.	+43	+44	
Little Bullfrog Creek	At the confluence with Bullfrog Creek	None	+33	Hillsborough County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Big Bend Road.	None	+80	
Little Manatee River	Approximately 800 feet downstream of I–75.	+10	+9	Hillsborough County (Unincorporated Areas).
	Approximately 2.2 miles upstream of Taylor Gill Road.	None	+99	
Little Manatee River:				
Tributary 2.2	At the confluence with Little Manatee River Tributary 2.	+12	+9	Hillsborough County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 600 feet upstream of Butch Cassidy Trail.	None	+28	
Tributary 2.1	At the confluence with Little Manatee River Tributary 2.	+12	+9	Hillsborough County (Unincorporated Areas).
	Approximately 980 feet upstream of Lightfoot Road.	None	+17	
Tributary 1	At the confluence with Little Manatee River	+11	+9	Hillsborough County (Unincorporated Areas).
	At 30th Street SE	+15	+9	
Tributary 10	At the confluence with Little Manatee River	+54	+57	Hillsborough County (Unincorporated Areas).
	Approximately 1.1 miles upstream of State Road 674.	None	+105	
Tributary 11	At the confluence with Little Manatee River	+58	+61	Hillsborough County (Unincorporated Areas).
	Approximately 1.6 miles upstream of the confluence with Little Manatee River.	None	+83	
Tributary 12	At the confluence with Little Manatee River	+69	+72	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of State Road 674.	None	+116	
Tributary 13	At the confluence with Little Manatee River	+69	+72	Hillsborough County (Unincorporated Areas).
	Approximately 0.3 mile upstream of State Road 674.	None	+120	
Tributary 2	At the confluence with Little Manatee River	+12	+9	Hillsborough County (Unincorporated Areas).
	Approximately 50 feet upstream of U.S. Route 301.	None	+21	
Tributary 3	At the confluence with Little Manatee River	+17	+15	Hillsborough County (Unincorporated Areas).
	Approximately 600 feet upstream of Palmetto Road.	None	+19	
Tributary 4	At the confluence with Little Manatee River	+36	+35	Hillsborough County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the confluence with Little Manatee River.	None	+54	
Tributary 5	At the confluence with Little Manatee River	+37	+36	Hillsborough County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence of Little Manatee River Tributary 5.1.	None	+85	
Tributary 5.1	At the confluence with Little Manatee River Tributary 5.	None	+53	Hillsborough County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Little Manatee River Tributary 5.	None	+92	
Tributary 6	At the confluence with Little Manatee River	+39	+40	Hillsborough County (Unincorporated Areas).
	Approximately 0.3 mile upstream of Leonard Lee Road.	None	+56	
Tributary 7	At the confluence with Little Manatee River	+42	+44	Hillsborough County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence of Little Manatee River Tributary 7.1.	None	+79	
Tributary 7.1	At the confluence with Little Manatee River Tributary 7.	None	+53	Hillsborough County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Little Manatee River Tributary 7.	None	+81	
Tributary 8	At the confluence with Little Manatee River	+48	+50	Hillsborough County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Grange Hall Loop.	None	+72	
Tributary 9	At the confluence with Little Manatee River	+50	+51	Hillsborough County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Grange Hall Loop.	None	+59	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lower Sweetwater Creek Tributary 1.	Approximately 500 feet downstream of Sawyer Road.	+9	+10	Hillsborough County (Unincorporated Areas).
	Approximately 800 feet upstream of Paris Street West.	None	+33	
Mil Lake Tributary	Approximately 0.4 mile downstream of Livingston Avenue.	None	+35	Hillsborough County (Unincorporated Areas).
	Approximately 65 feet downstream of Livingston Avenue.	None	+42	
Mill Creek:				
Tributary 1	At the confluence with Mill Creek	None	+105	Hillsborough County (Unincorporated Areas).
	Approximately 25 feet upstream of Bennett Road.	None	+108	
Tributary 2	At the confluence with Mill Creek	None	+106	Hillsborough County (Unincorporated Areas), City of Plant City.
	Approximately 0.6 mile upstream of Interstate 4.	None	+108	
New River	At the confluence with Hillsborough River	+43	+41	Hillsborough County (Unincorporated Areas), City of Tampa.
	Approximately 2,000 feet upstream of Morris Bridge Road.	+62	+63	
New River East	At the confluence with New River	+43	+47	Hillsborough County (Unincorporated Areas).
	At the Hillsborough County boundary	None	+66	
North Archie Creek	Approximately 1,500 feet downstream of 78th Street South.	+10	+11	Hillsborough County (Unincorporated Areas).
	At the upstream side of Valhalla Pond Drive.	None	+28	
North Lake Tributary	At the upstream side of Pebble Beach Boulevard.	None	+38	Hillsborough County (Unincorporated Areas).
	Approximately 0.3 mile upstream of Cherry Hills Drive.	None	+54	
North Prong Bullfrog Creek.	At the confluence with Bullfrog Creek	None	+53	Hillsborough County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Bullfrog Creek.	None	+85	
Pemberton Creek.				
Tributary 1	At the confluence with Pemberton Creek	+80	+78	Hillsborough County (Unincorporated Areas).
	At U.S. Highway 92	+85	+83	
Pierce Branch	At the confluence with Little Manatee River	+48	+50	Hillsborough County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence of Pierce Branch Tributary 3.	None	+124	
Pierce Branch				
Tributary 1	At the confluence with Pierce Branch	None	+79	Hillsborough County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Pierce Branch.	None	+110	
Tributary 2	At the confluence with Pierce Branch	None	+99	Hillsborough County (Unincorporated Areas).
	Approximately 1.9 miles upstream of the confluence with Pierce Branch.	None	+117	
Tributary 3	At the confluence with Pierce Branch	None	+101	Hillsborough County (Unincorporated Areas).
	Approximately 30 feet upstream of Sweat Loop Road.	None	+115	
Ponding Area	Entire shoreline within community	None	+35	City of Temple Terrace.
Ponding Areas	Entire shoreline within community, lowest range of elevations found.	None	+105	City of Plant City.
	Entire shoreline within community, highest range of elevations found.	None	+145	
	Entire shoreline within community, lowest range of elevations found.	None	+8	Hillsborough County (Unincorporated Areas).
	Entire shoreline within community, highest range of elevations found.	None	+143	
	Entire shoreline within community, lowest range of elevations found.	None	+12	City of Tampa.
	Entire shoreline within community, highest range of elevations found.	None	+62	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Rocky Creek	Approximately 1,400 feet downstream of Linebaugh Avenue.	+14	+13	Hillsborough County (Unincorporated Areas).
	Approximately 300 feet upstream of Hammock Woods Drive.	+47	+46	
Rocky Creek Tributary 1	At the confluence with Turkey Ford Lake	+57	+56	Hillsborough County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Fishermans Bend Drive.	None	+63	
Ruskin Inlet/Marsh Branch.	Approximately 350 feet downstream of College Avenue.	+10	+9	Hillsborough County (Unincorporated Areas).
	Approximately 0.8 mile upstream of 14th Avenue SE.	None	+21	
Six Mile Creek	At the confluence with Tampa Bypass Canal.	None	+11	Hillsborough County (Unincorporated Areas).
	Approximately 450 feet upstream of Orient Road.	None	+26	
South Fork Little Manatee River.	At the confluence with Little Manatee River	+34	+35	Hillsborough County (Unincorporated Areas).
	At the Hillsborough County boundary	None	+45	
Sportman Branch	At the confluence with Pemberton Creek	+90	+89	Hillsborough County (Unincorporated Areas).
	At Mud Lake Road	None	+125	
Sweetwater Creek	Approximately 500 feet upstream of Hanley Road.	+9	+10	Hillsborough County (Unincorporated Areas).
	Approximately 65 feet upstream of Orange Grove Drive.	+40	+43	
Sweetwater Creek Channel H.	At the confluence with Sweetwater Creek	+15	+18	Hillsborough County (Unincorporated Areas).
	Approximately 75 feet downstream of Waters Avenue.	None	+30	
Tadpole Creek	At the confluence with Bullfrog Creek	+29	+24	Hillsborough County (Unincorporated Areas).
	Approximately 70 feet upstream of U.S. Highway 301.	None	+42	
Tampa Bay	Areas within MacDill Air Force Base	None	+9	Hillsborough County (Unincorporated Areas), City of Tampa.
Tampa Bypass Canal	At Gate S–160	+10	+11	Hillsborough County (Unincorporated Areas).
	At the confluence of Cow House Creek	None	+35	
Tampa Bypass Canal Main Ditch.	At the confluence with Tampa Bypass Canal.	None	+15	Hillsborough County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Eureka Springs Road.	None	+18	
Tampa Bypass Canal:				
Tributary 1	At the confluence with Tampa Bypass Canal.	None	+11	Hillsborough County (Unincorporated Areas).
	Approximately 40 feet downstream of Lakewood Drive.	None	+34	
Tributary 1 South Branch.	At the confluence with Tampa Bypass Canal Tributary 1.	None	+15	Hillsborough County (Unincorporated Areas).
	Approximately 300 feet upstream of the confluence with Tampa Bypass Canal Tributary 1.	None	+16	
Tributary 2	Approximately 200 feet upstream of the confluence with Tampa Bypass Canal.	None	+10	Hillsborough County (Unincorporated Areas).
	Approximately 20 feet upstream of railroad	None	+22	
Tiger Creek	At the confluence with Blackwatch Creek	+86	+83	Hillsborough County (Unincorporated Areas).
	On the upstream side of Half Mile Road	None	+100	
Trout Creek	At the confluence with Hillsborough River	+38	+35	Hillsborough County (Unincorporated Areas).
	At the Hillsborough County boundary	+51	+49	City of Tampa
Tucker Rhodine	Approximately 0.3 mile from the confluence with Bullfrog Creek.	+23	+22	Hillsborough County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Bullfrog Creek.	None	+39	
Two Hole Branch	At the confluence with Hillsborough River	+40	+37	Hillsborough County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1.5 miles upstream of Bruton Road.	None	+93	
Two Hole Branch Tributary 1.	At the confluence with Two Hole Branch ...	None	+69	Hillsborough County (Unincorporated Areas).
	Approximately 2.6 miles upstream of Bob Smith Avenue.	None	+97	
Wildcat Creek	Approximately 1.7 miles upstream of the confluence with Little Manatee River.	+8	+9	Hillsborough County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Stephens Road.	None	+15	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Plant City

Maps are available for inspection at the Plant City City Hall, 302 West Reynolds Street, Plant City, Florida. Send comments to The Honorable John L. Dicks, Mayor, City of Plant City, 302 West Reynolds Street, Plant City, Florida 33563.

City of Tampa

Maps are available for inspection at the City of Tampa Construction Services Center, 1400 North Boulevard, Tampa, Florida
Send comments to The Honorable Pam Iorio, Mayor, City of Tampa, 306 East Jackson Street, Tampa, Florida 33602.

City of Temple Terrace

Maps are available for inspection at the City of Temple Terrace Engineering Department, 11210 North 53rd Street, Temple Terrace, Florida.
Send comments to Mr. Kim D. Leinbach, Temple Terrace City Manager, 11250 North 56th Street, Temple Terrace, Florida 33617.

Hillsborough County (Unincorporated Areas)

Maps are available for inspection at the Hillsborough County Department of Planning and Growth Management, 5701 East Hillsborough Avenue, Suite 1140, Tampa, Florida.
Send comments to Mr. Jim Norman, Chairman Hillsborough County Board of Commissioners, Hillsborough County Government Center, 601 East Kennedy Boulevard, Tampa, Florida 33602.

Greene County, New York (All Jurisdictions)

Batavia Kill	At the confluence with Schohanie Creek	+1,181	+1,180	Town of Ashland, Town of Prattsville, Town of Windham.
	Approximately 0.44 mile upstream of Big Hollow Road.	+2,322	+2,312	
East Kill	Approximately 60 feet downstream of State Route 23A.	None	+1,402	Town of Jewett.
	At the Colgate Outlet Access Road	None	+2,063	
Gooseberry Creek	At the confluence with Schohanie Creek	+1,734	+1,729	Town of Hunter, Village of Tannersville.
	Approximately 50 feet upstream of the confluence of Sawmill Creek.	+1,860	+1,861	
Mitchell Hollow Creek ...	Approximately 260 feet upstream of the confluence with Batavia Kill.	+1,517	+1,518	Town of Windham.
	Approximately 0.54 mile upstream of State Route 23.	None	+1,566	
Sawmill Creek	At the confluence with Gooseberry Creek ..	+1,862	+1,860	Town of Hunter, Village of Tannersville.
	Approximately 320 feet upstream of Spring Street.	None	+1,973	
Schohanie Creek	At the county boundary	None	+1,143	Town of Hunter, Town of Jewett, Town of Lexington, Town of Prattsville, Village of Hunter.
	Approximately 270 feet upstream of Elka Road.	None	+1,806	
Stony Clove Creek	At the county boundary	+1,168	+1,169	Town of Hunter.
	Approximately 500 feet upstream of State Route 214.	None	+1,794	
West Kill	At the confluence with Scohanie Creek	+1,319	+1,318	Town of Lexington.
	Approximately 660 feet upstream of Ad Van Road.	None	+1,942	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

Town of Ashland

Maps are available for inspection at the Ashland Town Hall, 12094 Route 23, Ashland, New York.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Send comments to Mr. Richard B. Thompkins, Ashland Town Supervisor, P.O. Box 129, Ashland, New York 12407.

Town of Hunter

Maps are available for inspection at the Hunter Town Hall, 5748 Route 23A, Tannersville, New York.
Send comments to Mr. Dennis Lucas, Hunter Town Supervisor, 5748 Route 23A, Tannersville, New York 12485.

Town of Jewett

Maps are available for inspection at the Jewett Municipal Building, 3547 County Route 23C, Jewett, New York.
Send comments to Mr. Michael Flaherty, Jewett Town Supervisor, P.O. Box 132, Jewett, New York 12444.

Town of Lexington

Maps are available for inspection at the Lexington Town Hall, 3542 Route 42, Lexington, New York.
Send comments to Ms. Dixie Baldrey, Lexington Town Supervisor, P.O. Box 28, Lexington, New York 12452.

Town of Prattsville

Maps are available for inspection at the Prattsville Town Hall, Supervisor's Office, 14517 Main Street, Prattsville, New York.
Send comments to Mr. Richard F. Morse, Prattsville Town Supervisor, P.O. Box 418, Prattsville, New York 12468.

Town of Windham

Maps are available for inspection at the Windham Town Hall, 371 State Route 296, Hensonville, New York.
Send comments to Mr. T. Patrick Meehan, Jr., Windham Town Supervisor, 371 State Route 296, Hensonville, New York 12439.

Village of Hunter

Maps are available for inspection at the Hunter Village Hall, 6349 Main Street, Hunter, New York.
Send comments to The Honorable William Maley, Mayor of the Village of Hunter, P.O. Box 44, Hunter, New York 12442.

Village of Tannersville

Maps are available for inspection at the Tannersville Village Hall, 1 Park Lane, Tannersville, New York.
Send comments to The Honorable Gina Legan, Mayor of the Village of Tannersville, P.O. Box 967, Tannersville, New York 12485.

Westchester County, New York (All Jurisdictions)

Barney Brook	Approximately 10 feet downstream of Buckhout Street.	None	+26	Village of Irvington.
	Approximately 0.4 mile upstream of Fieldpoint Drive.	+391	+370	
Barney Brook Tributary	At the confluence with Barney Brook	+99	+98	Village of Irvington.
	Approximately 0.40 mile upstream of Easy Clinton Avenue.	None	+268	
Beaver Swamp Brook	Upstream side of East Boston Post Road	None	+21	Village of Mamaroneck, City of Rye, Town of Harrison.
	Approximately 470 feet upstream of Park Drive South.	None	+80	
Blind Brook	Approximately 100 feet upstream of Oakland Beach Avenue.	+14	+13	City of Rye, Town of Harrison, Village of Rye Brook.
	Approximately 0.4 mile upstream of Lincoln Avenue.	+366	+363	
Branch Brook	Downstream side of Saw Mill Parkway	+280	+281	Village of Mount Kisco, Town of Bedford.
	Approximately 160 feet upstream of Wood Road.	None	+405	
Brentwood Brook	At the confluence with Beaver Swamp Brook.	+31	+33	Town of Harrison, Village of Mamaroneck.
	Approximately 100 feet downstream of Haviland Road.	None	+122	
Bronx River	At the Westchester/Bronx County boundary.	+69	+66	Town of Eastchester, City of White Plains, City of Yonkers, Town of Greenburgh, Town of Mount Pleasant, Town of North Castle, Village of Bronxville, Village of Scarsdale, Village of Tuckahoe.
	Approximately 0.52 mile upstream of Bronx River Parkway.	None	+208	
Brown Brook	At the confluence of Muscoot Reservoir	+193	+201	Town of Somers.
	Approximately 0.59 mile upstream of Warren Street.	+426	+425	
Byram River Reach 1	Approximately 0.45 mile downstream of New England Highway.	+11	+12	Village of Port Chester.
	Approximately 700 feet upstream of Hillside Avenue.	+17	+18	
Caney Brook	Approximately 0.74 mile downstream of Long Hill Road.	None	+219	Village of Briarcliff Manor.
	Approximately 57 feet downstream of Scarborough Road.	None	+325	
Clove Brook	Upstream side of Taconic State Parkway (North Bound).	+243	+244	Town of Mount Pleasant.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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	Approximately 0.28 mile upstream of Taconic State Parkway.	None	+267	
Croton River	Approximately 700 feet upstream of U.S. Highway 9.	+7	+8	Town of Ossining, Town of Cortlandt, Village of Croton-On-Hudson.
	Approximately 0.70 mile upstream of Quaker Bridge Road.	+49	+53	
East Branch:				
Blind Brook	At confluence with Blind Brook	+36	+35	Village of Rye Brook.
	Approximately 250 feet upstream of Bluebird Hollow.	None	+143	
Mamaroneck Branch.	Approximately 65 feet downstream of Anderson Hill Road.	+138	+134	Town of Harrison.
	Approximately 0.76 mile upstream of Old Lake Street.	None	+252	
Sheldrake River	At the confluence with Sheldrake River	+61	+59	Town of Mamaroneck.
	Approximately 175 feet downstream of Fenmore Road.	+99	+97	
Fly Kill Brook	At the confluence with Saw Mill River	+230	+231	Town of Mount Pleasant.
	Approximately 130 feet downstream of Livingston Street.	+249	+248	
Furnace Brook	At the upstream side of Cortlandt Road	None	+7	Town of Cortlandt.
	Approximately 450 feet upstream of Maple Avenue.	None	+307	
Grassy Sprain Brook	At the confluence with Bronx River	+85	+84	City of Yonkers.
	Approximately 0.74 mile upstream of Bronx River Parkway.	None	+84	
Hillside Avenue Brook	At confluence with East Branch Blind Brook.	None	+132	Village of Rye Brook.
	Approximately 145 feet upstream of Hillandale Road.	None	+202	
Hutchinson River	Approximately 800 feet upstream of East Sanford Boulevard.	+14	+13	Village of Scarsdale, City of Mount Vernon, City of New Rochelle, Town of Eastchester, Village of Pelham, Village of Pelham Manor.
	Approximately 0.6 mile upstream of Grand Avenue.	+234	+226	
Kensico Road Tributary	At confluence with Nanny Hagan Brook	+254	+250	Town of Mount Pleasant.
	Approximately 88 feet downstream of Rolling Hills Road.	#3	+352	
Kil Brook	At the confluence with Sing Sing Creek	None	+186	Village of Ossining, Town of Ossining.
	Approximately 290 feet upstream of Brookside Lane.	None	+480	
Kisco River	At the confluence with New Croton Reservoir.	+195	+205	Town of New Castle.
	Approximately 0.3 mile upstream of Lake Road.	+204	+205	
Knollwood Brook	Approximately 350 feet upstream of Woodside Avenue.	None	+233	Town of Greenburgh.
	Approximately 0.2 mile upstream of Knollwood Road.	None	+270	
Lecount Creek	Confluence with Lower Mamaroneck River	+35	+31	Town of Harrison.
	Approximately 455 feet upstream of West Street.	+35	+34	
Leroy Avenue Brook	Approximately 665 feet downstream of South Broadway Road.	None	+87	Village of Tarrytown.
	Approximately 280 feet upstream of Loh Avenue.	None	+234	
Lower Mamaroneck River.	At the upstream side of East Prospect Avenue.	+16	+17	Village of Mamaroneck, Town of Harrison.
	Approximately 800 feet upstream of Winfield Avenue.	+40	+48	
Lower Pocantico River	Approximately 0.21 mile downstream of Devries Avenue.	None	+15	Village of Sleepy Hollow, Town of Mount Pleasant.
	Approximately 0.76 mile upstream of Gory Brook Road.	None	+142	
Mamaroneck River Upper Reach.	Approximately 120 feet downstream of Interstate 287 On-Ramp.	None	+143	Town of Harrison, City of White Plains.
	Approximately 300 feet upstream of Lake Street.	None	+179	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Mianus River	Approximately 1.0 mile downstream of Millers Mill Road.	None	+330	Town of North Castle, Town of Bedford, Town of Pound Ridge.
	Approximately 0.5 mile downstream of Brookwood Road.	None	+360	
Mohegan Outlet	Approximately 0.47 mile downstream of Foothill Street.	None	+195	Town of Cortlandt, Town of Yorktown.
	Approximately 50 feet upstream of East Main Street.	None	+451	
Nanny Hagen Brook	Approximately 425 feet upstream of confluence with Saw Mill River.	+251	+250	Town of Mount Pleasant, Village of Pleasantville.
	Approximately 0.3 mile upstream of Marble Avenue.	+264	+263	
Nelson Creek	At the confluence with Brentwood Brook	+61	+65	Town of Harrison.
	Approximately 0.6 mile upstream of Union Avenue.	+103	+125	
New Croton Reservoir	Entire shoreline within community	+198	+205	Town of New Castle, Town of Bedford, Town of Cortlandt, Town of Somers, Town of Yorktown.
Peekskill Hollow Brook Tributary.	Approximately 50 feet upstream of confluence with Peekskill Hollow Brook.	+63	+64	Town of Cortlandt.
	Approximately 250 feet downstream of Bear Mountain State Parkway.	None	+313	
Plum Brook	Approximately 35 feet downstream of Somerstown Road.	None	+199	Town of Somers.
	At the Westchester/Putnam County boundary.	+498	+503	
Plum Brook Tributary 1	At confluence with Plum Brook	+402	+403	Town of Somers.
	Approximately 190 feet upstream of Lake Shore Drive.	+457	+458	
Saw Mill River	Approximately 530 feet downstream of New School Street.	None	+48	Village of Dobbs Ferry, City of Yonkers, Town of Greenburgh, Town of Mount Pleasant, Town of New Castle, Village of Ardsley, Village of Elmsford, Village of Hastings-On-Hudson, Village of Irvington, Village of Pleasantville.
	Approximately 0.35 mile upstream of Kipp Street.	None	+399	
Saw Mill River West Channel.	At the confluence with Saw Mill River	+123	+122	Village of Dobbs Ferry.
	At the confluence from Saw Mill River	+126	+127	
Sheldrake River	At the confluence with Lower Mamaroneck River.	+27	+26	Town of Mamaroneck, Village of Mamaroneck, Village of Scarsdale.
	Approximately 30 feet downstream of Catherine Road.	+239	+240	
Sing Sing Creek	At the confluence with Hudson River	None	+7	Village of Ossining, Town of Ossining.
	Approximately 0.3 mile upstream of Marble Place.	None	+186	
South Fox Meadow Brook.	Approximately 50 feet downstream of Bronx River Parkway.	+156	+157	Village of Scarsdale.
	Approximately 0.24 mile upstream of Oxford Road.	None	+223	
Sunnyside Brook	Approximately 175 feet upstream of Metro North Railroad.	+7	+8	Village of Irvington, Town of Greenburgh, Village of Tarrytown.
	Approximately 0.22 feet upstream of Mountain Road.	None	+347	
Tibbetts Brook	Approximately 0.23 mile downstream of McLean Avenue.	None	+29	City of Yonkers.
	Approximately 0.52 mile upstream of McLean Avenue.	None	+37	
Troublesome Brook	At the confluence with Bronx River	+105	+104	City of Yonkers.
	Approximately 0.23 mile upstream of Maria Lane.	+158	+169	
Unnamed Tributary to Plum Brook.	At confluence with Plum Brook	+274	+275	Town of Somers.
	Approximately 430 feet upstream of Dunhill Road.	None	+294	
Upper Pocantico River	Approximately 530 feet downstream of Beech Hill Road.	+230	+229	Village of Briarcliff Manor, Town of Mount Pleasant, Town of Ossining.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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	Approximately 800 feet upstream of Chappaqua Road.	None	+273	
Wickers Creek	At the Metro North Railroad	+10	+7	Village of Dobbs Ferry.
	Approximately 910 feet downstream of Broadway (U.S. Route 9).	+97	+92	
Woodlands Road:				
Brook 1	At the confluence with Brentwood Brook	None	+69	Town of Harrison.
	Approximately 350 feet upstream of Woodlands Road.	None	+92	
Brook 2	Approximately 0.20 mile downstream of Woodlands Road.	None	+72	Town of Harrison
	Approximately 150 feet upstream of Woodlands Road.	None	+92	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Mount Vernon

Maps are available for inspection at the Mount Vernon City Hall, Room 108, 1 Roosevelt Square, Mount Vernon, New York.
Send comments to The Honorable Ernest D. Davis, Mayor of the City of Mount Vernon, 1 Roosevelt Square, Mount Vernon, New York 10550.

City of New Rochelle

Maps are available for inspection at the New Rochelle City Department of Public Works, 515 North Avenue, New Rochelle, New York.
Send comments to The Honorable Noam Bramson, Mayor of the City of New Rochelle, 515 North Avenue, New Rochelle, New York 10801.

City of Rye

Maps are available for inspection at the Rye City Engineering Department, 1051 Bost Post Road, Rye, New York.
Send comments to The Honorable Steven Otis, Mayor of the City of Rye, 3rd floor City Hall, Rye, New York 10580.

City of White Plains

Maps are available for inspection at the White Plains City Planning Department, 255 Main Street, White Plains, New York.
Send comments to The Honorable Joseph M. Delfino, Mayor of the City of White Plains, 255 Main Street, White Plains, New York 10601.

City of Yonkers

Maps are available for inspection at the Yonkers City Hall, Engineering Department, Room 315, 40 South Broadway, Yonkers, New York.
Send comments to The Honorable Philip A. Amicone, Mayor of the City of Yonkers, 40 South Broadway, Yonkers, New York 10701.

Town of Bedford

Maps are available for inspection at the Bedford Town Planning Office, 425 Cherry Street, Bedford Hills, New York.
Send comments to Mr. Lee V.A. Roberts, Bedford Town Supervisor, 321 Bedford Road, Bedford Hills, New York 10507.

Town of Cortlandt

Maps are available for inspection at the Cortlandt Town Engineering Department, 1 Heady Street, Cortlandt, New York.
Send comments to Ms. Linda D. Puglisi, Cortlandt Town Supervisor, 1 Heady Street, Cortlandt, New York 10567.

Town of Eastchester

Maps are available for inspection at the Eastchester Town Building and Planning Department, 40 Mill Road, Eastchester, New York.
Send comments to Mr. Anthony S. Colavita, Eastchester Town Supervisor, 40 Mill Road, Eastchester, New York 10709.

Town of Greenburgh

Maps are available for inspection at the Greenburgh Town Engineering Department, 177 Hillside Avenue, Greenburgh, New York.
Send comments to Mr. Paul Feiner, Greenburgh Town Supervisor, 177 Hillside Avenue, Greenburgh, New York 10607.

Town of Harrison

Maps are available for inspection at the Harrison Town Engineering Department, 1 Heineman Place, Harrison, New York.
Send comments to The Honorable Stephen Malfitano, Mayor of the Town of Harrison, 1 Heineman Place, Harrison, New York 10528.

Town of Mamaroneck

Maps are available for inspection at the Mamaroneck Village Building Department, 740 West Boston Post Road, Mamaroneck, New York.
Send comments to Ms. Valerie M. O'Keefe, Mamaroneck Town Supervisor, 740 West Boston Post Road, Mamaroneck, New York 10543.

Town of Mount Pleasant

Maps are available for inspection at the Mount Pleasant Town Construction and Zoning Office, 1 Town Hall Plaza, Valhalla, New York.
Send comments to Ms. Joan A. Maybury, Mount Pleasant Town Supervisor, 1 Town Hall Plaza, Valhalla, New York 10595.

Town of New Castle

Maps are available for inspection at the New Castle Town Building Department, 200 South Greeley Avenue, Chappaqua, New York.
Send comments to Mr. Gennaro J. Faiella, New Castle Town Administrator, 200 South Greeley Avenue, Chappaqua, New York 10514.

Town of North Castle

Maps are available for inspection at the North Castle Town Building Department. 17 Bedford Road, Armonk, New York.
Send comments to Ms. Reese Berman, North Castle Town Supervisor, 15 Bedford Road, Armonk, New York 10504.

Town of Ossining

Maps are available for inspection at the Ossining Town Building Department, 101 Route 9A, Ossining Town Operations Center, Ossining, New York.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Send comments to Mr. John V. Cherrokas, Ossining Town Supervisor, 16 Croton Avenue, Ossining, New York 10562.

Town of Pound Ridge

Maps are available for inspection at the Pound Ridge Town Building Department, Town House, 179 Westchester Avenue, Pound Ridge, New York.

Send comments to Mr. Gary David Warshauer, Pound Ridge Town Supervisor, The Town House, 179 Westchester Avenue, Pound Ridge, New York 10576.

Town of Scarsdale

Maps are available for inspection at the Scarsdale Building Department, 1001 Post Road, Scarsdale, New York.

Send comments to Mr. Alfred A. Gatta, Scarsdale Village Manager, 1001 Post Road, Scarsdale, New York.

Town of Somers

Maps are available for inspection at the Somers Town House Engineering Department, 335 Route 202, Somers, New York.

Send comments to Ms. Mary Beth Murphy, Somers Town Supervisor, Town House, 335 Route 202, Somers, New York 10589.

Town of Yorktown

Maps are available for inspection at the Yorktown Town Engineering Department, 363 Underhill Avenue, Yorktown Heights, New York.

Send comments to Ms. Linda Cooper, Yorktown Town Supervisor, 363 Underhill Avenue, Yorktown, New York 10598.

Village of Ardsley

Maps are available for inspection at the Ardsley Village Building Department, 507 Ashford Avenue, Ardsley, New York.

Send comments to The Honorable Jay Leon, Mayor of the Village of Ardsley, 507 Ashford Avenue, Ardsley, New York 10502.

Village of Briarcliff Manor

Maps are available for inspection at the Briarcliff Village Engineer's Office, 1111 Pleasantville Road, Briarcliff, New York.

Send comments to The Honorable William Vescio, Mayor of the Village of Briarcliff Manor, 1111 Pleasantville Road, Briarcliff Manor, New York 10510.

Village of Bronxville

Maps are available for inspection at the Bronxville Village Engineer's Office, 200 Pondfield Road, Bronxville, New York.

Send comments to The Honorable Mary C. Marvin, Mayor of the Village of Bronxville, 200 Pondfield Road, Bronxville, New York 10708.

Village of Croton-on-Hudson

Maps are available for inspection at the Croton-on-Hudson Village Engineering Department, 1 Van Wyck Street, Croton-on-Hudson, New York.

Send comments to Mr. Richard F. Herbek, Croton-on-Hudson Village Manager, Stanley H. Kellerhause Municipal Building, Croton-on-Hudson, New York 10520.

Village of Dobbs Ferry

Maps are available for inspection at the Dobbs Ferry Village Engineering Department, 112 Main Street, Dobbs Ferry, New York.

Send comments to The Honorable Joseph J. Bora, Mayor of the Village of Dobbs Ferry, 117 Main Street, Dobbs Ferry, New York 10522.

Village of Elmsford

Maps are available for inspection at the Elmsford Village Hall, 15 South Stone Avenue, Elmsford, New York.

Send comments to The Honorable Robert Williams, Mayor of the Village of Elmsford, 15 South Stone Avenue, Elmsford, New York 10523.

Village of Hastings-on-Hudson

Maps are available for inspection at the Hastings-on-Hudson Village Building Department, 7 Maple Avenue, Hastings-on-Hudson, New York.

Send comments to Mr. Francis A. Frobel, Hastings-on-Hudson Village Manager, 7 Maple Avenue, Hastings-on-Hudson, New York 10706.

Village of Irvington

Maps are available for inspection at the Irvington Village Building Department, 85 Main Street, Irvington, New York.

Send comments to The Honorable Dennis P. Flood, Mayor of the Village of Irvington, 85 Main Street, Irvington, New York 10533.

Village of Mamaroneck

Maps are available for inspection at the Mamaroneck Village Building Department, 169 Mount Pleasant Avenue, Mamaroneck, New York.

Send comments to Mr. Philip Trifiletti, Mamaroneck Village Manager, P.O. Box 369, Mamaroneck, New York 10543.

Village of Mount Kisco

Maps are available for inspection at the Mount Kisco Village Hall, 104 Main Street, Mount Kisco, New York.

Send comments to The Honorable Michael Cindrich, Mayor of the Village of Mount Kisco, 104 Main Street, Mount Kisco, New York 10549.

Village of Ossining

Maps are available for inspection at the Ossining Village Building Department, 101 Route 9A, Ossining Village Operations Center, Ossining, New York.

Send comments to Ms. Linda Abels, Ossining Village Manager, 16 Croton Avenue, Ossining, New York 10562.

Village of Pelham

Maps are available for inspection at the Pelham Village Hall, 195 Sparks Avenue, Pelham, New York.

Send comments to The Honorable Michael Cain, Mayor of the Village of Pelham, 195 Sparks Avenue, Pelham, New York 10803.

Village of Pelham Manor

Maps are available for inspection at the Pelham Manor Village Hall, 4 Penfield Place, Pelham Manor, New York.

Send comments to The Honorable Lorri S. Gorman, Mayor of the Village of Pelham Manor, 4 Penfield Place, Pelham Manor, New York 10803.

Village of Pleasantville

Maps are available for inspection at the Pleasantville Village Building Department, 80 Wheeler Avenue, Pleasantville, New York.

Send comments to The Honorable Bernard Gordon, Mayor of the Village of Pleasantville, 80 Wheeler Avenue, Pleasantville, New York 10570.

Village of Port Chester

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Maps are available for inspection at the Port Chester Village Clerk's Office, 10 Pearl Street, Port Chester, New York.
Send comments to Mr. William F. Williams, Port Chester Village Manager, 10 Pearl Street, 2nd floor, Port Chester, New York 10573.

Village of Rye Brook

Maps are available for inspection at the Rye Brook Village Building Department, 938 King Street, Rye Brook, New York.
Send comments to The Honorable Lawrence A. Rand, Mayor of the Village of Rye Brook, 938 King Street, Rye Brook, New York 10573.

Village of Scarsdale

Maps are available for inspection at the Scarsdale Village Engineering Department, 1001 Post Road, Scarsdale, New York.
Send comments to Mr. Alfred A. Gatta, Scarsdale Village Manager, 1001 Post Road, Scarsdale, New York 10583.

Village of Sleepy Hollow

Maps are available for inspection at the Sleepy Hollow Village Inspector's Office, 28 Beekman Avenue, Sleepy Hollow, New York.
Send comments to Mr. Philip E. Zegarelli, Sleepy Hollow Village Administrator, 28 Beekman Avenue, Sleepy Hollow, New York 10591.

Village of Tarrytown

Maps are available for inspection at the Tarrytown Village Building Department, 21 Wildey Street, Tarrytown, New York.
Send comments to Mr. Stephen McCabe, Tarrytown Village Administrator, 21 Wildey Street, Tarrytown, New York 10591.

Village of Tuckahoe

Maps are available for inspection at the Tuckahoe Village Hall, 65 Main Street, Tuckahoe, New York.
Send comments to The Honorable Michael J. Martino, Mayor of the Village of Tuckahoe, 65 Main Street, Tuckahoe, New York 10707.

Randolph County, North Carolina and Incorporated Areas

Asheworth Branch	At the Randolph/Montgomery County boundary.	None	+574	Randolph County (Unincorporated Areas).
	Approximately 215 feet upstream of King Drive.	None	+574	
Back Creek	At the confluence with Caraway Creek	None	+429	Randolph County (Unincorporated Areas), City of Asheboro.
	Approximately 110 feet upstream of the confluence of Back Creek Tributary 1.	None	+572	
Back Creek:				
Tributary 1	At the confluence with Back Creek	None	+571	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Heath Dairy Road (State road 1511).	None	+606	
Tributary 1A	At the confluence with Back Creek Tributary 1.	None	+597	Randolph County (Unincorporated Areas).
	Approximately 1,050 feet upstream of the confluence with Back Creek Tributary 1.	None	+602	
Betty McGees Creek	At the confluence with Uwharrie River	None	+393	Randolph County (Unincorporated Areas).
	Approximately 3.7 miles upstream of Lassiter Mill Road (State Road 1107).	None	+505	
Big Branch	At the confluence with Little River	None	+656	Randolph County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Little River.	None	+686	
Brier Creek	At the confluence with Little Uwharrie River	None	+534	Randolph County (Unincorporated Areas).
	At the Davidson/Randolph County boundary.	None	+546	
Brier Creek Tributary 1	At the confluence with Brier Creek	None	+546	Randolph County (Unincorporated Areas).
	Approximately 1,035 feet upstream of Hughes Grove Road (State Road 1400).	None	+585	
Cable Creek	At the confluence with Back Creek	None	+436	Randolph County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the confluence with Back Creek.	None	+456	
Caraway Creek	At the confluence with Uwharrie River	None	+408	Randolph County (Unincorporated Areas), City of Archdale.
	Approximately 1.6 miles upstream of Roy Farlow Road (State Road 1534).	None	+715	
Caraway Creek:				
Tributary 1	At the confluence with Caraway Creek	None	+494	Randolph County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Sawyer Road.	None	+594	
Tributary 2	At the confluence with Caraway Creek	None	+543	Randolph County (Unincorporated Areas).
	Approximately 1,300 feet upstream of Beeson Farm Road (State Road 1525).	None	+627	
Tributary 3	At the confluence with Caraway Creek	None	+681	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Caraway Creek.	None	+691	
Cedar Fork Creek	At the confluence with Back Creek	None	+474	Randolph County (Unincorporated Areas), City of Asheboro.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 760 feet upstream of South Church Street.	None	+844	
Hannahs Creek	At the confluence with Uwharrie River	None	+389	Randolph County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence of Robbins Branch.	None	+517	
Jackson Creek	At the confluence with Uwharrie River	None	+415	Randolph County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Jackson Creek Road (State Road 1314).	None	+565	
Kings Creek	At the confluence with Little River	None	+585	Randolph County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Little River.	None	+607	
Lakes Creek	At the confluence with Uwharrie River	None	+366	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Uwharrie River.	None	+418	
Laniers Creek	At the confluence with Uwharrie River	None	+381	Randolph County (Unincorporated Areas).
	Approximately 150 feet downstream of Johnson Farm Road (State Road 1262).	None	+558	
Little Caraway Creek	At the confluence with Caraway Creek	None	+461	Randolph County (Unincorporated Areas).
	Approximately 1.9 miles upstream of the confluence of Little Caraway Creek Tributary 1.	None	+598	
Little Caraway Creek Tributary 1.	At the confluence with Little Caraway Creek.	None	+536	Randolph County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Little Caraway Creek.	None	+568	
Little River	At the Randolph/Montgomery County boundary.	None	+572	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Southmont Drive (State Road 1145).	None	+742	
Little River:				
Tributary 10	At the confluence with Little River	None	+669	Randolph County (Unincorporated Areas).
	Approximately 1,645 feet upstream of the confluence with Little River.	None	+678	
Tributary 11	At the confluence with Little River	None	+672	Randolph County (Unincorporated Areas).
	Approximately 1,340 feet upstream of the confluence with Little River.	None	+680	
Tributary 12	At the confluence with Little River	None	+718	Randolph County (Unincorporated Areas).
	Approximately 230 feet upstream of U.S. Highway 220.	None	+759	
Tributary 2	At the confluence with Little River	None	+578	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Little River.	None	+598	
Tributary 3	At the confluence with Little River	None	+586	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Little River.	None	+606	
Tributary 4	At the confluence with Little River	None	+588	Randolph County (Unincorporated Areas).
	Approximately 1,210 feet upstream of the confluence with Little River.	None	+607	
Tributary 5	At the confluence with Little River	None	+601	Randolph County (Unincorporated Areas).
	Approximately 1,825 feet upstream of NC Highway 134.	None	+631	
Tributary 6	At the confluence with Little River	None	+614	Randolph County (Unincorporated Areas).
	Approximately 1,415 feet upstream of the confluence with Little River.	None	+653	
Tributary 7	At the confluence with Little River	None	+651	Randolph County (Unincorporated Areas).
	Approximately 1,190 feet upstream of the confluence with Little River.	None	+664	
Tributary 8	At the confluence with Little River	None	+653	Randolph County (Unincorporated Areas).
	Approximately 1,870 feet upstream of the confluence with Little River.	None	+665	
Tributary 9	At the confluence with Little River	None	+664	Randolph County (Unincorporated Areas).
	Approximately 1,375 feet upstream of the confluence with Little River.	None	+686	
Little Uwharrie River	At the confluence with Uwharrie River	None	+456	Randolph County (Unincorporated Areas), City of Trinity.
	Approximately 0.4 mile upstream of NC Highway 62.	None	+891	
Little Uwharrie River:				
Tributary 1	At the confluence with Little Uwharrie River	None	+492	Randolph County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 0.4 mile upstream of the confluence with Little Uwharrie River.	None	+506	
Tributary 10	At the confluence with Little Uwharrie River	None	+814	Randolph County (Unincorporated Areas), City of Trinity.
	At the Davidson/Randolph County boundary.	None	+858	
Tributary 10A	At the confluence with Little Uwharrie River Tributary 10.	None	+826	Randolph County (Unincorporated Areas), City of Trinity.
	Approximately 0.7 mile upstream of the confluence with Little Uwharrie River Tributary 10.	None	+904	
Tributary 11	At the confluence with Little Uwharrie River	None	+829	City of Trinity.
	At the Davidson/Randolph County boundary.	None	+848	
Tributary 11A	At the confluence with Little Uwharrie River Tributary 11.	None	+839	City of Trinity.
	Just upstream of the Davidson/Randolph County boundary.	None	+876	
Tributary 4	At the confluence with Little Uwharrie River	None	+691	Randolph County (Unincorporated Areas).
	Approximately 880 feet upstream of Courtland Drive (State Road 3253).	None	+888	
Tributary 5	At the confluence with Little Uwharrie River	None	+704	Randolph County (Unincorporated Areas).
	Approximately 90 feet upstream of Refuge Church Drive.	None	+790	
Tributary 6	At the confluence with Little Uwharrie River	None	+734	Randolph County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Little Uwharrie River.	None	+896	
Tributary 6A	At the confluence with Little Uwharrie River Tributary 6.	None	+745	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Little Uwharrie River Tributary 6.	None	+850	
Tributary 7	At the confluence with Little Uwharrie River	None	+779	Randolph County (Unincorporated Areas), City of Trinity.
	Approximately 1,220 feet upstream of Finch Farm Road (State Road 1547).	None	+841	
Tributary 8	At the confluence with Little Uwharrie River	None	+793	Randolph County (Unincorporated Areas), City of Trinity.
	Approximately 1.0 mile upstream of the confluence with Little Uwharrie River.	None	+897	
Tributary 8A	At the confluence with Little Uwharrie River Tributary 8.	None	+795	Randolph County (Unincorporated Areas), City of Trinity.
	Approximately 0.6 mile upstream of the confluence with Little Uwharrie River Tributary 8.	None	+886	
Long Branch	At the confluence with Cedar Fork Creek	None	+508	Randolph County (Unincorporated Areas), City of Asheboro.
	Approximately 0.5 mile upstream of Wilson Drive.	None	+666	
Mill Creek	At the confluence with Uwharrie River	None	+380	Randolph County (Unincorporated Areas).
	Approximately 390 feet upstream of Lassiter Mill Road (State Road 1107).	None	+400	
Nanny Branch	At the confluence with Laniers Creek	None	+445	Randolph County (Unincorporated Areas).
	Approximately 1,275 feet upstream of the confluence with Laniers Creek.	None	+463	
Narrows Branch	At the confluence with Uwharrie River	None	+365	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Uwharrie River.	None	+460	
Reed Creek	At the confluence with Little River	None	+603	Randolph County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Burney Road (State Road 1127).	None	+646	
Reedy Creek	At the confluence with Little River	None	+618	Randolph County (Unincorporated Areas).
	Approximately 1,870 feet upstream of the confluence with Little River.	None	+642	
Robbins Branch	At the confluence with Hannahs Creek	None	+494	Randolph County (Unincorporated Areas).
	Approximately 1,345 feet upstream of the confluence with Hannahs Creek.	None	+507	
Sand Branch	At the confluence with Laniers Creek	None	+441	Randolph County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1,490 feet upstream of the confluence with Laniers Creek.	None	+462	
Second Creek	At the confluence with Uwharrie River	None	+393	Randolph County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Second Creek Tributary 3.	None	+505	
Second Creek:				
Tributary 1	At the confluence with Second Creek	None	+393	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Second Creek.	None	+407	
Tributary 2	At the confluence with Second Creek	None	+459	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Second Creek.	None	+476	
Tributary 2A	At the confluence with Second Creek Tributary 2.	None	+463	Randolph County (Unincorporated Areas).
	Approximately 1,900 feet upstream of Salem Church Road (State Road 1304).	None	+483	
Tributary 3	At the confluence with Second Creek	None	+479	Randolph County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Bombay School Road (State Road 1178).	None	+512	
Silver Run Creek	At the confluence with Uwharrie River	None	+391	Randolph County (Unincorporated Areas).
	Approximately 275 feet upstream of Lassiter Mill Road (State Road 1107).	None	+402	
South Fork Jackson Creek.	At the confluence with Jackson Creek	None	+506	Randolph County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Jackson Creek.	None	+545	
South Prong Little River	At the confluence with Little River	None	+678	Randolph County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Little River.	None	+685	
Taylors Creek	At the confluence with Caraway Creek	None	+414	Randolph County (Unincorporated Areas).
	Approximately 3.3 miles upstream of Lassiter Mill Road (State Road 1107).	None	+543	
Toms Creek	At the confluence with Uwharrie Road	None	+400	Randolph County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Richey Road (State Road 1306).	None	+501	
Two Mile Branch	At the confluence with Second Creek	None	+439	Randolph County (Unincorporated Areas).
	Approximately 1,990 feet upstream of the confluence with Second Creek.	None	+472	
Two Mile Creek	At the confluence with Uwharrie River	None	+391	Randolph County (Unincorporated Areas).
	Approximately 1,970 feet upstream of the confluence with Uwharrie River.	None	+398	
Uwharrie River	At the Montgomery/Randolph County boundary.	None	+363	Randolph County (Unincoporated Areas), City of Asheboro, Randolph County
	Approximately 130 feet upstream of Old Mendenhall Road (State Road 1616).	None	+791	City of Trinity.
Uwharrie River:				
Tributary 1	At the confluence with Uwharrie River	None	+367	Randolph County (Unincorporated Areas).
	Approximately 1,050 feet upstream of the confluence with Uwharrie River.	None	+380	
Tributary 2	At the confluence with Uwharrie River	None	+384	Randolph County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Uwharrie River.	None	+400	
Tributary 3	At the confluence with Uwharrie River	None	+385	Randolph County (Unincorporated Areas).
	Approximately 1,890 feet upstream of the confluence with Uwharrie River.	None	+403	
Tributary 4	At the confluence with Uwharrie River	None	+445	Randolph County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Uwharrie River.	None	+445	
Tributary 5	At the confluence with Uwharrie River	None	+445	Randolph County (Unincorporated Areas).
	Approximately 1,660 feet upstream of Garren Town Road (State Road 1332).	None	+452	
Tributary 6	At the confluence with Uwharrie River	None	+461	Randolph County (Unincorporated Areas).
	Approximately 335 feet upstream of Skeens Mill Road (State Road 1550).	None	+483	
Tributary 7	At the confluence with Uwharrie River	None	+517	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Summer Road (State Road 1546).	None	+540	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 8	At the confluence with Uwharrie River	None	+554	Randolph County (Unincorporated Areas), City of Archdale.
	Approximately 190 feet upstream of Alexandria Drive.	None	+663	
Tributary 8A	At the confluence with Uwharrie River Tributary 8A.	None	+636	Randolph County (Unincorporated Areas), City of Archdale.
	Approximately 0.8 mile upstream of the confluence with Uwharrie River Tributary 8.	None	+665	
Tributary 9	At the confluence with Uwharrie River	None	+578	Randolph County (unincorporated Areas), City of Trinity.
	Approximately 0.9 mile upstream of Red Fox Road.	None	+805	
Tributary 10	At the confluence with Uwharrie River	None	+668	City of Trinity.
	Approximately 330 feet upstream of Maple Oak Drive.	None	+722	
Tributary 11	At the confluence with Uwharrie River	None	+694	City of Trinity.
	Approximately 0.7 mile upstream of Mendenhall Road.	None	+746	
Wagners Branch	At the confluence with Little River	None	+582	Randolph County (Unincorporated Areas).
	Approximately 290 feet upstream of Borough Avenue.	None	+684	
Walkers Creek	At the confluence with Uwharrie River	None	+373	Randolph County (Unincorporated Areas).
	Approximately 1,775 feet upstream of the confluence with Uwharrie River.	None	+385	
Wesley Dean Branch	At the confluence with Little River	None	+577	Randolph County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Little River.	None	+606	
West Fork Little River	At the Randoloph/Montgomery County boundary.	None	+615	Randolph County (Unincorporated Areas).
	Approximately 850 feet upstream of Mt. Lebanon Road (State Road 1111).	None	+710	
West Fork Little:				
River Tributary 1	At the confluence with West Fork Little River.	None	+622	Randolph County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with West Fork Little River.	None	+629	
River Tributary 2	At the confluence with West Fork Little River.	None	+676	Randolph County (Unincorporated Areas).
	Approximately 1,620 feet upstream of the confluence with West Fork Little River.	None	+692	
River Tributary 3	At the confluence with West Fork Little River.	None	+694	Randolph County (Unincorporated Areas).
	Approximately 1,320 feet upstream of the confluence with West Fork Little River.	None	+701	
River Tributary 4	At the confluence with West Fork Little River.	None	+697	Randolph County (Unincorporated Areas).
	Approximately 1,335 feet upstream of the confluence with West Fork Little River.	None	+703	
River Tributary 5	At the confluence with West Fork Little River.	None	+708	Randolph County (Unincorporated Areas).
	Approximately 1,010 feet upstream of the confluence with West Fork Little River.	None	+710	

*National Geodetic Vertical Datum.
#Depth in feet above ground.
+North American Verticle Datum.

ADDRESSES

City of Archdale

Maps are available for inspection at the Archdale City Hall, 307 Balfour Drive, Archdale, North Carolina.
Send comments to The Honorable Bert Lance Stone, Mayor of the City of Archdale, P.O. Box 14068, Archdale, North Carolina 27263.

City of Asheboro

Maps are available for inspection at the City of Asheboro Planning and Zoning Department, Asheboro, North Carolina.
Send comments to The Honorable David Jarell, Mayor of the City of Asheboro, P.O. Box 1106, Asheboro, North Carolina 27204.

City of Trinity

Maps are available for inspection at the Trinity City Hall, 6701 NC Highway 62, Trinity, North Carolina.
Send comments to The Honorable Fran Andrews, Mayor of the City of Trinity, P.O. Box 50, Trinity, North Carolina 27370.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Randolph County (Unincorporated Areas):				
Maps are available for inspection at the Randolph County Planning and Zoning Department, 725 McDowell Road, Asheboro, North Carolina. Send comments to Mr. Richard T. Wells, Randolph County Manager, P.O. Box 4728, Asheboro, North Carolina 27204–4728.				
Richmond County, North Carolina and Incorporated Areas				
Baggetts Creek	At the confluence with Speeds Creek	None	+135	Richmond County (Unincorporated Areas).
	At U.S. Highway 1	None	+159	
Beaver Dam Creek (into Rocky Fork Creek).	At the confluence with Rocky Fork. Creek	None	+238	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Millstone Road (State Road 1487).	None	+315	
Beaverdam Branch	Approximately 50 feet upstream of the Railroad.	+235	+247	Richmond County (Unincorporated Areas), City of Hamlet, City of Rockingham.
	Approximately 860 feet upstream of Chalk Road.	None	+269	
Beaverdam Creek (into Big Mountain Creek).	At the confluence with Big Mountain Creek	None	+341	Richmond County (Unincorporated Areas).
	Approximately 100 feet downstream of Capel Mill Road (State Road 1321).	None	+367	
Bells Creek	At the confluence with Rocky Fork Creek	None	+270	Richmond County (Unincorporated Areas).
	Approximately 1,200 feet upstream of Haywood Parker Road (State Road 1441).	None	+320	
Big Branch	At the confluence with Drowning Creek	None	+302	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Drowning Creek.	None	+318	
Big Mountain Creek	At the confluence with Mountain Creek and Little Mountain Creek.	None	+246	Richmond County (Unincorporated Areas).
	Approximately 600 feet upstream of the confluence of Silver Creek.	None	+374	
Big Muddy Creek	At the Richmond/Scotland County boundary.	None	+311	Richmond County (Unincorporated Areas), Town of Hoffman.
	Approximately 1,500 feet upstream of Blues Bridge Road.	None	+397	
Black Branch	At the confluence with Solomans Creek	None	+214	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of U.S. Highway 74.	None	+256	
Bones Fork Creek	At the confluence with Hitchcock Creek	None	+256	Richmond County (Unincorporated Areas).
	Approximately 1,000 feet upstream of Millstone Road (State Road 1487).	None	+276	
Bones Fork Creek Tributary 1.	At the confluence with Bones Fork Creek	None	+280	Richmond County (Unincorporated Areas).
	Approximately 600 feet upstream of Millstone Road (State Road 1487).	None	+280	Richmond County (Unincorporated Areas).
Buffalo Creek	At the confluence with Little River	None	+201	Richmond County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Cartledge Creek Road (State Road 1005).	None	+262	
Buffalo Creek Tributary 1.	At the confluence with Buffalo Creek	None	+224	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Buffalo Creek.	None	+238	
Camp Branch	At the confluence with Gum Swamp Creek	None	+256	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Cognac Road (State Road 1605).	None	+302	
Cartledge Creek	At the confluence with Pee Dee River	None	+152	Richmond County (Unincorporated Areas).
	Approximately 1,400 feet upstreamof John Webb Road (State Road 1308).	None	+294	
Cartledge Creek:				
Tributary 1	At the confluence with Cartledge Creek	None	+152	Richmond County (Unincorporated Areas).
	Approximately 2.0 miles upstream of the confluence with Cartledge Creek.	None	+219	
Tributary 2	At the confluence with Cartledge Creek	None	+168	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Dockery Road (State Road 1143).	None	+218	
Cheek Creek	At the confluence with Little River	None	+207	Richmond County (Unincorporated Areas).
	Approximately 1,800 feet upstream of the confluence with Little River.	None	+207	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Chock Creek	At the confluence with Hitchcock Creek	None	+239	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Gray Woods Road.	None	+279	
Chock Creek:				
Tributary 1	At the confluence with Chock Creek	None	+247	Richmond County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Chock Creek.	None	+260	
Tributary 2	At the confluence with Chock Creek	None	+263	Richmond County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Fox Road (State Road 1606).	None	+301	
Colemans Creek	At the confluence with Mountain Creek	None	+193	Richmond County (Unincorporated Areas).
	Approximately 1.8 miles upstream of Grassy Island Road (State Road 1148).	None	+271	
Cox Pond	At the upstream side of the Railroad	None	+274	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 150 feet downstream of McDonald Avenue.	None	+296	
Crawford Branch	Approximately 1.2 miles downstream of Old Peggy Mill Road (State Road 1610).	None	+260	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Old Peggy Mill Road (State Road 1610).	None	+302	
Crooked Creek	At County Line Road (State Road 1803)	None	+244	Richmond County (Unincorporated Areas).
	Approximately 700 feet downstream of Scholl Shankle Road (State Road 1805).	None	+268	
Drowning Creek	At the Richmond/Scotland/Hoke/Moore County boundaries.	None	+268	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery/Moore County boundary.	None	+368	
Gum Swamp Creek	At Gum Swamp Road (State Road 1609)	None	+255	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Marston Road (State Road 1001).	None	+329	
Hitchcock Creek	At the confluence with Pee Dee River	None	+138	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 0.6 mile upstream of the confluence of Indian Camp Lake.	None	+332	
Hitchcock Creek:				
Tributary 1	At the confluence with Hitchcock Creek	None	+186	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 250 feet downstream of Richmond Road.	None	+235	
Tributary 2	At the confluence with Hitchcock Creek	None	+195	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 30 feet downstream of Richmond Road.	None	+251	
Tributary 2A	At the confluence with Hitchcock Creek Tributary 2.	None	+195	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 0.5 mile upstream of the confluence with Hitchcock Creek Tributary 2.	None	+267	
Tributary 2B	At the confluence with Hitchcock Creek Tributary 2.	None	+241	City of Rockingham.
	Approximately 50 feet downstream of Richmond Road.	None	+249	
Tributary 3	At the confluence with Hitchcock Creek	None	+195	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 1,100 feet upstream of Nicholson Road.	None	+220	
Tributary 4	At the confluence with McKinney Lake/Hitchcock Creek.	None	+283	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with McKinney Lake/Hitchcock Creek.	None	+290	
Indian Camp Lake	At the confluence with Hitchcock Creek	None	+287	Richmond County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Hitchcock Creek.	None	+306	
Indian Camp Lake Tributary 1.	At the confluence with Indian Camp Lake	None	+296	Richmond County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1.4 miles upstream of the confluence with Indian Camp Lake.	None	+349	
Jennies Branch	At the confluence with Hitchcock Creek	+155	+159	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 1,300 feet upstream of Patterson Street.	None	+276	
Jobs Creek	At the confluence with Little Mountain Creek.	None	+375	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of U.S. Highway 220.	None	+418	
Joes Creek	Approximately 1,700 feet upstream of the confluence of Joes Creek Tributary.	None	+224	Richmond County (Unincorporated Areas).
	Approximately 500 feet upstream of Old Laurinburg Road (State Road 1614).	None	+276	
Joes Creek Tributary	At County Line Road (State Road 1802)	None	+261	Richmond County (Unincorporated Areas).
	Approximately 1.0 mile upstream of County Line Road (State Road 1802).	None	+282	
Kinsman Lake	Approximately 1,000 feet upstream of the confluence with South Prong Falling Creek.	None	+260	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 0.6 mile upstream of the confluence with South Prong Falling Creek.	None	+276	
Lightwood Knot Creek	Approximately 1,800 feet downstream of Ghio Road (State Road 1803).	None	+246	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Ghio Road (State Road 1803).	None	+259	
Little Hamer Creek	At the confluence with Wolf Branch Creek and Unnamed Tributary of Wolf Branch Creek.	None	+237	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery County boundary.	None	+241	
Little Mountain Creek	The confluence with Mountain Creek and Big Mountain Creek.	None	+246	Richmond County (Unincorporated Areas).
	Approximately 3.6 miles upstream of the confluence of Jobs Creek.	None	+486	
Little River	At the confluence with Pee Dee River	None	+200	Richmond County (Unincorporated Areas).
	Approximately 1,900 feet upstream of the confluence of Cheek Creek.	None	+207	
Marks Creek	At the North Carolina/South Carolina State boundary.	None	+120	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 2.3 miles upstream of Boyd Lake Road.	None	+340	
Marks Creek:				
Tributary 1	At the confluence with Marks Creek	None	+193	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Marks Creek.	None	+210	
Tributary 2	At the confluence with Marks Creek	None	+212	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Marks Creek.	None	+246	
Tributary 3	At the confluence with Marks Creek	None	+217	Richmond County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Marks Creek.	None	+257	
Tributary 4	At the confluence with Marks Creek	None	+221	Richmond County (Unincorporated Areas).
	Approximately 500 feet upstream of Homeplace Road (State Road 1995).	None	+247	
Tributary 5	At the confluence with Marks Creek	None	+225	Richmond County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Marks Creek.	None	+262	
Tributary 6	At the confluence with Marks Creek	None	+228	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of NC Highway 177.	None	+244	
Tributary 7	At the confluence with Marks Creek	None	+233	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of U.S. Highway 74.	None	+282	
Tributary 8	At the confluence with Marks Creek	None	+242	Richmond County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Marks Creek.	None	+263	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 9	At the confluence with Marks Creek	None	+294	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 0.4 mile upstream of Raintree Road.	None	+323	
Middle Prong Hamer Creek.	At the confluence with Little River	None	+201	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery County boundary.	None	+246	
Millstone Creek	At the confluence with Rocky Fork Creek/Millstone Lake.	None	+311	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Rocky Fork Creek/Millstone Lake.	None	+334	
Mountain Creek	At the confluence with Pee Dee River	None	+192	Richmond County (Unincorporated Areas).
	At the confluences of Big Mountain Creek and Little Mountain Creek.	None	+246	
Naked Creek (into Drowning Creek).	At the confluence with Drowning Creek	None	+313	Richmond County (Unincorporated Areas).
	At Research Farm Road (State Road 1527).	None	+458	
Naked Creek (into Pee Dee River).	At the confluence with Pee Dee River	None	+190	Richmond County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Parson Lake Road (State Road 1145).	None	+267	
North Prong Falling Creek.	Approximately 1,200 feet upstream of Long Drive.	None	+222	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 1.7 miles upstream of the confluence of North Prong Falling Creek Tributary 1.	None	+295	
North Prong Falling Creek Tributary 1.	At the confluence with North Prong Falling Creek.	None	+256	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with North Prong Falling Creek.	None	+265	
Paradise Creek	At the confluence with Rocky Fork Creek ..	None	+351	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Fire Tower Road (State Road 1455).	None	+369	
Pee Dee River	At the North Carolina/South Carolina State boundary.	None	+110	Richmond County (Unincorporated Areas).
	At the Montgomery/Richmond County boundary.	None	+220	
Rocky Fork Creek	At the confluence with Ledbetter Lake	None	+238	Richmond County (Unincorporated Areas).
	Approximately 1.3 miles upstream of O.G. Reynolds Road (State Road 1457).	None	+499	
Rocky Branch	At the confluence with Hitchcock Creek	None	+159	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 0.4 mile upstream of Sandhill Road (State Road 1971).	None	+263	
Rocky Fork Creek Tributary 1.	At the confluence with Rocky Fork Creek ..	None	+262	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Rocky Fork Creek.	None	+288	
Silver Creek	At the confluence with Big Mountain Creek	None	+373	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of County Line Road (State Road 1153).	None	+397	
Solomans Creek	At the confluence with Pee Dee River	None	+132	Richmond County (Unincorporated Areas).
	Approximately 900 feet upstream of Stokes Road (State Road 1992).	None	+259	
South Prong Cartledge Creek.	At the confluence with Cartledge Creek	None	+228	Richmond County (Unincorporated Areas).
	Approximately 1,600 feet upstream of Sandy Ridge Church Road (State Road 1305).	None	+302	
South Prong Falling Creek.	At the upstream side of the Richmond College Lake Dam.	None	+263	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 1,200 feet upstream of Wire Grass Road.	None	+297	
South Prong Falling Creek Tributary 1.	At the confluence with South Prong Falling Creek/Richmond College Lake.	None	+276	Richmond County (Unincorporated Areas), City of Hamlet.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1,800 feet upstream of the confluence with South Prong Falling Creek/Richmond College Lake.	None	+295	
Speeds Creek	At the confluence with Solomans Creek	None	+135	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Sandhill Road (State Road 1971).	None	+176	
Treeces Branch	At the confluence with Cartledge Creek	None	+184	Richmond County (Unincorporated Areas).
	Approximately 780 feet upstream of Cartledge Creek Road (State Road 1005).	None	+242	
Unnamed Tributary to Wolf Branch Creek.	At the confluence with Wolf Branch Creek and Little Hamer Creek.	None	+237	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery County boundary.	None	+245	
Watery Branch	At the confluence with Speeds Creek	None	+145	Richmond County (Unincorporated Areas).
	Approximately 1,900 feet upstream of the confluence with Speeds Creek.	None	+165	
White Creek Tributary	Approximately 1,000 feet downstream of Osborne Road (State Road 1803).	None	+198	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Osborne Road (State Road 1803).	None	+207	
Wolf Branch Creek	At the confluence with Middle Prong Hamer Creek.	None	+220	Richmond County (Unincorporated Areas).
	At the confluence of Little Hamer Creek and Unnamed Tributary of Wolf Branch Creek.	None	+237	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Hamlet

Maps are available for inspection at the Hamlet City Hall, 201 Main Street, Hamlet, North Carolina.
Send comments to The Honorable Cary Gamer, Mayor of the City of Hamlet, P.O. Box 1229, Hamlet, North Carolina 28345.

City of Rockingham

Maps are available for inspection at the Rockingham City Hall, Planning Department, 514 Rockingham Road, Rockingham, North Carolina.
Send comments to The Honorable Eugene B. McLaurin, Mayor of the City of Rockingham, 514 Rockingham Road, Rockingham, North Carolina 28379.

Town of Hoffman

Maps are available for inspection at the Hoffman Town Hall, 2176 Caddell Road, Hoffman, North Carolina.
Send comments to The Honorable Joann Marsh, Mayor of the Town of Hoffman, P.O. Box 40, Hoffman, North Carolina 28347.

Richmond County (Unincorporated Areas)

Maps are available for inspection at the Richmond County Planning Department, 221 South Hancock Street, Rockingham, North Carolina.
Send comments to Mr. Jim Haynes, Richmond County Manager, P.O. Box 504, Rockingham, North Carolina 28380.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 22, 2006.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–22524 Filed 1–3–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU93

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for 11 Species of Picture-wing Flies From the Hawaiian Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the reopening of the public comment period on the proposal to designate critical habitat for 11 species of Hawaiian picture-wing flies (*Drosophila aglaia, D. differens, D. hemipeza, D. heteroneura, D. montgomeryi, D. mulli, D. musaphilia, D. obatai, D. ochrobasis, D. substenoptera,* and *D. tarphytrichia*) and the availability of the draft economic analysis of the proposed designation of critical habitat for these species. We are reopening the comment period to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. We estimate costs related to conservation activities for the proposed

designation of critical habitat for the 11 species of Hawaiian picture-wing flies under sections 4, 7, and 10 of the Act to be approximately $933,270 to $6,742,520 over 20 years, or $46,664 to $337,126 annually in undiscounted 2006 dollars. We estimate costs to range from $749,600 to $5,139,460 over 20 years, or $50,385 to $345,454 annually using a three percent discount rate. We estimate costs using a seven percent discount rate to range from $597,940 to $3,794,230 over 20 years, or $56,441 to $358,149 annually.

DATES: We will accept public comments until January 19, 2007.

ADDRESSES: If you wish to comment on the proposed rule or draft economic analysis, you may submit your comments and materials identified by RIN 1018–AU93, by any of the following methods:

(1) *Mail or hand delivery:* You may submit written comments and information to Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, HI 96850.

(2) *Fax:* You may fax your comments to 808/792–9581.

(3) *E-mail:* You may send comments by electronic mail (e-mail) to *fw1pie_pwfchp@fws.gov*. Please see the Public Comments Solicited section below for file format and other information about electronic filing.

(4) *Federal eRulemaking portal: http://www.regulations.gov*. Follow the instructions found there for submitting comments.

FOR FURTHER INFORMATION CONTACT: Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office, (see **ADDRESSES** section) (telephone 808/792–9400; fax 808/792–9581). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800/877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We are soliciting comments on the proposed critical habitat designation that was published in the **Federal Register** on August 15, 2006 (71 FR 46994) and on our draft economic analysis of the proposed designation. Copies of the proposed rule to designate critical habitat and the draft economic analysis are available on the Internet at *http://www.fws.gov/pacificislands* or from our Pacific Islands Fish and Wildlife Office at the address and contact numbers above. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this comment period, and will be fully considered in preparation of the final rule.

We are particularly interested in comments concerning:

(1) The reasons any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act (16 U.S.C. 1531 et seq.), including whether it is prudent to designate critical habitat. We have not proposed critical habitat for a twelfth species, D. neoclavisetae, because the physical and biological features essential to its conservation in the Puu Kukui Watershed Management Area are not in need of special management considerations or protection;

(2) Specific data on those specific areas that should be included in the designations that were identified as occupied at the time of listing that contain the features essential for the conservation of the species; and those specific areas that were not occupied by the species at the time it was listed but which have subsequently been identified as occupied and those unoccupied areas that are essential to the conservation of the species and should be included in the designations and why such areas are essential;

(3) Data on land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Data on any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments;

(6) Whether the economic analysis adequately addresses the likely effects and resulting costs arising from State laws as a result of the proposed critical habitat designation;

(7) Whether the economic analysis correctly assesses the effect on regional costs associated with land use controls that could arise from the designation of critical habitat for these species;

(8) Whether the designation of critical habitat will result in disproportionate economic or other impacts to specific areas that should be evaluated for possible exclusion from the final designation;

(9) Whether the economic analysis appropriately identifies all costs that could result from the designation of critical habitat for these species;

(10) Whether the benefits of exclusion in any particular area outweighs the benefits of inclusion under section 4(b)(2) of the Act; and

(11) Whether critical habitat should be proposed in the Puu KuKui Watershed and why.

Our final designation of critical habitat will take into consideration all comments and any additional information received, including all previous comments and information submitted during the initial comment period.

Please include "RIN 1018–AU93" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us directly (see **ADDRESSES** section). Please note that the e-mail address *fw1pie_pwfchp@fws.gov* will be unavailable after the public comment period terminates.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their names and home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Background

On August 15, 2006, we published a proposed rule in the **Federal Register** (71 FR 46994) to designate critical habitat for 11 species of Hawaiian picture-wing flies. In accordance with an amended settlement agreement approved by the United States District Court for the District of Hawaii on August 31, 2005 (*CBD* v. *Allen*, CV–05–274–HA), the Service must submit. for publication in the **Federal Register**, a final critical habitat determination by April 17, 2007.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat

based upon the best scientific and commercial data available, after taking into consideration the economic or any other relevant impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the 11 species of Hawaiian picture-wing flies, we have prepared a draft economic analysis of the proposed critical habitat designation. We have not proposed critical habitat for a twelfth species, *D. neoclavisetae*, because the specific areas and physical and biological features essential to its conservation in the Puu Kukui Watershed Management Area are not in need of special management considerations or protection.

The draft economic analysis addresses the impacts of conservation efforts for these 11 species on activities occurring on lands proposed for designation as well as those proposed for exclusion. The analysis measures lost economic efficiency associated with a commercial timber operation, commercial cattle grazing, management of public and private conservation lands, and residential development, and administrative costs related to the consultation process under section 7 of the Act.

The draft economic analysis considers the potential economic effects of actions relating to the conservation of the 11 species of Hawaiian picture-wing flies, including costs associated with sections 4, 7, and 10 of the Act, and including those attributable to designating critical habitat. It further considers the economic effects of protective measures taken as a result of other Federal, State, and local laws that aid habitat conservation for these 11 species in the areas proposed as critical habitat. The analysis considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the "opportunity costs" associated with the commitment of resources to comply with habitat protection measures (*e.g.*, lost economic opportunities associated with restrictions on land use). The study also analyzes whether a particular group or economic sector bears an undue proportion of the impacts, with specific analysis of the impacts to small entities and potential impacts on energy availability. Finally, this analysis estimates economic impacts to activities from 2006 (the year of the final listing for the 11 species) to 2026 (20 years from the year of proposed designation of critical habitat). Forecasts of economic conditions and other factors beyond the next 20 years would be speculative.

We solicit data and comments from the public on the draft economic analysis, as well as on all aspects of the proposal to designate critical habitat. We may revise the proposal, or its supporting documents, to incorporate or address new information received during the comment period. In particular, we may exclude an area from the final designation of critical habitat if the Secretary determines that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

We estimate costs related to conservation activities for the proposed designation of critical habitat for the 11 species of Hawaiian picture-wing flies under sections 4, 7, and 10 of the Act to be approximately $933,270 to $6,742,520 over 20 years, or $46,664 to $337,126 annually in undiscounted 2006 dollars. We estimate costs to range from $749,600 to $5,139,460 over 20 years, or $50,385 to $345,454 annually using a three percent discount rate. We estimate costs using a seven percent discount rate to range from $597,940 to $3,794,230 over 20 years, or $56,441 to $358,149 annually.

We estimate costs related to conservation activities for the units proposed for exclusion from the final designation of critical habitat for the 11 species of Hawaiian picture-wing flies under sections 4, 7, and 10 of the Act to be approximately $221,600 to $1,754,590 over 20 years, or $11,080 to $87,730 annually in undiscounted 2006 dollars. We estimate costs to range from $178,270 to $1,324,930 over 20 years, or $11,983 to $89,056 annually using a three percent discount rate. We estimate costs using a seven percent discount rate to range from $142,050 to $966,480 over 20 years, or $13,409 to $91,229 annually.

Required Determinations—Amended

In our August 15, 2006, proposed rule (71 FR 46994), we indicated that we would be deferring our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders was available in the draft economic analysis. Those data are now available for our use in making these determinations. In this notice we are affirming the information contained in the proposed rule concerning Executive Order 13132 and Executive Order 12988; the Paperwork Reduction Act; the National Environmental Policy Act; and the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments (59 FR 22951). Based on the information made available to us in the draft economic analysis, we are amending our Required Determinations, as provided below, concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 13211, Executive Order 12630, and the Unfunded Mandates Reform Act.

Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule because it may raise legal and policy issues. On the basis of our draft economic analysis, the designation of critical habitat for these species is not anticipated to have an annual effect on the economy of $100 million or more or affect the economy in a material way. Due to the timeline for publication in the **Federal Register**, the Office of Management and Budget (OMB) has not formally reviewed the proposed rule.

Further, Executive Order 12866 directs Federal Agencies promulgating regulations to evaluate regulatory alternatives (Office of Management and Budget, Circular A–4, September 17, 2003). Pursuant to Circular A–4, once it has been determined that the Federal regulatory action is appropriate, the agency will then need to consider alternative regulatory approaches. Since the determination of critical habitat is a statutory requirement pursuant to the Endangered Species Act of 1973, as amended, we must then evaluate alternative regulatory approaches, where feasible, when promulgating a designation of critical habitat.

In developing our proposed designation of critical habitat, we consider economic impacts, impacts to national security, and other relevant impacts under section 4(b)(2) of the Act. Based on the discretion allowable under this provision, we may exclude any particular area from the designation of critical habitat providing that the benefits of such exclusion outweigh the benefits of specifying the area as critical habitat and that such exclusion would not result in the extinction of the species. As such, we believe that the evaluation of the inclusion or exclusion of particular areas, or combination thereof, in a designation constitutes our regulatory alternative analysis.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency must publish a notice of rulemaking for any proposed

or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. In our proposed rule, we withheld our determination of whether this designation would result in a significant effect as defined under SBREFA until we completed our draft economic analysis of the proposed designation so that we would have the factual basis for our determination.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if this proposed designation of critical habitat for the 11 species of Hawaiian picture-wing flies would affect a substantial number of small entities, we evaluated the entities potentially impacted within particular types of economic activities (*e.g.*, management of public and private conservation lands, residential development, forestry, and agriculture). We considered each industry or category individually to determine the impacts. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by the designation of critical habitat. Designation of critical habitat only affects activities conducted, funded, permitted or authorized by Federal agencies; non-Federal activities are not affected by the designation.

If this proposed critical habitat designation is made final, Federal agencies must consult with us if their activities may affect designated critical habitat. Consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process.

Our draft economic analysis of this proposed designation evaluated the potential economic effects on small business entities resulting from conservation actions related to the listing of these 11 species and proposed designation of critical habitat. We determined from our analysis that no small business entities will be affected because none of the potentially impacted entities meet the definition of small business entities. Based on these data, we have determined that this proposed designation would not result in a significant economic impact on a substantial number of small entities.

Executive Order 13211—Energy Supply, Distribution, and Use

On May 18, 2001, the President issued Executive Order (E.O.) 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This proposed rule is considered a significant regulatory action under E.O. 12866 because it raises novel legal and policy issues, but it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), the Service makes the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)–(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or tribal governments," with two exceptions. It excludes "a condition of federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding" and the State, local, or tribal governments "lack authority" to adjust accordingly. (At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement.) "Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program."

The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Non-Federal entities that receive Federal funding, assistance, permits, or otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above on to State governments.

(b) A small Government Agency Plan is not required because none of the potentially impacted entities is considered to be a "small entity" under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act.

Takings

In accordance with Executive Order 12630 ("Government Actions and

Interference with Constitutionally Protected Private Property Rights"), we have analyzed the potential takings implications of proposing critical habitat for the 11 species of Hawaiian picture-wing flies. Critical habitat designation does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. In conclusion, the designation of critical habitat for the 11 species of Hawaiian picture-wing flies does not pose significant takings implications.

Author

The author of this document is the staff of the Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: December 21, 2006.

David Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–22538 Filed 1–3–07; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 72, No. 2
Thursday, January 4, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Friday, January 26, 2007 at the Okanogan and Wenatchee National Forests Headquarters office, 215 Melody Lane, Wenatchee, WA. This meeting will begin at 9:30 a.m. and continue until 3:30 p.m. During this meeting Provincial Advisory Committee members will discuss Roadless Area considerations and potential Wilderness in conjunction with Forest Plan Revision for the Okanogan and Wenatchee National Forests. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509–664–9200.

Dated: December 28, 2006.

Paul Hart,

Designated Federal Official, Okanogan and Wenatchee National Forests.

[FR Doc. 06–9964 Filed 1–3–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council will meet in Washington, DC, February 6–8, 2007. The purpose of the meeting is to discuss emerging issues in urban and community forestry.

DATES: The meeting will be held February 6–8, 2007.

ADDRESSES: The meeting will be held at The Jefferson Hotel, 1200 Sixteenth Street, NW., Washington, DC 20036. Individuals who wish to speak at the meeting or to propose agenda items must send their names and proposals to Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, P.O. Box 1003, Sugarloaf, CA 92386–1003. Individuals may fax their names and proposed agenda items to (909) 585–9527.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Urban and Community Forestry Staff, (909) 585–9268, or via e-mail at *sdelvillar@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Council discussion is limited to Forest Service staff and Council members; however, persons who wish to bring urban and community forestry matters to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided.

Dated: December 11, 2006.

Robin L. Thompson,

Associate Deputy Chief.

[FR Doc. E6–22546 Filed 1–3–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Census Bureau

The American Community Survey

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paper work and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 5, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 or via the Internet at *DHynek@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Susan Schechter, U.S. Census Bureau, American Community Survey Office, Washington, DC 20233 via FAX on (301) 763–8070 or via the Internet at *susan.schechter.bornter@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Given the rapid demographic changes experienced in recent years and the strong expectation that such changes will continue and accelerate, the once-a-decade detailed data collection as part of a decennial census is no longer acceptable. To meet the needs and expectations of the country, the Census Bureau developed the American Community Survey. This survey collects detailed population and housing data every month and provides tabulations of these data on a yearly basis. In the past, the long-form data were collected only at the time of each decennial census. The American Community Survey allowed the Census Bureau to remove the long form from the plans for the 2010 Census, thus reducing operational risks, improving accuracy, and providing more relevant data. After years of development and testing, the American Community Survey began full implementation in households in January 2005 and in group quarters (GQs) in January 2006.

The American Community Survey provides more timely information for critical economic planning by governments and the private sector. In the current information-based economy, federal, state, tribal, and local decision makers, as well as private business and non-governmental organizations, need current, reliable, and comparable socioeconomic data to chart the future.

In 2006, the American Community Survey began publishing up-to-date profiles of American communities every year, providing policymakers, planners, and service providers in the public and private sectors this information every year—not just every ten years.

The American Community Survey will provide data at the census tract level by July 2010. These data are needed by federal agencies and others and provides assurance that long-form type data are available after the elimination of the long form from the 2010 Census.

The Census Bureau presently plans to resubmit the American Community Survey to the Office of Management and Budget (OMB) for extended clearance with content changes. The current ACS content has been reviewed by the Census Bureau, in conjunction with Federal agency stakeholders, to determine potential areas for improved item response and/or data quality.

In the 2006 ACS Methods Test, the Census Bureau conducted cognitive testing of questions identified by the Census Bureau and federal agency stakeholders for changes to improve data quality and/or item response rates. The question, instruction, and/or response category modifications to some of the 2005 ACS content were field tested. The tested questions included: Year structure built, number of rooms and bedrooms, plumbing and kitchen facilities, telephone availability, vehicles, heating fuel, food stamp benefit, value of this property, mortgage components, place of birth, citizenship, year of arrival in the U.S., school enrollment, educational attainment, residence 1 year ago, disability, military status, period of military service, work last week, temporarily absent from a job, looking for work, weeks worked, industry and occupation. Based on the results of the testing, modifications to some of these questions will be incorporated into the 2008 ACS data collection instruments.

In addition to testing modifications to 2005 ACS questions, the 2006 ACS Methods Test also included testing three new topics proposed by Federal agency stakeholders: Health insurance coverage, marital history, and veteran's service-connected disability. Two final components of the 2006 ACS Methods Test included testing a sequential verses grid design to the ACS questionnaire, and testing the inclusion of a questionnaire instruction booklet in the mailing package. The results of 2006 ACS testing will be incorporated into the survey instruments and formally submitted to OMB for review and approval.

II. Method of Collection

The Census Bureau will mail questionnaires to households selected for the American Community Survey. For households that do not return a questionnaire, Census Bureau staff will attempt to conduct interviews via Computer-assisted Telephone Interviews (CATI). We will also conduct Computer-assisted Personal Interviews (CAPI) for a sub sample of nonrespondents. A quality control reinterview will be conducted for a small sample of respondents.

For most types of GQs, Census Bureau field representatives (FRs) will conduct personal interviews with respondents to complete questionnaires or, if necessary, leave questionnaires and ask respondents to complete. Information from GQ contacts will be collected via CAPI. A GQ contact reinterview will be conducted from a sample of GQs primarily through CATI. A very small percentage of the GQ reinterviews will be conducted via CAPI.

The Census Bureau staff will provide Telephone Questionnaire Assistance (TQA) and if the respondent indicates a desire to complete the survey by telephone, the TQA interviewer conducts the interview.

III. Data

OMB Number: 0607–0810.

Form Number(s): ACS–1, ACS–1(SP), ACS–1(PR), ACS–1(PR)SP, ACS–1(GQ), ACS–1(PR)(GQ), GQFQ, ACS CATI (HU), ACS CAPI (HU), ACS RI (HU), and AGQ RI.

Type of Review: Regular.

Affected Public: Individuals, households, and businesses.

Estimated Number of Respondents: We plan to contact the following number of respondents each year: 3,000,000 households; 200,000 persons in group quarters; 20,000 contacts in group quarters; 27,000 households for reinterview; and 1,500 group quarters contacts for reinterview.

Estimated Time Per Response: Estimates are 38 minutes per household, 15 minutes per group quarters contact, 25 minutes per resident in group quarters, and 10 minutes per household or GQ contact in the reinterview samples.

Estimated Total Annual Burden Hours: The estimate is an annual average of 1,994,500 burden hours.

Estimated Total Annual Cost: Except for their time, there is no cost to respondents.

Respondent Obligation: Mandatory.

Authority: Title 13, United States Code, Section 182.

IV. Request for 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 (including hours and cost) 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 collections techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for the OMB approval of this information collection; they also will become a matter of public record.

Dated: December 28, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–22560 Filed 1–3–07; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–892

Carbazole Violet Pigment 23 from the People's Republic of China: Notice of Court Decision Not In Harmony with Final Determination of Sales at Less than Fair Value

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

SUMMARY: On December 8, 2006, the United States Court of International Trade ("CIT") sustained the final remand determination made by the Department of Commerce ("the Department") pursuant to the CIT's remand of the final determination of the less–than-fair–value investigation of Carbazole Violet Pigment 23 ("CVP 23") from the People's Republic of China. *See Goldlink Industries Co., Ltd., Trust Chem Co., Ltd., Tianjin Hanchem International Trading Co., Ltd. V. United States, and Nation Ford Chemical Company and Sun Chemical Corporation, and Clariant Corporation*, Consol. Ct. 05–00060, (Ct. Int'l Trade Dec. 8, 2006). This case arises out of the Department's final determination in the investigation covering the period April 1, 2003, through September 30, 2003. *See Notice of Final Determination of*

Sales at Less Than Fair Value for Carbazole Violet Pigment 23 from the People's Republic of China, 69 FR 67304 (November 17, 2004) ("Final Determination"). The final judgment in this case was not in harmony with the Department's Final Determination.

EFFECTIVE DATE: December 18, 2006.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–4474 or (202) 482–0650, respectively.

SUPPLEMENTARY INFORMATION: In *Goldlink Industries Co., Ltd., Trust Chem Co., Ltd., Tianjin Hanchem International Trading Co., Ltd. v. United States*, 431 F. Supp. 2d 1323 (CIT 2006), the CIT remanded the underlying final determination to the Department to (1) re–examine its determination to apply total adverse facts available ("AFA") to Tianjin Hanchem International Trading Co., Ltd. ("Hanchem"); (2) further explain its determination that the subsidies Pidilite Industries, Ltd. ("Pidilite"), an Indian producer of CVP, received did not distort Pidilite's financial ratios; (3) re–examine the surrogate values for benzene sulfonyl chloride, calcium chloride and steam; (4) either include terminal charges and brokerage fees in movement costs or precisely and reasonably explain its decision not to include such costs; and (5) re–open the record and allow parties to submit new information as necessary.

On September 22, 2006, the Department released the Draft Remand Redetermination to interested parties and requested that they submit comments by September 27, 2006. The petitioners submitted comments on September 27, 2006. Respondents did not submit comments. On October 16, 2006, the Department issued to the CIT its final results of redetermination pursuant to remand. In the remand redetermination the Department (1) applied partial AFA to Hanchem; (2) explained how the subsidies Pidilite received did not distort Pidilite's financial ratios; (3) re–calculated the surrogate values for benzene sulfonyl chloride, calcium chloride and steam; (4) explained why it is not appropriate to include terminal charges and brokerage fees in movement costs; and (5) re–opened the record and allowed parties to submit new information with respect to the surrogate value of steam. Thus, the Department recalculated the antidumping duty rates applicable to Goldlink Industries Co., Ltd., Trust Chem Co., Ltd., Hanchem, Nantong Haidi Chemicals Co., Ltd., and the PRC–wide entity. On December 8, 2006, the CIT sustained the final redetermination made by the Department pursuant to the CIT's remand of the *Final Determination*.

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit ("CAFC") held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in this case on December 8, 2006, constitutes a final decision of the court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: December 27, 2006.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E6–22559 Filed 1–3–07; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–802]

Gray Portland Cement and Clinker From Mexico: Initiation of an Antidumping Duty Changed-Circumstances Review

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

SUMMARY: In response to a request for a changed-circumstances review from Holcim Apasco, S.A. de C.V. (Apasco) and pursuant to Section II.B.6 of the Agreement between the Office of the United States Trade Representative, the United States Department of Commerce and Secretaria de Economia on Trade in Mexican Cement (the Agreement) dated March 6, 2006, the Department of Commerce is initiating a changed-circumstances review of the antidumping duty order on gray portland cement and clinker from Mexico.

EFFECTIVE DATE: January 4, 2007.

FOR FURTHER INFORMATION CONTACT: George Callen at (202) 482–0180 or Minoo Hatten at (202) 482–1690, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1990, the Department of Commerce (the Department) published the antidumping duty order on gray portland cement and clinker from Mexico (Mexican cement). See *Antidumping Duty Order: Gray Portland Cement and Clinker From Mexico*, 55 FR 35443. According to the Agreement, upon request, the Department "shall conduct an expedited changed-circumstances review to establish a new estimated duty deposit rate for any Mexican Cement exporter (and its affiliated parties) that": (a) Had an estimated duty deposit rate under the Mexican Cement Order; (b) did not receive the new estimated duty deposit rate of three U.S. dollars ($3.00) per metric ton referenced in Section II.A.4.b of this Agreement; and (c) exported Mexican Cement to the United States in the year preceding the Effective Date or exports Mexican Cement to the United States while the Agreement remains in force.

On December 14, 2006, pursuant to section II.B.6 of the Agreement, Apasco requested that the Department conduct a changed-circumstances review of certain export sales of the subject merchandise to the United States made by Apasco during the period October through December 2006.

Scope of the Order

The products subject to this order include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than of being ground into finished cement. Gray portland cement is currently classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) item number 2523.29, and cement clinker is currently classifiable

under HTSUS item number 2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as "other hydraulic cements." Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Initiation of Changed-Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216 (2005), and Section II.B.6 of the Agreement, the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. Apasco claims that it has satisfied the criteria detailed above to warrant such a review. See 19 CFR 351.216(d) and II.B.6 of the Agreement. We agree. Therefore, in accordance with the above-referenced regulation, the Department is initiating a changed-circumstances review. The Department will issue questionnaires requesting factual information for the review, and will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed-circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. Recognizing that the Agreement specifies an expedited review, we will make every effort to issue final results of review in an expeditious manner, but no later than the regulatory deadline in accordance with 19 CFR 351.216(e). During the course of this antidumping duty changed circumstances review, we will not change the cash deposit requirements for the merchandise subject to review. The cash deposit will be altered, if warranted, pursuant only to the final results of this review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: December 27, 2006.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. 06–9977 Filed 12–29–06; 4:10 pm]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–580–841)

Structural Steel Beams from Korea: Notice of Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On September 7, 2006, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on structural steel beams from Korea. *See Structural Steel Beams from Korea: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 52766 (September 7, 2006) (*Preliminary Results*). This administrative review covers INI Steel Company and Dongkuk Steel Mill Co., Ltd., manufacturers and exporters of the subject merchandise. The period of review is August 1, 2004, through July 31, 2005.

We did not receive any comments from parties, and we have not made any changes to our analysis. The final weighted–average dumping margins for the reviewed firms are thus unchanged from our preliminary results of review, and are shown in the section entitled "Final Results of Review."

EFFECTIVE DATE: January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Maryanne Burke or Steve Bezirganian, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–5604 or (202) 482–1131, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2006, the Department published in the **Federal Register** its preliminary results of the administrative review of structural steel beams from Korea for the period August 1, 2004 through July 31, 2005. See *Preliminary Results*. No party commented on *Preliminary Results*.

Scope of the Order

The products covered by this order are doubly–symmetric shapes, whether hot–or cold–rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide–flange beams ("W" shapes), bearing piles ("HP" shapes), standard beams ("S" or "I" shapes) and M–shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this order unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of this order: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7216.32.00000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.99.0010, 7216.99.0090, 7228.70.3010, 7228.70.3041, and 7228.70.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Changes Since the Preliminary Results

As noted above, no parties commented on Preliminary Results. The Department is making no changes to its preliminary analysis.

Final Results of Review:

As a result of our review, we determine that the following weighted–average margins exist for the period of August 1, 2004, through July 31, 2005:

Manufacturer/Exporter	Margin
INI Steel Company	1.91%
Dongkuk Steel Mill Co., Ltd.	0.00%

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930 (the Act), and 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates (or, when the importer was unknown by the respondent, customer–specific duty assessment rates) on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales observations involving each importer (or customer, when appropriate) to the total entered value of the examined sales observations for that importer (or customer, when appropriate).

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of structural steel beams during the POR produced by INI Steel

Company or Dongkuk Steel Mill Co., Ltd. but not imported by one of the importers (or sold to one of the customers) for which importer–specific (or customer–specific) duty assessments rates were calculated. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for an intermediate company or companies involved in the transaction. For a discussion of this clarification, see *Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

On March 15, 2006, the United States International Trade Commission determined that revocation of the antidumping duty order on structural steel beams from Korea would not likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Consequently, the Department has revoked this order, effective August 18, 2005. *See Revocation of Antidumping and Countervailing Duty Orders: Structural Steel Beams from Japan and South Korea*, 71 FR 15375 (March 28, 2006). Therefore, there is no need to issue new cash deposit instructions for this administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 27, 2006.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E6–22556 Filed 1–3–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of the Supplemental Environmental Impact Statement for the Permanent Stationing of Stryker Brigade Combat Team Number 5

AGENCY: Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Army intends to prepare a Supplement to the 2004 Final Environmental Impact Statement for Transformation of the 2nd Brigade, 25th Infantry Division (Light) (2nd Bde, 25th ID(L)) to a Stryker Brigade Combat Team (SBCT). The Army has directed the 2nd Bde, 25th ID(L) to transform into the 5th SBCT. The Supplemental Environmental Impact Statement (SEIS) will assess the potential environmental impacts associated with the proposed permanent home stationing of the 5th SBCT at its current location in Hawaii and at other reasonable locations outside of Hawaii. The no action alternative is to return the 2–25th Bde, 25th ID (L) to its original structure as it existed prior to its transformation. The no-action alternative is no longer feasible, however, as the Army Campaign Plan (ACP) has directed all previously existing Light Brigades to transform to the standard expeditionary configuration of the Infantry Brigade Combat Team (IBCT). Alternatives analyzed in the SEIS may also consider whether to return an IBCT to replace the 2–25th Bde, 25th ID (L) or whether not to replace the brigade at all. Other locations for the permanent stationing of the 5th SBCT could include Fort Richardson and Donnelly Training Area (DTA) in Alaska, Fort Lewis and Yakima Training Center (YTC) in Washington, Fort Carson and the Piñon Canyon Maneuver site (PCMS) in Colorado, or Fort Knox in Kentucky. The PCMS, YTC and DTA are separate maneuver training facilities that will not be considered for the permanent housing and life support of the Soldiers and families of the 5th SBCT as part of the alternatives included in the SEIS for analysis. These sites would only be used to support unit training requirements of the 5th SBCT and not the life support functions required by the SBCT's Soldiers and families. The SEIS will include evaluation of the different locations which could reasonably accommodate, support, and sustain the 5th SBCT and meet its requirements for range and maneuver training; maintenance requirements; and Soldier and Family Quality of Life requirements (e.g. schools, gyms, medical facilities, reducing family disruption). The proposed action will require the Army to balance strategic, sustainment, and environmental considerations to provide greater flexibility and responsiveness to meet today's evolving world conditions and threats to National defense and security. The SEIS will analyze the proposed action's impacts upon the natural, cultural, and man-made environments at the alternative permanent home-stationing sites.

The SBCT is a maneuver brigade that includes, infantry, artillery, engineers, and other assets, totaling between 3,900–4,100 soldiers and 950–1050 vehicles, including between 310–330 Stryker vehicles depending on the Army's final determination of the 5th BCTs force structure requirements. The action may have significant environmental impacts from the training of the brigade and construction to support its training and quality of life requirements.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Robert DiMichele, Chief, Public Affairs Office, US Army Environmental Command, Building E4460, 5179 Hoadley Road, Attention: IMAE–PA, Aberdeen Proving Ground, MD 21010–5401, telephone: 410–436–2556, facsimile: 410–436–1693, e-mail: *robert.dimichele@us.army.mil.*

SUPPLEMENTARY INFORMATION: The Stryker is an armored, wheeled combat vehicle. The increased survivability offered by the Stryker vehicle protects Soldiers against enemy actions. The increased lethality, mobility, and battle command capabilities of the SBCT allow an SBCT to conduct operations in an area of up to 100km by 100km, an area that would be formerly under the operational command of an entire Army division consisting of three brigades. The SBCT requires both facilities for Soldiers and their vehicles, Soldier's families, as well as the training space necessary to support the 5th SBCT.

The Final Environmental Impact Statement (FEIS) for Transformation of the 2nd Bde, 25th ID(L) to a Stryker Brigade Combat Team was released in May 2004, with the Record of Decision (ROD) following in July 2004. The selected action was to transform the 2nd

Bde, 25th ID(L) to an SBCT and home station it in Hawaii.

The 2nd Bde, 25th ID(L) began its transformation to the 5th SBCT shortly after completion of the 2004 FEIS and ROD. As of November 2006, the Brigade has completed about 60% of the training required to achieve combat efficiency and has received about 70% of its equipment. The Brigade is scheduled to complete its training and equipment fielding in late 2007. The Brigade must be available for deployment to meet joint force and on-going operational requirements in November of 2007.

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. & et seq.) and the Army NEPA procedures, Environmental Analysis of Army Action (32 CFR Part 651) require the Army to consider the environmental impacts of their actions and alternatives, and to solicit the views of the public, so they can make an informed final decision regarding how to proceed. In particular, the Court concluded the Army had a duty under the National Environmental Policy Act (NEPA) to consider locations other than Hawaii for the 5th SBCT.

The proposed action would result in the permanent home stationing of the 5th SBCT. Evaluations will include strategic military and National defense and security considerations. Evaluations will include strategy military and National defense and security consideration, to include which locations, if selected, are capable of supporting the National Security Strategy (2006), the Quadrennial Defense Review (QDR, 2006), National Military Strategy, and the Army Campaign Plan (ACP). These strategic guidance documents have been incorporated into the Army's decision making process. All of these individual components will be considered in the 5th SBCT stationing SEIS to ensure a range of reasonable alternatives are carried forward which support the National Security Strategy (2006). Based on public scoping and factors discussed above, the Army will refine its range of reasonable alternatives to the extent possible to accommodate both mission requirements and Soldier and family quality of life. In reaching this decision the Army will assess and consider public concerns. Analysis will focus on the Purpose of and Need for the Proposed Action. The analysis will evaluate each installation's capability to support the stationing and training of the 5th SBCT in conjunction with meeting the requirements set forth in the National Security Strategy (2006) and its supporting Army initiatives and plans.

The SEIS will assess, consider, and compare the direct, indirect, and cumulative environmental effects from the permanent stationing of the 5th SBCT in Hawaii and reasonable alternate locations. These locations could include permanent stationing of the 5th SBCT in Hawaii, at Fort Richardson and Donnelly Training Area in Alaska, Fort Lewis and Yakima Training Center in Washington, Fort Carson and Piñon Canyon Maneuver site in Colorado, or Fort Knox in Kentucky. The no action alternative is to return the 2–25th BDE(L) to its original structure as it existed prior to its transformation. Under established Army Force Structure the no-action alternative is not feasible, as the ACP directed that all Brigades be transformed to expeditionary modular standardized configurations. Only three types of expeditionary modular BCTs exist; Heavy, Infantry and Stryker.

The primary environmental issues to be analyzed will include those identified as the result of the scoping process and installation-specific considerations. These issues may include impacts to soil, water and air quality, airspace conflicts, natural and cultural resources, land use compatibility, noise, socio-economics, environmental justice, energy use, human health and safety considerations, and infrastructure and range/training requirements.

Scoping and Public Comment: All interested members of the public, including native communities and Federally Recognized Indian Tribes (to include Alaska Native Tribes), Native Hawaiian groups, and Federal, State, and local agencies are invited to participate in the scoping process for the preparation of this SEIS. Written comments identifying environmental issues, concerns and opportunities to be analyzed in the SEIS will be accepted following publication of the Notice of Intent in the **Federal Register**. There will be a 45-day public comment period following publication of the Notice of Intent in the **Federal Register**. Scoping meetings will be held at the installations identified as potentially reasonable alternative home stationing sites. Notification of the times and locations for the scoping meetings will be published in local newspapers. The scoping process will help identify environmental issues, concerns and opportunities to be analyzed in the SEIS.

Dated: December 28, 2006.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army, (Environment, Safety, and Occupational Health).

[FR Doc. 06–9966 Filed 1–3–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Global Nuclear Energy Partnership

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The Department of Energy (DOE) intends to prepare a Programmatic Environmental Impact Statement for the Global Nuclear Energy Partnership initiative (GNEP PEIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality's (CEQ's) and DOE's regulations implementing NEPA (40 CFR Parts 1500–1508 and 10 CFR Part 1021, respectively). GNEP would encourage expansion of domestic and international nuclear energy production while reducing nuclear proliferation risks, and reduce the volume, thermal output, and radiotoxicity of spent nuclear fuel (spent fuel or SNF) before disposal in a geologic repository.

Domestically, GNEP involves a programmatic proposal as well as project-specific proposals. The programmatic proposal is to begin to recycle spent fuel and destroy the long-lived radioactive components of that spent fuel. Toward this end, GNEP includes project-specific proposals to construct and operate three facilities. The proposed nuclear fuel recycling center would separate the SNF into its reusable components and waste components and manufacture new nuclear fuel using reusable components that still have the potential for use in nuclear power generation. The proposed advanced recycling reactor would destroy long-lived radioactive elements in the fuel while generating electricity. The advanced fuel cycle research facility would perform research into SNF recycling processes and other aspects of advanced nuclear fuel cycles. The GNEP PEIS will consider 13 sites as possible locations for one or more of these facilities, as well as alternative technologies to be used in these facilities. Internationally, GNEP involves two programmatic initiatives. First, the United States would cooperate with countries that have advanced

nuclear programs to supply nuclear fuel services to countries that refrain from pursuing enrichment or recycling facilities to make their own nuclear fuel. Such countries would have no need to develop the technology and infrastructure to enrich uranium or separate plutonium, both of which have application in the production of nuclear weapons. Second, the United States would promote proliferation-resistant nuclear power reactors suitable for use in developing economies.

The GNEP PEIS will analyze the potential environmental impacts of these programmatic and project-specific proposals, as well as reasonable alternatives. The GNEP PEIS also will evaluate at a programmatic level the potential environmental impacts associated with the international aspects of GNEP, including alternatives. The **SUPPLEMENTARY INFORMATION** section of this Notice of Intent (NOI) describes the alternatives that DOE proposes to evaluate in the GNEP PEIS. This NOI also identifies dates, times, and locations for public scoping meetings on the GNEP PEIS.

DATES: DOE invites Federal, state, and local governments, Native American Tribes, industry, other organizations, and members of the public to provide comments on the proposed scope, alternatives, and environmental issues to be analyzed in the GNEP PEIS. The public scoping period starts with the publication of this NOI in the **Federal Register** and will continue through April 4, 2007. All comments received during the public scoping period will be considered in preparing the GNEP PEIS. Late comments will be considered to the extent practicable. Public scoping meetings are discussed below in the **SUPPLEMENTARY INFORMATION** section. Federal or state agencies, local governments, or Native American Tribes that want to be considered as a cooperating agency in preparation of this PEIS should contact Mr. Timothy A. Frazier at the address listed below.

ADDRESSES: Please direct comments, suggestions, or relevant information on the GNEP PEIS to: Mr. Timothy A. Frazier, GNEP PEIS Document Manager, Office of Nuclear Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, Telephone: 866–645–7803, Fax: 866–645–7807, e-mail to: *GNEP-PEIS@nuclear.energy.gov*. Please mark envelopes, faxes, and e-mail: "GNEP PEIS Comments." Additional information on GNEP may be found at *http://www.gnep.energy.gov*.

For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0103, 202–586–4600, or by leaving a message at 1–800–472–2756. Additional information regarding DOE's NEPA activities is available on the DOE NEPA Web site at *http://www.eh.doe.gov/nepa*. This NOI is available at *http://www.eh.doe.gov/nepa* and *http://www.gnep.energy.gov*.

SUPPLEMENTARY INFORMATION:

I. Terminology

To aid in understanding the information that follows, a brief explanation of key terms and the three proposed facilities that support GNEP is provided below:

- Advanced Fuel Cycle Initiative—The Advanced Fuel Cycle Initiative (AFCI) is an ongoing DOE initiative to develop proliferation-resistant spent nuclear fuel treatment and transmutation technologies to enable a transition from the current once-through nuclear fuel cycle to a future sustainable, closed nuclear fuel cycle where valuable material is separated from spent fuel and recycled, thereby extracting energy and reducing waste.
- Enriched uranium—Uranium in which the proportion of uranium-235 to uranium-238 has been increased above the naturally occurring 0.7 percent uranium-235. Reactor-grade uranium is uranium that has been enriched to about three to five percent uranium-235 for use in reactors to produce electricity. The same process can be used to further enrich uranium for weapons use.
- Fission—The splitting of an atom into at least two other atoms and the release of a relatively large amount of energy. Two or three neutrons are usually released during the transformation. Fission is the scientific principle by which nuclear power reactors work.
- Fission product—The atoms (fission fragments) formed by the fission of heavy elements such as uranium. Fission products build up in nuclear fuel as a normal part of reactor operations.
- Light-water reactor—A nuclear power reactor that uses water to cool the reactor and to moderate (slow down) neutrons. It belongs to the class of nuclear power plants called "thermal reactors." Most nuclear power reactors in the world are light-water reactors.
- Recycling—The separation of used nuclear fuel into: Uranium; waste (fission products and fuel element structural materials); and transuranics. Uranium and transuranics would be incorporated into new fuel to be consumed in reactors to generate electricity.
- Spent nuclear fuel (used nuclear fuel)—The fuel that has been used in a nuclear reactor. As a typical nuclear reactor operates, the fission process creates energy to generate electricity. During this process, the uranium is being "used" and fission products accumulate and interfere with efficiency until the fuel can no longer effectively produce energy. At this point, the used fuel is said to be "spent" and is replaced.
- Transmutation—The conversion of one element to another by changing its atomic structure. There are two primary transmutation processes: Fission, which splits atoms, releasing energy; and neutron capture, which adds one neutron to an atom. Transmutation can be used to destroy radioactive elements with very long half-lives, such as transuranic elements, by converting them to stable elements or elements with shorter half-lives, while producing energy.
- Transuranics (transuranic elements)—Elements with atomic numbers greater than uranium (atomic number 92), including neptunium (93), plutonium (94), americium (95), and curium (96). Transuranic elements are created in nuclear power reactors when uranium absorbs or captures neutrons.
- Uranium enrichment—The physical process of increasing the proportion (or ratio) of uranium-235 to uranium-238 to make the uranium more usable as nuclear fuel.

The three proposed GNEP facilities that DOE will evaluate in the GNEP PEIS are:

- A nuclear fuel recycling center—A nuclear fuel recycling center would support two of the three key components of an SNF recycling program: (1) It would separate light-water reactor SNF and fast reactor SNF into their reusable and non-reusable constituents, and (2) after completion of transmutation fuel development at the advanced fuel cycle research facility, it would fabricate such fuel for use in the destruction of transuranic elements in a fast reactor (the advanced recycling reactor). A nuclear fuel recycling center could be privately owned and operated, potentially with government-supplied incentives or other involvement yet to be determined.
- An advanced recycling reactor—A fast neutron spectrum reactor that would be capable of converting long-lived radioactive elements (e.g., plutonium and other transuranics) into shorter-lived radioactive elements while

producing electricity. The advanced recycling reactor could be privately owned and operated, potentially with government-supplied incentives or other involvement yet to be determined.

• An advanced fuel cycle research facility—A research facility that DOE would design, build, and operate at a DOE site. Among other activities, the advanced fuel cycle research facility would support research and development (R&D) relating to separation and fabrication of fast reactor transmutation fuel to enable the destruction of transuranic elements separated from SNF.

II. Background

The United States faces significant energy challenges including increasing energy supplies in ways that protect and improve the environment. Meeting each of these challenges is critical to expanding the United States economy and protecting energy and national security.

The President's Advanced Energy Initiative has identified three ways to meet the challenge of generating more electricity: Clean coal technology, advanced emission-free nuclear power, and renewable resources such as solar and wind. The GNEP PEIS will evaluate the potential environmental impacts of alternative ways to recycle spent nuclear fuel using technologies that increase its usefulness while reducing the threat of proliferation.

Nuclear power provides approximately one-fifth of the electricity that the United States uses to power factories, office buildings, homes, and schools. Over 100 operating nuclear power plants, located at 65 sites in 31 states, constitute the second-largest source of electricity generation in the United States. The plants are, on average, approximately 25 years old and are licensed to operate for 40 years with an option to renew for an additional 20 years. Nuclear reactors do not emit the air pollutants and greenhouse gases that result from coal-fired, oil-fired, and natural gas-fired generation. Nuclear power contributes to United States energy security.

Historically, the United States has used a "once through" or "open" fuel cycle in which nuclear fuel is used a single time by a nuclear power reactor, and then the spent fuel is stored at that plant pending disposal. The Federal government has responsibility for the disposal of SNF, and plans to dispose of it in the geologic repository located at Yucca Mountain, Nevada.

GNEP would establish a "closed" fuel cycle by recycling spent nuclear fuel rather than disposing of it after one use. Recycling spent fuel rather than disposing of it potentially would extend the stock of nuclear fuel available to meet growing electricity demand and reduce waste from the generation of nuclear power. DOE has been researching and developing recycling technologies in its laboratories for many years and has identified processes that would be needed for GNEP to accomplish its objectives. However, additional R&D is necessary to implement the proposed GNEP recycling associated with the transmutation fuel.

GNEP also offers the potential for more efficient nuclear waste disposal. Technological advancements through GNEP could reduce the volume, thermal output, and radiotoxicity of waste requiring permanent disposal at the Yucca Mountain geologic repository. It is important to emphasize, however, that GNEP does not diminish in any way the need for, or the urgency of, the nuclear waste disposal program at Yucca Mountain. Yucca Mountain is still required under any fuel cycle scenario.

The Energy Information Administration projects that the world's electricity consumption will double from 2003 to 2030. GNEP as envisioned would promote the expanded use of carbon-free nuclear energy to meet growing electricity demand throughout the world, while reducing nuclear proliferation risks. GNEP would achieve this goal by having nations with secure, advanced nuclear capabilities provide fuel services—fresh fuel and recovery of used fuel—to other nations that refrain from pursuing uranium enrichment or recycling activities. The closed fuel cycle model envisioned by this partnership requires development and deployment of technologies that enable recycling and reduction of long-lived radioactive waste.

As these technologies are developed, the United States would work with partners to provide developing countries with reactors that would be secure, cost-effective, and able to meet their energy needs, as well as related nuclear services that would ensure that they have a reliable fuel supply. In exchange, these countries would agree to use nuclear power only for electricity and refrain from pursuing uranium enrichment and reprocessing activities that can be used to develop nuclear weapons. By working with other nations under the GNEP, the United States could provide safe and reliable energy that growing economies need, while reducing the risk of nuclear proliferation.

The commercial marketplace will ultimately determine how to meet future increased demand for electricity. By recycling SNF, GNEP is designed to provide an alternative to the once-through fuel cycle. DOE is not proposing in this PEIS that DOE would construct and operate any facilities for the primary purpose of generating electricity. The proposed advanced recycling reactor would demonstrate the feasibility of consuming transuranics in transmutation fuel in a reactor, while also generating electricity.

III. The Purpose and Need for Agency Action

DOE's underlying purpose and need in proposing this action is to encourage expansion of domestic and international nuclear energy production while reducing the risks associated with nuclear proliferation, and to reduce the volume, thermal output, and radiotoxicity of SNF before disposal in a geologic repository. To meet its non-proliferation goals with regard to SNF recycling, DOE will only assess as reasonable alternatives those technologies that do not separate pure plutonium.

IV. Advance Notice of Intent; Funding Opportunity Announcement; Requests for Expressions of Interest

On March 22, 2006, DOE published in the **Federal Register** (71 FR 14505) an Advance NOI (ANOI) related to the then-proposed GNEP Technology Demonstration Program EIS. That ANOI explained the goals of GNEP as it was then conceived and identified the three major project-specific elements (the demonstration of advanced separations processes, conversion of transuranics, and advanced fuel fabrication) of a GNEP Technology Demonstration Program, which was intended to demonstrate closed fuel cycle technologies at an engineering scale. The ANOI also invited comments on the proposed scope, alternatives, and environmental issues to be analyzed in that EIS. DOE received over 800 comment documents, more than 750 of which contained similar substantive comments.

DOE considered all comments received. One of the main comments received was that DOE should do a programmatic NEPA review instead of limiting its review to the three facilities. Comments received on the ANOI also included the following:

• The proposed technologies are not sufficiently advanced to proceed with engineering-scale demonstrations;

• DOE should pursue and analyze alternatives to nuclear power in a PEIS;

• DOE is proceeding with Federal action related to GNEP before conducting the required NEPA analysis.

These issues will be addressed in the GNEP PEIS.

In addition, a number of foreign governments and private companies have expressed interest in cooperating with DOE to develop and deploy advanced nuclear fuel recycling technologies. Some of these entities indicated they are pursuing technologies that may be ready for deployment faster, and at a larger, commercial scale, than those currently under development by DOE.

In response to the comments and the interest expressed, DOE has made two fundamental changes to its GNEP NEPA strategy: (1) DOE will prepare a PEIS to assess the programmatic elements of GNEP, as well as the three proposed projects; and (2) DOE is now proposing to analyze engineering-scale and commercial-scale demonstrations of GNEP technologies at two of the three proposed facilities, rather than only at the smaller engineering scale.

Since publication of the ANOI, DOE has taken several steps to determine the level of interest in GNEP and obtain useful information. First, DOE has sought input regarding potential hosting sites in the United States for a nuclear fuel recycling center and an advanced recycling reactor. On August 3, 2006, DOE issued a Financial Assistance Funding Opportunity Announcement (FOA) for public or commercial entities interested in hosting GNEP facilities to conduct detailed siting studies. These siting studies will be used by DOE to help evaluate potential locations for a nuclear fuel recycling center and an advanced recycling reactor. Applications for these financial assistance grants were due to DOE by September 7, 2006. On November 29, 2006, DOE announced that 11 commercial and public consortia had been selected to receive grants under this FOA. The study sites and sponsors are:

Atomic City, Idaho—EnergySolutions, LLC,

Barnwell, South Carolina—EnergySolutions, LLC,

Hanford Site, Washington—Tri-City Industrial Development Council/Columbia Basin Consulting Group,

Hobbs, New Mexico—Eddy Lea Energy Alliance,

Idaho National Laboratory, Idaho—Regional Development Alliance, Inc.,

Morris, Illinois—General Electric Company,

Oak Ridge National Laboratory, Tennessee—Community Reuse Organization of East Tennessee,

Paducah Gaseous Diffusion Plant, Kentucky—Paducah Uranium Plant Asset Utilization, Inc.,

Portsmouth Gaseous Diffusion Plant, Ohio—Piketon Initiative for Nuclear Independence, LLC,

Roswell, New Mexico—EnergySolutions, LLC,

Savannah River National Laboratory, South Carolina—Economic Development,

Partnership of Aiken and Edgefield Counties.

Second, on August 7, 2006, DOE issued two requests for Expressions of Interest (EOIs) related to GNEP (see 44 FR 44673 and 44 FR 44676). The purpose of the EOIs was to obtain information from the domestic and international nuclear industry on the potential development of a commercial-scale nuclear fuel recycling center and an advanced recycling reactor using advanced technologies available now or in the near future. DOE is using the industry responses to the EOIs to help identify available technologies, alternative facility sizes, potential financial arrangements, and other factors related to the development of a nuclear fuel recycling center and an advanced recycling reactor. This information will contribute to the development of reasonable alternatives for evaluation in the GNEP PEIS.

DOE also would pursue an R&D program using an advanced fuel cycle research facility to develop additional technologies (not yet available) to separate and fabricate transmutation fuel for a fast reactor. DOE did not include an advanced fuel cycle research facility in the FOA or EOI processes because an advanced fuel cycle research facility is intended to be an R&D facility on a DOE site. Like a nuclear fuel recycling center and an advanced recycling reactor, an advanced fuel cycle research facility will be evaluated in the GNEP PEIS.

V. Description of GNEP Recycling

In general terms, GNEP recycling would work as follows. Spent fuel would be received from commercial nuclear reactors and would be processed in a nuclear fuel recycling center to separate the potentially reusable constituents (uranium and transuranic elements) from the non-reusable constituents (e.g., fuel element structural materials and fission products). The reusable constituents would be used to make transmutation fuel for an advanced recycling reactor and, possibly, other reactor fuels (e.g., uranium could be re-enriched and made into light-water reactor fuel). The transmutation fuel would be consumed in an advanced recycling reactor, and the advanced recycling reactor would also produce electricity during these operations. The spent transmutation fuel would then be separated and the remaining transuranics used to make new transmutation fuel to be further destroyed in the advanced recycling reactor while producing electricity. Non-reusable constituents would be converted to waste forms for eventual disposal in a geologic repository or for other long-term storage or disposal, as appropriate. This fuel cycle has the potential to reduce the volume, thermal output, and radiotoxicity of waste that would need to be placed in a geologic repository, thereby increasing the geologic repository's effective capacity and lessening the need for additional repository capacity.

VI. Current Research and Development Activities

DOE has been conducting R&D related to the nuclear fuel cycle and nuclear reactor programs for many decades. Current R&D efforts are focused on exploring new, innovative concepts for advanced nuclear energy technologies that can address the key issues facing the long-term viability and expansion of nuclear power, including: The need to reduce and deal satisfactorily with nuclear wastes; improving economic performance; further advancing the safety of nuclear power generation; and addressing issues associated with the proliferation of fissile materials and sensitive nuclear technologies. GNEP would build upon these activities. While these activities share a common purpose with GNEP, they are outside the scope of the GNEP PEIS.

VII. Proposed Alternatives

The GNEP PEIS will analyze the potential environmental impacts of programmatic and project-specific proposals, as well as reasonable alternatives.

A. International Programmatic Alternatives

The GNEP PEIS will evaluate the potential environmental impacts of two proposed international initiatives and, for each, a No Action Alternative. The No Action Alternative would reflect the continuation of the status quo.

The two initiatives are the reliable fuel services program and the reactor program. Under the reliable fuel services program, the United States would work with partner nations to provide assurances of fuel availability for operators of nuclear power reactors in nations that refrain from pursuing uranium enrichment and reprocessing

programs. DOE is not proposing any specific action with regard to the reliable fuel services program, and the GNEP PEIS will include only a general, qualitative analysis of the potential impacts on the United States or the global commons that might be involved with such activities.

Under the reactor program, the United States would explore promoting proliferation-resistant reactors designed to meet the needs of developing economies. Because the designs for these reactors are not yet determined and DOE is not proposing any specific action to make the reactors available, the GNEP PEIS will include only a general, qualitative analysis of the potential impacts on the United States or the global commons that might be involved with such activities.

B. Domestic Programmatic Alternatives

The domestic programmatic alternatives currently envisioned are:

Programmatic Alternative 1, No Action Alternative: Continue the status quo by relying upon a "once through" or "open" fuel cycle in which commercial reactors generate and store SNF until DOE can dispose of it in a geologic repository, while continuing the ongoing nuclear fuel cycle R&D activities, including those activities associated with DOE's Advanced Fuel Cycle Initiative (AFCI).

Programmatic Alternative 2, Proposed Action: Pursue the GNEP closed fuel cycle and recycle SNF in a system that includes one or more nuclear fuel recycling centers and one or more advanced recycling reactors to process SNF generated after their deployment. The PEIS analysis would be based upon alternative assumptions regarding the amount of SNF processed and the corresponding potential cumulative impacts of reasonably foreseeable actions as a result of this alternative.

The closed fuel cycle programmatic alternative will include an analysis of the potential environmental impacts associated with broad implementation of a closed fuel cycle. In addition, DOE is now proposing to site, construct, and operate a single set of closed fuel cycle facilities.

C. Domestic Project-Specific Alternatives

The project-specific alternatives are:

Project Alternative 1, No Action Alternative: Continue relying upon a "once through" or "open" fuel cycle in which commercial reactors generate and store SNF until DOE can dispose of it in a geologic repository, while continuing the ongoing nuclear fuel cycle R&D activities, including those activities associated with DOE's AFCI. A nuclear fuel recycling center, an advanced recycling reactor, and an advanced fuel cycle research facility would not be built.

Project Alternative 2, Proposed Action: Select site(s) and construct and operate the following GNEP facilities: (1) A nuclear fuel recycling center, (2) an advanced recycling reactor, and (3) an advanced fuel cycle research facility. The GNEP PEIS will assess alternative technologies and implementation approaches (e.g., engineering or commercial facility scale) that are deemed reasonable, based in part on the EOIs discussed in the **BACKGROUND** section above. With respect to a nuclear fuel recycling center, DOE plans to evaluate alternative separations technologies for SNF from commercial light-water reactors and the advanced recycling reactor. For each technology, DOE would evaluate potential waste streams and alternative waste forms (e.g., borosilicate glass, ceramic).

For a nuclear fuel recycling center, DOE will analyze several alternative SNF throughputs from approximately 100 metric tons of heavy metal (MTHM) annually, up to 3,000 MTHM annually. At the low range of throughputs, the analyses would correspond to engineering-scale capacities consistent with the ANOI. At the high range of throughput, the Department expects that a nuclear fuel recycling center would have the capacity to recycle up to 2,000–3,000 MTHM annually, which would enable a nuclear fuel recycling center to recycle commercial SNF inventories at approximately the same rate that such inventories are now generated. DOE also will assess appropriate storage alternatives for the recycling facilities. DOE will evaluate storage of spent fuel prior to recycling, as well as storage of waste generated from recycling, at a level related to the projected throughput for a nuclear fuel recycling center.

For an advanced recycling reactor, the baseline technology that will be assessed is a sodium-cooled fast reactor. DOE plans to evaluate alternative fuel types (e.g., oxide, metal) and power ratings (250—2,000 $MW_{thermal}$) for an advanced recycling reactor. DOE also will assess appropriate storage alternatives for spent fuel generated by an advanced recycling reactor prior to recycling, at a level related to the projected size of an advanced recycling reactor.

DOE envisions that a nuclear fuel recycling center and an advanced recycling reactor could begin operation before DOE has fully completed its research and development of the transmutation fuel recycling at an advanced fuel cycle research facility. During this interim period, DOE may use a nuclear fuel recycling center to separate light-water reactor SNF and support the fabrication of fast reactor driver fuel which would be consumed in the advanced recycling reactor. This fuel could be made of uranium and plutonium, but would likely not contain other transuranics. Once DOE completes the R&D required to fabricate fuel containing other transuranic elements, it would use a nuclear fuel recycling center to fabricate fast reactor fuels containing other transuranics, and demonstrate the consumption of transuranic elements in an advanced recycling reactor. DOE would then separate the resulting spent transmutation fuel and fabricate new transmutation fuel in a nuclear fuel recycling center.

At this time, the following DOE sites are under consideration for the location of a nuclear fuel recycling center and/or an advanced recycling reactor: Idaho National Laboratory (Idaho Falls, Idaho); Paducah Gaseous Diffusion Plant (Paducah, Kentucky); Portsmouth Gaseous Diffusion Plant (Piketon, Ohio); Savannah River Site (Aiken, South Carolina); Oak Ridge National Laboratory (Oak Ridge, Tennessee); and Hanford Site (Richland, Washington). In addition, non-DOE sites in the following locations also are under consideration for the location of a nuclear fuel recycling center and/or an advanced recycling reactor: Atomic City, Idaho; Morris, Illinois; Hobbs, New Mexico; Roswell, New Mexico; and Barnwell, South Carolina.

DOE is proposing that the advanced fuel cycle research facility be located at a DOE site. The DOE sites under consideration include: Idaho National Laboratory (Idaho Falls, Idaho); Argonne National Laboratory (DuPage County, Illinois); Los Alamos National Laboratory (Los Alamos, New Mexico); Savannah River Site (Aiken, South Carolina); Oak Ridge National Laboratory (Oak Ridge, Tennessee); and Hanford Site (Richland, Washington).

To determine reasonable site alternatives for an advanced fuel cycle research facility, DOE is conducting a site screening process that is considering criteria specific to an advanced fuel cycle research facility. Similarly, for a nuclear fuel recycling center and an advanced recycling reactor, DOE will use the information received through the FOA process, as well as other information, to develop the reasonable site alternatives. As a result of these site screening processes, some sites may be eliminated from

consideration as reasonable site alternatives. DOE will document the results of the site screening processes in the GNEP PEIS *Site Alternative Screening Report.*

DOE intends that the alternatives and analyses in the GNEP PEIS will provide the maximum amount of flexibility in making decisions related to GNEP. In any event, however, in order for a site to be selected as the preferred site for a facility, DOE will require adequate assurances that there are no legal impediments to the siting and operation of that facility in that State.

The GNEP PEIS analysis will address the potential environmental impacts of proceeding with a nuclear fuel recycling center, an advanced recycling reactor, and an advanced fuel cycle facility, either individually or in any combination. In addition, the PEIS will analyze the environmental impacts of not developing transmutation fuel in a timely manner.

VIII. Potential Environmental Issues for Analysis

DOE has identified the following potential environmental issues for analysis in the GNEP PEIS. The list is presented to facilitate comment on the scope of the PEIS; it is not intended to be comprehensive or to predetermine the alternatives to be analyzed or their potential impacts. Additional issues may be identified as a result of the public scoping process. The current list includes the following issues:

- Potential impacts to the general population and workers from radiological and nonradiological releases
- Potential impacts of emissions on air and water quality
- Potential impacts on flora and fauna of a region
- Potential impacts from transportation—in the United States and across the global commons
- Potential impacts from treatment, storage, and disposal of radioactive materials and waste
- Potential impacts from postulated accidents, as well as potential impacts from acts of terrorism or sabotage
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice)
- Potential Native American concerns (cultural and archaeological)
- Short-term and long-term land use impacts
- Compliance with applicable Federal and state regulations
- Long-term health and environmental impacts
- Long-term site suitability
- Consumption of natural resources and energy
- Socioeconomic impacts to potentially affected communities
- Potential impacts to cultural resources
- Cumulative impacts
- Pollution prevention and waste management practices
- Potential impacts from decontamination and decommissioning (D&D) of facilities

IX. Public Scoping Meetings

Public scoping meetings will be held to provide the public with an opportunity to present comments, ask questions, and discuss the scope of the GNEP PEIS with DOE officials. DOE selected the following scoping meeting locations based on the responses received to the Financial Assistance Funding Opportunity Announcement and a preliminary identification of DOE sites that could support the proposed DOE-directed R&D facility.

As discussed in this NOI, inclusion on the list below does not necessarily mean that a particular location will be considered as a reasonable site alternative for any GNEP facilities.

Oak Ridge, Tennessee: DoubleTree Hotel (Salons A and B) 215 South Illinois Avenue Oak Ridge, Tennessee 37830 Tuesday, February 13, 2007, 6 p.m.–9:30 p.m.

North Augusta, South Carolina: North Augusta Community Center 495 Brookside Avenue North Augusta, South Carolina 29841 Thursday, February 15, 2007, 6 p.m.–9:30 p.m.

Joliet, Illinois: Barber & Oberwortmann Horticultural Center 227 North Gougar Road Joliet, Illinois 60435 Thursday, February 22, 2007, 6 p.m.–9:30 p.m.

Hobbs, New Mexico: Lea County Event Center 5101 N Lovington-Hobbs Hwy Hobbs, New Mexico 88240 Monday, February 26, 2007, 6 p.m.–9:30 p.m.

Roswell, New Mexico: Best Western Sally Port Inn & Suites (Ballroom) 2000 N Main Street Roswell, New Mexico 88201–6450 Tuesday, February 27, 2007, 6 p.m.–9:30 p.m.

Los Alamos, New Mexico: Hilltop House Best Western (La Vista Room) 400 Trinity Drive (at Central) Los Alamos, New Mexico 87544 Thursday, March 1, 2007, 6 p.m.–9:30 p.m.

Paducah, Kentucky: Executive Inn Riverfront (Meeting Room International D) One Executive Blvd. Paducah, Kentucky 42001 Tuesday, March 6, 2007, 6 p.m.–9:30 p.m.

Piketon, Ohio: Ohio State University Endeavor Center, Room 160 1862 Shyville Road Piketon, Ohio 45661 Thursday, March 8, 2007, 6 p.m.–9:30 p.m.

Pasco, Washington: Red Lion Hotel (Gold Room) 2525 N. 20th Avenue Pasco, Washington 99301 Tuesday, March 13, 2007, 6 p.m.–9:30 p.m.

Idaho Falls, Idaho: Red Lion Hotel on the Falls (Yellowstone/Teton Rooms) 475 River Parkway Idaho Falls, Idaho 83402 Thursday, March 15, 2007, 6 p.m.–9:30 p.m.

Washington, DC: Hotel Washington (Washington Room) 15th and Pennsylvania Ave, NW Washington, DC 20004 Monday, March 19, 2007, 1 p.m.–5 p.m.

DOE also will publish notices in local media in advance of the scheduled public scoping meetings with the dates, times, and locations.

X. NEPA Process

DOE plans to publish the GNEP Draft PEIS in 2007 and the GNEP Final PEIS in 2008. Following the 90-day public scoping period that commences with publication of this NOI, DOE will prepare the GNEP Draft PEIS. Once approved, DOE will announce the availability of the GNEP Draft PEIS in the **Federal Register** and hold public hearings to solicit comments on the GNEP Draft PEIS from Federal, state, and local governments, Native American Tribes, industry, other organizations, and members of the public. These comments will be considered and addressed in the GNEP Final PEIS. DOE will issue one or more Records of Decision no sooner than 30 days after publication of the Environmental Protection Agency's Notice of Availability of the GNEP Final PEIS.

Issued in Washington, DC, on December 27, 2006.

David R. Hill,

General Counsel.

[FR Doc. E6–22548 Filed 1–3–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; Notice to Amend an Existing System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a, and the Office of Management and Budget (OMB) Circular A–130, the Department of Energy (DOE) is publishing a notice of a proposed amendment to an existing system of records. DOE proposes to amend and change the name of DOE–21 "Emergency Defense Mobilization

Files" to DOE–21 "Asset Readiness Management System (ARMS)" and convert the system from paper records to an electronic information system.

This notice will provide a clearer description of the categories of personal information contained in the system of records and identify the purpose and authorities for collecting and maintaining this information.

DATES: The proposed amendment to this existing system of records will become effective without further notice on February 20, 2007 unless DOE receives adverse comments and determines that this amendment should not become effective on that date.

ADDRESSES: Written comments should be directed to the following address: U.S. Department of Energy, Deborah Wilber, Director, Office of Emergency Response, National Nuclear Security Administration, NA–42, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Abel Lopez, Director, Freedom of Information Act and Privacy Group, MA–74, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–5955; Isiah Smith, Deputy Assistant General Counsel for General Law, GC–77, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585, (202) 586–5000; David S. Jonas, Office of the General Counsel, National Nuclear Security Administration, NA–3.1, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585, (202) 586–5000; and Deborah Wilber, Director, Office of Emergency Response, National Nuclear Security Administration, NA–42, 1000 Independence Avenue, SW., Washington DC 20585, (202) 586–2920.

SUPPLEMENTARY INFORMATION: In 1974, the Atomic Energy Commission, a predecessor agency of DOE, established a program called the Nuclear Emergency Search Team (NEST) to prevent and/or respond to emergencies involving nuclear or radiological materials by providing the personnel, equipment and resources necessary to search for, locate and deactivate nuclear or radiological devices. In this way, NEST provides technical assistance to the Federal Bureau of Investigation (FBI) and the Department of State (DOS), the lead federal agency for terrorism response outside the United States. Under the Atomic Energy Act, the FBI is responsible for investigating illegal activities, including terrorist threats, involving the possible illicit use of nuclear materials within the United States. The events of September 11, 2001 and the threat of nuclear terrorism have resulted in an increased impetus for ensuring that such federal government emergency response capabilities are ready to respond on short notice. To deploy NEST resources more rapidly and effectively, DOE plans to amend its system of records that maintain information about emergency response resources.

Since September 11, 2001, DOE's emergency response mission has expanded and now includes minimizing as well as preventing the consequences of an event involving nuclear or radiological materials. For example, in the case of an accidental release of radiological materials, DOE will be able to use the information in this system of records to deploy teams that use radiation-monitoring equipment to detect and measure radiation contamination levels and provide information to state and local officials to determine what geographical areas need to be evacuated. DOE also will be able to use the information in this system of records to mobilize medical personnel to advise on the treatment of injuries resulting from radiation exposure.

Homeland Security Presidential Directive HSPD–5 "Management of Domestic Incidents" mandated the development of an intergovernmental agency National Response Plan (NRP) to direct federal government agency capabilities and resources into a coordinated, unified domestic catastrophic incident management and response system. DOE's responsibilities relating to the federal government response to a domestic nuclear or radiological incident are detailed in the Nuclear/Radiological Incident Annex of the NRP. The Homeland Security Act of 2002 further outlines DOE's responsibilities for managing the readiness of capabilities and assets that may be called upon to respond to a nuclear or radiological incident. The Office of Emergency Response of the National Nuclear Security Administration (NNSA) at the DOE will use ARMS to monitor readiness status and fulfill its responsibilities for managing, training, equipping and deploying DOE's response teams. The teams will consist of DOE and NNSA employees, contractor employees, employees from other federal agencies, and military personnel.

DOE proposes to amend and change the name of DOE–21 "Emergency Defense Mobilization Files" to DOE–21 "Asset Readiness Management System (ARMS)" and convert the system from a paper file system to an electronic information system. In addition, DOE also proposes to establish a new routine use for the system of records. The proposed routine use will allow the disclosure of identifiable information to agents approved by NNSA Office of Emergency Response.

The approved agents will be representatives from the FBI, the Department of Defense (DOD), the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), the Department of Homeland Security (DHS), and DOS. The agents will use the information exclusively to deploy and verify the identity of an individual for the purpose of gaining access to incident response security areas. This disclosure of identifiable information is compatible with the purpose for which this information is collected and maintained.

The information maintained in the system of records includes social security number, employee number, date of hire, DOE badge number, security clearance number, date of birth, tourist passport number, official passport number, education level, blood type, immunization record, and other medical information. An individual's social security number, DOE badge number, security clearance number, date of birth, tourist passport number, and official passport number will be used to gain access to emergency incident areas controlled by the FBI, DOD, NRC, EPA, NASA, DHS, and DOS, and to create official travel manifests, to obtain visas necessary for official foreign travel. Date of hire information will be used to determine seniority and experience level of emergency response team members. Education level information will be needed to determine whether an individual meets the initial qualification level requirements for certain positions on an emergency response team. Blood type, immunization record, and other medical information will be used to determine the personal state of readiness of individual emergency response personnel. Employee number and DOE badge number information will be used during nuclear incidents to help DOE keep track of personnel available to deploy.

DOE is submitting the report required by OMB Circular A–130 concurrently with the publication of this notice. The text of this notice contains information required by the Privacy Act, 5 U.S.C. 552a(e)(4).

Issued in Washington, DC on December 27, 2006.

Ingrid A.C. Kolb,

Director Office of Management.

DOE–21

SYSTEM NAME:

Asset Readiness Management System (ARMS).

SECURITY CLASSIFICATION:

Classified/Unclassified.

SYSTEM LOCATION:

U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees, military personnel, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following information may be maintained in the system: Name, home address, telephone number, e-mail address, social security number, employee number, date of hire, DOE badge number, security clearance number, date of birth, tourist passport number, official passport number, education level, blood type, immunization record, and other medical information.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 et seq.; 50 U.S.C. 2401 et seq.; Homeland Security Presidential Directive HSPD–5 "Management of Domestic Incidents," The Homeland Security Act of 2002, Pub. L. 107–296, 116 Stat. 2135 (Nov. 25, 2002), Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 106–390, 114 Stat. 1552–1575 (October 30, 2000).

PURPOSE:

The records will be maintained and used by the Office of Emergency Response to quantify, monitor, and track readiness of and deploy personnel and equipment as part of a coordinated federal government response to an emergency involving nuclear and/or radiological materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to officials of the Federal Bureau of Investigation, Department of Defense, Nuclear Regulatory Commission, Environmental Protection Administration, National Aeronautics Space Administration, Department Homeland Security, and Department of State who have been approved as agents by NNSA Office of Emergency Response for purposes of managing and assessing state of readiness, to obtain visas for official foreign travel, and to provide information to gain access to incident areas controlled by one or more U.S. government agencies under the National Response Plan.

2. A record from this system may be disclosed as a routine use to a DOE contractor employee who has been approved as an agent by NNSA Office of Emergency Response in performance of the contract. Those provided information under this routine use are subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored as electronic records in a computer database.

RETRIEVABILITY:

Records may be retrieved by name, employee number, e-mail address, work telephone number, and home telephone number.

SAFEGUARDS:

Electronic records are controlled through established DOE computer center procedures (personnel screening and physical security), and they are password protected. Passwords are known only by the system administrator and users of the system. Access is limited to those whose official duties require access to the records.

RETENTION AND DISPOSAL:

A request for approval of the records disposition schedule for this system is being provided to the National Archives and Records Administration. Questions regarding records contained in the system may be addressed to Records Manager, ORISE, Oak Ridge, Tennessee (865–576–2641).

SYSTEM MANAGER(S) AND ADDRESS(ES):

Headquarters: U.S. Department of Energy, Director, Office of Emergency Response, National Nuclear Security Administration, 1000 Independence Avenue, SW., Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, at Title 10, Code of Federal Regulations, Part 1008, a request by an individual to determine if a system of records contains information about him/her should be directed to the Director, Headquarters Freedom of Information Act and Privacy Act Group, U.S. Department of Energy. The request should include the requester's complete name and time period for which records are sought.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above. In accordance with the DOE Privacy Act regulation, proper identification is required before the request is processed.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above.

RECORD SOURCE CATEGORIES:

The subject individual and site training records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. E6–22547 Filed 1–3–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Quoddy Bay Pipeline LLC (Docket Nos. CP07–35–000, CP07–36–000, CP07–37–000) and Quoddy Bay LNG, L.L.C (Docket No. CP07–38–000); Notice of Application for Certificate of Public Convenience and Necessity and Section 3 Authorization

December 26, 2006.

Take notice that on December 15, 2006 Quoddy Bay Pipeline LLC (Quoddy Bay Pipeline), 210 Park Avenue, Suite 810, Oklahoma City, OK 73102, filed in Dockets No. CP07–35–000, CP07–36–000, and CP07–37–000 an application under Section 7 of the Natural Gas Act and Parts 157 and 284 of the Federal Energy Regulatory Commission's ("Commission") regulations for, respectively, a certificate of public convenience and necessity authorizing the construction, installation, ownership, and operation of the Quoddy Bay pipeline; a blanket certificate to perform certain routine activities and operations; and a blanket certificate to provide open access firm transportation services. The proposed pipeline is approximately 36-miles long and 36 inches in diameter which will transport up to 2 Billion cubic feet (Bcf) per day of regasified liquefied natural gas from the terminal or storage facilities of Quoddy Bay LNG, L.L.C. in Washington County, Maine to an interconnect with the interstate pipeline of Maritimes and Northeast LLC in Princeton, Maine.

Also take notice that on December 15, 2006, Quoddy Bay LNG, L.L.C. (Quoddy Bay LNG), 210 Park Avenue, Suite 810, Oklahoma City, OK 73102, filed with the Commission, in Docket No. CP07–38–000, an application under section 3 of the Natural Gas Act and Part 153 of the Commission's regulations for authorization to site, construct, and operate a liquefied natural gas (LNG) terminal and associated storage facilities in Washington County, Maine, for the purpose of importing LNG into the United States. Quoddy Bay LNG also requests approval of the Import Terminal as the place of entry for imported LNG supplies.

The applications for Quoddy Bay Pipeline and Quoddy Bay LNG are more fully described as set forth in the applications that are on file with the Commission and open to public inspection. The instant filings may be also viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to: Brian Smith, Project Manager c/o Quoddy Bay LNG, L.L.C. 210 Park Avenue, Suite 810, Oklahoma City, OK 73102.

On January 11, 2006, the Commission staff granted Quoddy Bay LNG's request to utilize the Pre-Filing process and assigned Docket No. PF06–11–000 to staff activities involving the Quoddy Bay LNG import terminal project and Quoddy Bay Pipeline's proposed pipeline. Now, as of the filing of this application on December 15, 2006, the Pre-Filing Process for this project has ended. From this time forward, these proceedings will be conducted in Dockets No. CP07–35–000, CP07–36–000, CP07–37–000, and CP07–38–000 as noted in the caption of this Notice.

Pursuant to § 157.9 of the Commission's rules, 18 CFR. § 157.9, and to ensure compliance with the National Environmental Policy Act, 42 U.S.C. 4321–4347, the Commission staff will issue a Notice of Schedule for Environmental Review within 90 days of the date of this Notice. The Notice of Schedule for Environmental Review will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for the proposal. The Notice will also alert other agencies of the requirement to complete necessary reviews and authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: January 16, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22526 Filed 1–3–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 26, 2006.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–36–000.

Applicants: Lehman Brothers Holdings Inc.

Description: Lehman Brothers Holdings Inc submits an application for blanket authorization to acquire utility and/or holding company securities.

Filed Date: 12/15/2006.

Accession Number: 20061221–0168.

Comment Date: 5 p.m. Eastern Time on Friday, January 05, 2007.

Docket Numbers: EC07–37–000.

Applicants: Entegra Power Group LLC; Gila River Power; Union Power Partners, L.P.

Description: Entegra Power Group LLC et al. submits an application for order amending blanket authorization for certain future transfers and acquisitions of equity interests under Section 203 of the FPA.

Filed Date: 12/19/2006.

Accession Number: 20061221–0169.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 09, 2007.

Docket Numbers: EC07–38–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corp submits an application for authorization to acquire Mellon Leasing Corp's Owner Participant interest in its facility under Section 203 of the FPA.

Filed Date: 12/19/2006.

Accession Number: 20061221–0368.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 09, 2007.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG07–21–000.

Applicants: Cedar Creek Wind Energy, LLC.

Description: Cedar Creek Wind Energy, LLC submits a notice of self-

certification of exempt wholesale generator status.

Filed Date: 12/11/2006.

Accession Number: 20061221–0172.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 02, 2007.

Docket Numbers: EG07–23–000.

Applicants: Reliant Energy Ormond Beach, Inc.

Description: Reliant Energy Ormond Beach, Inc submits a Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/18/2006.

Accession Number: 20061222–0148.

Comment Date: 5 p.m. Eastern Time on Monday, January 08, 2007.

Docket Numbers: EG07–24–000.

Applicants: Camp Grove Wind Farm LLC.

Description: Camp Grove Wind Farm LLC submits an exempt Wholesale Generator Notice of Self Certification.

Filed Date: 12/21/2006.

Accession Number: 20061221–5071.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–198–007.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas & Electric Company submits a change in status as a result of the execution on 7/28/06 of a new Tolling Agreement with Mirant Delta, LLC.

Filed Date: 12/18/2006.

Accession Number: 20061221–0174.

Comment Date: 5 p.m. Eastern Time on Monday, January 08, 2007.

Docket Numbers: ER06–615–005.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits a compliance filing in compliance with FERC's 9/21/06 Order.

Filed Date: 12/20/2006.

Accession Number: 20061221–0232.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER06–1272–002.

Applicants: Reliant Energy Power Supply, LLC.

Description: Reliant Energy Power Supply, LLC submits a notice of a change in status reflecting a non-material departure from the characteristics the Commission relied on in granting market-based rate authority.

Filed Date: 12/20/2006.

Accession Number: 20061221–0176.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–103–001.

Applicants: LSP Oakland, LLC.

Description: LSP Oakland, LLC submits revision to Tariff Sheet 144 of its Reliability Must-Run Agreement with California Independent System Operator Corporation under ER07–103.

Filed Date: 12/20/2006.

Accession Number: 20061221–0177.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–227–001.

Applicants: NE Hydro Generating Company.

Description: NE Hydro Generating Company submits the revised market-based rate tariff to replace the rate tariff that was filed with FERC on 11/16/06 in connection with its Notice of Succession.

Filed Date: 12/20/2006.

Accession Number: 20061221–0167.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–333–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits its informational filing pursuant to Article IX, Section B of the Stipulation and Agreement approved by FERC on 5/28/99.

Filed Date: 12/18/2006.

Accession Number: 20061220–0161.

Comment Date: 5 p.m. Eastern Time on Monday, January 08, 2007.

Docket Numbers: ER07–334–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits its informational filing pursuant to Article IX, Section B of the Stipulation and Agreement.

Filed Date: 12/20/2006.

Accession Number: 20061220–0163.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–336–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits its forecast revenue requirement and proposed rates for the service year 2007 Reliability Services Costs, and revised tariff sheets to its Original Volume No. 11 and also submit an errata to this filing on 12/21/06.

Filed Date: 12/20/2006 & 12/21/06.

Accession Number: 20061222–0140.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–338–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits revised rate sheets to the Nandina Avenue Interconnection Facilities Agreement, and Wholesale Distribution Service Agreements, Electric Tariff, First Revised Volume No. 5, Nos. 142 and 143.

Filed Date: 12/20/2006.

Accession Number: 20061221–0170.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–339–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits revised rate sheets to its Interconnection Facilities Agreement with Riverside County Waste Management Department, Service Agreement No. 26, to Electric Tariff, First Revised Volume No. 5.

Filed Date: 12/20/2006.

Accession Number: 20061221–0171.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–340–000.

Applicants: Bell Independent Power Corporation.

Description: Bell Independent Power Corp submits a petition for acceptance of initial tariff, waivers and blanket authority.

Filed Date: 12/20/2006.

Accession Number: 20061221–0173.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–341–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits its Letter Agreement with PPM Energy, Inc and Avista Corp which provides the terms and conditions necessary to transfer up to 35 MW of the total actual output from FPL Energy Vancycle, LLC.

Filed Date: 12/20/2006.

Accession Number: 20061221–0175.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–342–000.

Applicants: Telocaset Wind Power Partners, LLC.

Description: Telocaset Wind Power Partners, LLC submits a petition for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.

Filed Date: 12/20/2006.

Accession Number: 20061221–0234.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–343–000.

Applicants: Alcoa Power Generating Inc.

Description: Alcoa Power Generating, Inc submits revised tariff sheets for three electric rate schedules currently on file with the Commission in order to reflect the renewed license for the Tapoco Project.

Filed Date: 12/20/2006.

Accession Number: 20061221–0233.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–344–000; EL06–67–001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits revised tariff sheets containing revisions to its OATT.

Filed Date: 12/18/2006.

Accession Number: 20061222–0153.

Comment Date: 5 p.m. Eastern Time on Monday, January 08, 2007.

Docket Numbers: ER07–345–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits proposed revisions to portions of its OATT relating to its real-time energy imbalance service market.

Filed Date: 12/20/2006.

Accession Number: 20061222–0072.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: ER07–346–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits a Letter Agreement with Stirling Energy Systems Solar One Incorporated.

Filed Date: 12/21/2006.

Accession Number: 20061222–0071.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER07–347–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits a Letter Agreement with Walnut Creek Energy, LLC.

Filed Date: 12/21/2006.

Accession Number: 20061222–0070.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER07–348–000.

Applicants: Cleco Power LLC.

Description: Cleco Power, LLC submits revisions to the three-party 9/1/51 System Interconnection Agreement with Entergy Gulf States, Inc and Entergy Louisiana, LLC.

Filed Date: 12/21/2006.

Accession Number: 20061222–0146.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22527 Filed 1–3–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: P–906–006]

Virginia Electric and Power Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

December 26, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–906–006.

c. *Date filed:* June 12, 2006.

d. *Applicant:* Virginia Electric and Power Company, doing business as Dominion Virginia Power.

e. *Name of Project:* Cushaw Hydroelectric Project.

f. *Location:* On the James River in near Glasgow, Virginia, in Bedford and Amherst Counties, Virginia. The project occupies 4.1 acres of United States Forest Service lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James Thornton, Dominion Virginia Power, 5000 Dominion Boulevard, 1 NE, Glen Allen, VA 23060 (804) 273–3257.

i. *FERC Contact:* Kristen Murphy, (202) 502–6236 or *kristen.murphy@ferc.gov*.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions: February 24, 2007; reply comments are due: April 10, 2007.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web

site (*http://www.ferc.gov*) under the "e-Filing" link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. Description of Project: The Cushaw Project consists of the following: (1) A 1,550-foot-long and 27-foot-high reinforced concrete dam extending diagonally across the James River; (2) a 138-acre reservoir with a surface elevation of 656 feet mean sea level; (3) an integral powerhouse with the dam containing five generating units with a total installed capacity of 7,500 kilowatts; (4) a 2.3-kVcable connecting the powerhouse to the Cushaw substation; and (5) appurtenant facilities. The project is operated in a run-of-river mode, and the average annual electrical generation is approximately 16,971,000 kilowatthours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22525 Filed 1–3–07; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 18, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 5, 2007. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–6466, or via fax at 202–395–5167 or via Internet at *Allison_E._Zaleski@.omb.eop.gov* and to *Judith-B.Herman@fcc.gov,* Federal Communications Commission, Room 1–B441, 445 12th Street, SW., DC 20554 or an e-mail to *PRA@fcc.gov.* If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0853.

Title: Compliance with Children's Internet Protection Act; Receipt of Service Confirmation; and Funding Commitment (FRN) Change Request.

Form Nos.: FCC Forms 479, 486 and 500.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 45,000 respondents; 45,000 responses.

Estimated Time Per Response: 1–1.5 hours.

Frequency of Response: On occasion and annual reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 62,500 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under section 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to OMB as a revision during this comment period to obtain the full three-year clearance from them. The Commission has revised this collection since it was last submitted to OMB. The Commission has eliminated the FCC Form 486–T which was a temporary form to be used in Funding Year 2003. That date has sunset and the form has been eliminated. The Commission has also updated the Privacy Act and PRA

burden statement notices contained on each form. Finally, the FCC Form 486 has been modified to include a new certification that certain steps have been taken prior to the commencement of service (see the Fifth Report and Order, CC Docket No. 02–6, FCC 04–190). The FCC Forms 479 and 500 remain unchanged since the last submission to the OMB.

The purpose of this information collection is to ensure that schools and libraries that are eligible to receive discounted Internet access and internal connections have in place certain Internet safety policies. Libraries receiving Internet access and internal connection services supported by the schools and libraries support mechanism must certify, by completing the FCC Form 486 (Receipt of Service Confirmation Form), the respondents are indicating they are enforcing a policy of Internet safety and enforcing the operation of a technology prevention measure. Respondents who received a Funding Commitment Decision Letter indicating services eligible for universal service discounts must file FCC Form 486 in order to start the payment process. In addition, all members of a consortium must submit signed certifications to the Billed Entity (using a FCC Form 479, Certification by Administrative Authority to Billed Entity of Compliance with Children's Internet Protection Act (CIPA)) of each consortium, in language consistent with that adopted on the FCC Form 486. FCC Form 500 is used in conjunction with the FCC Form 486 to adjust funding commitments and/or modify the dates for receipt of service.

OMB Control Number: 3060–0856.

Title: Universal Service—Schools and Libraries Universal Service Program Reimbursement Forms.

Form Nos.: FCC Forms 472, 473 and 474.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 21,200 respondents; 91,100 responses.

Estimated Time Per Response: 1–1.5 hours.

Frequency of Response: On occasion and annual reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 133,650 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission does not request that respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under section 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to OMB as a revision during this comment period to obtain the full three-year clearance from them. The Commission has revised this collection since it was last submitted to OMB. The forms have been revised to include new certifications that the service provider has complied with the competitive bidding requirements of the program, pursuant to the *Fifth Report and Order,* (CC Docket No. 02–6, FCC 04–190). In addition, to reduce confusion, the FCC Form 473 will contain information about one SPIN (rather than multiple SPINs). Note: A SPIN is a Service Provider Identification Number. The burden hours on all three forms and their instructions have been updated. All three forms also contain updated notices for individuals as required by the Privacy Act and the Paperwork Reduction Act.

The purpose of the FCC Form 472 is to establish the process and procedure for an eligible entity to seek reimbursement from the service provider for the discounts on services paid in full. After receiving an invoice from the service provider, together with an FCC Form 472, the fund administrator is able to verify the eligible service and approved amounts that should be reimbursed and can make the appropriate payment. The FCC Form 472 is used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to the Administrator and that invoices submitted from service providers for the costs of discounted eligible services do not exceed the amount that has been approved.

The purpose of the FCC Form 473 is to establish that the participating service provider is eligible to participate in the program under the FCC's rules governing the schools and libraries universal service support mechanism pursuant to the Act. The FCC 473 is used by the Administrator to assure that the dollars paid out by the fund to service providers go to eligible providers.

The purpose of the FCC Form 474 is to establish the process and procedure for a service provider to seek payment for the discounted costs of services it provided to Billed Entities for eligible services. After receiving an invoice from the service provider, together with an FCC Form 474, the fund administrator is able to verify that the eligible and approved amounts can be paid. The FCC Form 474 is used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to the Administrator and that invoices submitted from service providers for the costs of discounted eligible services do not exceed the amount that has been approved.

All of the requirements contained in this information collection are necessary to implement the congressional mandate for universal service.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E6–22324 Filed 1–3–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/.*

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than January 26, 2006.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Enterprise Financial Services Corp., Clayton, Missouri; to acquire 100 percent of the voting shares of Clayco Banc Corporation, DeSoto, Kansas, and thereby indirectly acquire Great American Bank, DeSoto, Kansas.

Board of Governors of the Federal Reserve System, December 28, 2006.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E6–22532 Filed 1–3–07; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Summaries of Medical and Clinical Pharmacology Reviews of Pediatric Studies; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of summaries of medical and clinical pharmacology reviews of pediatric studies submitted in supplements for AZOPT (brinzolamide), BETAXON (levobetaxolol), and GLEEVEC (imatinib). These summaries are being made available consistent with the Best Pharmaceuticals for Children Act (the BPCA). For all pediatric supplements submitted under the BPCA, the BPCA requires FDA to make available to the public a summary of the medical and clinical pharmacology reviews of the pediatric studies conducted for the supplement.

ADDRESSES: Submit written requests for single copies of the summaries to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Please specify by product name which summary or summaries you are requesting. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries.

FOR FURTHER INFORMATION CONTACT: Grace Carmouze, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6460, Silver Spring, MD 20993–0002, 301–796–0700, e-mail: *grace.carmouze@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of summaries of medical and clinical pharmacology reviews of pediatric studies conducted for AZOPT (brinzolamide), BETAXON (levobetaxolol), and GLEEVEC (imatinib). The summaries are being made available consistent with section 9 of the BPCA (Public Law 107–109). Enacted on January 4, 2002, the BPCA reauthorizes, with certain important changes, the pediatric exclusivity program described in section 505A of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355a). Section 505A of the act permits certain applications to obtain 6 months of marketing exclusivity if, in accordance with the requirements of the statute, the sponsor submits requested information relating to the use of the drug in the pediatric population.

One of the provisions the BPCA added to the pediatric exclusivity program pertains to the dissemination of pediatric information. Specifically, for all pediatric supplements submitted under the BPCA, the BPCA requires FDA to make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement (21 U.S.C. 355a(m)(1)). The summaries are to be made available not later than 180 days after the report on the pediatric study is submitted to FDA (21 U.S.C. 355a(m)(1)). Consistent with this provision of the BPCA, FDA has posted on the Internet at *http://www.fda.gov/cder/pediatric/index.htm* summaries of medical and clinical pharmacology reviews of pediatric studies submitted in supplements for AZOPT (brinzolamide), BETAXON (levobetaxolol), and GLEEVEC (imatinib). Copies are also available by mail (see **ADDRESSES**).

II. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/cder/pediatric/index.htm.*

Dated: December 22, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–22517 Filed 1–3–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table

lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on July 1, 2006, through September 30, 2006.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (*Petitioner's Name* v. *Secretary of Health and Human Services*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Christine Delrio on behalf of Lucas Delrio, Glenwood Springs, Colorado, Court of Federal Claims Number 06–0499V
2. Debbra Polley, Moline, Illinois, Court of Federal Claims Number 06–0500V
3. Angelo and Giusseppina Bongiorno on behalf of Anthony Bongiorno, Lake Success, New York, Court of Federal Claims Number 06–0501V
4. Karen and John Kellogg on behalf of Brady Kellogg, Boston, Massachusetts, Court of Federal Claims Number 06–0511V
5. George N. Lyne on behalf of George B. Lyne, Jr., Deceased, Lindenwold, New Jersey, Court of Federal Claims Number 06–0512V
6. Helene and Ralph Haro on behalf of Bailey Nicole Haro, Deceased, Miami, Florida, Court of Federal Claims Number 06–0513V
7. Evelyn Willetts and Eugene Stenger on behalf of Ethan Stenger, Philadelphia, Pennsylvania, Court of Federal Claims Number 06–0516V
8. Brian Wasser on behalf of Samuel Wasser, Hyannis, Massachusetts, Court of Federal Claims Number 06–0520V
9. Ray Baldonado, Whittier, California, Court of Federal Claims Number 06–0521V
10. Robert Veryzer, Clifton Park, New York, Court of Federal Claims Number 06–0522V
11. Elizabeth Hatcher on behalf of Michael Farr Hatcher, Cumming, Georgia, Court of Federal Claims Number 06–0526V
12. Frank J. Capone, Green Valley, Arizona, Court of Federal Claims Number 06–0529V
13. Rose Turner on behalf of Madylyn Gardner, Santa Rosa, California, Court of Federal Claims Number 06–0542V
14. Alena Barysiuk and Sachin Sharma on behalf of Lavani Sharma, Castro Valley, California, Court of Federal Claims Number 06–0547V
15. Karolina Leszczynski on behalf of Natalie Leszczynski, New York, New York, Court of Federal Claims Number 06–0551V
16. Karolina Leszczynski on behalf of Amanda Leszczynski, New York, New York, Court of Federal Claims Number 06–0552V
17. Melissa and Matthew Niermann on behalf of Victor Niermann, Lake Success, New York, Court of Federal Claims Number 06–0557V
18. Deborah and Jack Breard on behalf of Jack Breard, IV, Lake Success, New York, Court of Federal Claims Number 06–0558V
19. Jennifer Ann and Gabriel Gene Rodriguez on behalf of Giavanna Maria Rodriguez, Deceased, Voorheesville, New York, Court of Federal Claims Number 06–0559V
20. David Kouri, Boston, Massachusetts, Court of Federal Claims Number 06–0560V
21. Jennifer and Patrick Keefe on behalf of Kevin Lucas Keefe, Lake Success, New York Court of Federal Claims Number 06–0565V
22. Deborah Friedlander, New York, New York, Court of Federal Claims Number 06–0573V
23. Michelle Kristine Staley, Kansas City, Missouri, Court of Federal Claims Number 06–0574V
24. Cindy Dudley, Levittown, Pennsylvania, Court of Federal Claims Number 06–0579V
25. Cindy Needham and John Ordille on behalf of Thomas Ordille, Somers Point, New Jersey, Court of Federal Claims Number 06–0581V
26. Marcia Guy on behalf of Myia Howard, Lemont, Illinois, Court of Federal Claims Number 06–0586V
27. Lisa Meunier on behalf of Hannah Meunier, Boston, Massachusetts, Court of Federal Claims Number 06–0588V
28. Suzette and David Frear on behalf of Connor David Frear, Newport Beach, California, Court of Federal Claims Number 06–0590V
29. Laurel Stiebler, White Bear Lake, Minnesota, Court of Federal Claims Number 06–0591V
30. Paris and Allen Golec on behalf of Abigaile Golec, Springdale, Arkansas, Court of Federal Claims Number 06–0595V
31. Tiffany Bragdon on behalf of Kayla Bragdon, Peoria, Illinois, Court of Federal Claims Number 06–0597V
32. Elihu Sigal, Rancho Mirage, California, Court of Federal Claims Number 06–0600V
33. Margaret and Stephen Ricca on behalf of Michael Richard Ricca, Wall, New Jersey, Court of Federal Claims Number 06–0608V
34. Veronica Ramirez on behalf of Jeremiah Ramirez, Dallas, Texas, Court of Federal Claims Number 06–0610V
35. Kevin Dunn, New Hyde Park, New York, Court of Federal Claims Number 06–0611V
36. Christopher Seefeldt on behalf of Maxim Seefeldt, Buffalo, New York,

Court of Federal Claims Number 06–0618V
37. Debbie Squire on behalf of Tyrese Campbell, Philadelphia, Pennsylvania, Court of Federal Claims Number 06–0619V
38. Belisario Bolanos, San Bernadino, California, Court of Federal Claims Number 06–0621V
39. Janice Ferro, New York, New York, Court of Federal Claims Number 06–0625V
40. Jimmie Lee Lazenberry on behalf of Betty Lazenberry, Jacksonville, Florida, Court of Federal Claims Number 06–0630V
41. Jimmie Lee Lazenberry on behalf of Henry Lazenberry, Jacksonville, Florida, Court of Federal Claims Number 06–0631V
42. Jimmie Lee Lazenberry on behalf of Ricky Lazenberry, Jacksonville, Florida, Court of Federal Claims Number 06–0632V
43. Maria Lynch on behalf of Anna Lynch, Vienna, Virginia , Court of Federal Claims Number 06–0634V
44. Clair Swaiss, Boston, Massachusetts, Court of Federal Claims Number 06–0638V
45. Osama Elgebaly on behalf of Yusra Elgebaly, Boston, Massachusetts, Court of Federal Claims Number 06–0639V
46. Julissa and Emiliano Aguero on behalf of Emiliano G. Aguero, Fort Lee, New Jersey, Court of Federal Claims Number 06–0642V
47. Stephanie and Clifton Miller on behalf of Kharisa Miller, Boston, Massachusetts, Court of Federal Claims Number 06–0643V
48. Nicole Morris on behalf of Grace Morris, Deceased, Morris, Illinois, Court of Federal Claims Number 06–0644V
49. Nella and James Coe on behalf of Isabella Coe, Portland, Oregon, Court of Federal Claims Number 06–0645V
50. Mirielle Chapa on behalf of Oscar Chapa, Somers Point, New Jersey, Court of Federal Claims Number 06–0647V
51. Tiffani Peacock on behalf of Morgan Peacock, Apple Valley, California, Court of Federal Claims Number 06–0649V
52. Mitch Anderson, Quincy, Massachusetts, Court of Federal Claims Number 06–0650V
53. Christine Saddler on behalf of Daniel Saddler, Eagle River, Alaska, Court of Federal Claims Number 06–0657V
54. Rebecca and Gregory Schwartz on behalf of Nathan Schwartz, Birmingham, Alabama, Court of Federal Claims Number 06–0662V
55. Bridgette Bigbee and Royce Carter on behalf of Kaleaf Carter, Deceased, Richmond, California, Court of Federal Claims Number 06–0663V
56. Douglas Henning, Jacksonville, Florida, Court of Federal Claims Number 06–0665V
57. Jennifer Stammer, Edmond, Oklahoma, Court of Federal Claims Number 06–0667V
58. Cristal DeBlasis, Philadelphia, Pennsylvania, Court of Federal Claims Number 06–0669V
59. Antoinette Chin, Harrington Park, New Jersey, Court of Federal Claims Number 06–0670V
60. Melissa and Paul Follett on behalf of Aidan Drakose Exavier Follett, Deceased, Greenville, Michigan, Court of Federal Claims Number 06–0671V
61. Christine Bitenieks on behalf of Donovan Bitenieks, Lincoln, Nebraska, Court of Federal Claims Number 06–0673V
62. Ana and Hugo Solano on behalf of Allen Solano, Elizabeth, New Jersey, Court of Federal Claims Number 06–0674V
63. Tracy Perl on behalf of Andrew Perl, Vienna, Virginia, Court of Federal Claims Number 06–0678V
64. Tracy and Brent Dallman on behalf of Luke Dallman, Indianapolis, Indiana, Court of Federal Claims Number 06–0679V

Dated: December 22, 2006.

Elizabeth M. Duke,

Administrator.

[FR Doc. E6–22507 Filed 1–3–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Wisconsin NPRC.

Date: January 24–26, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Madison Concourse Hotel and Governor's Club, One West Dayton Street, Madison, WI 53703.

Contact Person: Carol Lambert, PhD, Scientific Review Administrator, Office of Review, National Center For Research Resources, National Institutes of Health, 6701 Democracy Blvd. 1 Dem. Plaza, Room 1076, Bethesda, MD 20892, (301) 435–0814, *lambert@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS)

Dated: December 26, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9971 Filed 1–3–07; 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 meeting will be closed to the public in accordance with the provisions set forth in section 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 Allergy and Infectious Diseases Special Emphasis Panel, Cooperative Research Patnerships for Influenza Product Development.

Date: January 24–25, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Clayton C. Huntley, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 3246, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, (301) 451–2570 *ch405t@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Study of Antigen Presentation Unsolicited P01.

Date: January 25, 2007.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Cheryl K. Lapham, PhD, Scientific Review Administrator, Scientific Review Program, National Institute of Allergy and Infectious Diseases, DEA/NIH/DHHS, 6700–B Rockledge Drive, MSC 7616, Room 3127, Bethesda, MD 20892–7616, 301–402–4598, *Clapham@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Cooperative Research Partnerships for Influenza Product Development.

Date: January 29–30, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Clayton C. Huntley. Phd, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 3246, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 2089–7616, (301) 451–2570, *ch405t@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Study of Immunoregulation Unsolicited P01.

Date: February 7, 2007.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Cheryl K. Lapham, PhD, Scientific Review Administrator, Scientific Review Program, National Institute of Allergy and Infectious Diseases, DEA/NIH/DHHS, 6700–B Rockledge Drive MSC 7616, Room 3127, Bethesda, MD 20892–7616, 301–402–4598, *clapham@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Safety Evaluation of Anti-Infective Agents.

Date: February 12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda North Marriot Hotel, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Quirijn Vos, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–496–2550, *qvos@niaid.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: December 26, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9970 Filed 1–3–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 National Institute of Nursing Research.

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 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 Nursing Research.

Date: January 23–24, 2007.

Open: January 23, 2007, 1 p.m. to 5 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conf. 6C10, Bethesda, MD 20892.

Closed: January 24, 2007, 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conf. 6C10, Bethesda, MD 20892.

Contact Person: Mary E. Kerr, FAAN, RN, PhD, Deputy Director, National Institute of Nursing, National Institutes of Health, 31 Center Drive, Room 5B–05, Bethesda, MD 20892–2178, 301/496–8230, *Kerrme@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nih.gov/ninr/a_advisory.html*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: December 26, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9972 Filed 1–3–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[COTP Corpus Christi–06–096]

South Texas Area Maritime Security (STAMS) Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: This notice requests individuals interested in serving on the South Texas Area Maritime Security (STAMS) Committee to submit their application for membership, effective February 26, 2007, to the Corpus Christi Captain of the Port/Federal Maritime Security Coordinator.

DATES: Requests for membership should reach the Corpus Christi Captain of the Port/Federal Maritime Security Coordinator on or before February 15, 2007.

ADDRESSES: Requests for membership should be submitted to the Captain of the Port/Federal Maritime Security Coordinator at the following address: Commander, USCG Sector Corpus Christi, 8930 Ocean Drive, Hangar 41, Corpus Christi, Texas 78419.

FOR FURTHER INFORMATION CONTACT: Mr. John Zarbock at 361–888–3162 (x501).

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C.; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1.) The MTSA

includes a provision exempting these Area Maritime Security (AMS) Committees from the Federal Advisory Committee Act (FACA), Public Law 92–436, 86 Stat. 470 (5 U.S.C. App.2).

The South Texas Area Maritime Security (STAMS) Committee assists the Captain of the Port(COTP)/Federal Maritime Security Coordinator (FMSC) in the review and update of the STAMS Plan for the Corpus Christi Area of Responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the COTP/FMSC in, reviewing and updating the STAMS Plan.

STAMS Committee Membership

Applicants should have at least 5 years of experience related to maritime or port security operations. The STAMS Committee has ten members, made up of at least one individual from the Corpus Christi, Rio Grande Valley, Port of Port Lavaca-Point Comfort and Victoria Barge Canal, Port Security Working Groups (PSWG). We are seeking to fill one vacancy each from the Victoria Barge Canal, Rio Grande Valley and Corpus Christi PSWG areas with this solicitation. Applicants may be required to pass an appropriate security background check prior to appointment to the committee.

Members' term of office will be for 5 years, however, a member is eligible to serve an additional term of office. Members will not receive any salary or other compensation for their service on the STAMS Committee. In support of the Coast Guard's policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Request for Applications

Those seeking membership are not required to submit formal applications to the local COTP/FMSC, however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

J.H. Korn,

Captain, U.S. Coast Guard, Corpus Christi Captain of the Port/Federal Maritime Security Coordinator.

[FR Doc. E6–22425 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Interim Agreement Between the European Union and the United States Regarding the Transfer of Passenger Name Record Data

AGENCY: Bureau of Customs and Border Protection; DHS.

ACTION: General notice.

SUMMARY: This Notice is intended to update a General Notice published in the **Federal Register** on July 9, 2004, advising that the Department of Homeland Security, Customs and Border Protection, had issued a document on May 11, 2004 (referred to as the "Undertakings") containing representations regarding the manner in which it would handle certain Passenger Name Record data relating to flights between the United States and European Union member states. This Notice describes updates and adjustments to the Undertakings to reflect changes in the law and circumstances surrounding these data transfers.

EFFECTIVE DATES: This Notice is effective January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Michael Scardaville, (202) 282–8321.

SUPPLEMENTARY INFORMATION: On July 9, 2004, a Notice was published in the **Federal Register** (69 FR 41543; corrected at 69 FR 44082 on July 23, 2004), advising that the Department of Homeland Security (DHS), Customs and Border Protection (CBP), had issued a document on May 11, 2004 (referred to as the "Undertakings") containing representations regarding the manner in which CBP would handle certain Passenger Name Record (PNR) data relating to flights between the United States and European Union (EU) member states. When they were issued, these Undertakings were understood to provide the foundation for the European Community (EC) to enter into an agreement with the United States that permitted the transfer of PNR data to CBP consistent with applicable EC law. However, through a diplomatic note presented on July 3, 2006, the EC terminated the agreement as of September 30, 2006, as a consequence of the determination of the European Court of Justice that the agreement had been concluded on an inapplicable basis under European Union law.

On October 19, 2006, the United States and the EU concluded an agreement to last until July 31, 2007. This agreement was accompanied by a letter of the United States updating and adjusting the Undertakings to reflect changes in the law and circumstances surrounding this data transfer. The letter was discussed extensively with the EU, and the EU has acknowledged it without objection. Copies of the agreement and letter are contained in this notice. All representations contained in the Undertakings, as published on July 9 and 23, 2004 are to be interpreted consistently with the October 19, 2006 agreement and its accompanying letter. The letter reflects changes in U.S. law and experience since the Undertakings were issued and is consistent with existing relevant provisions of U.S. law.

Both the agreement and the Undertakings shall terminate on July 31, 2007, unless extended.

Dated: December 19, 2006.

Stewart Baker,

Assistant Secretary for Policy.

Text of agreement:

AGREEMENT

Between the European Union and the United States of America on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the United States Department of Homeland Security

THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA,

DESIRING to prevent and combat terrorism and transnational crime effectively as a means of protecting their respective democratic societies and common values,

RECOGNISING that, in order to safeguard public security and for law enforcement purposes, rules should be laid down on the transfer of Passenger Name Record ("PNR") data by air carriers to the Department of Homeland Security (hereinafter "DHS"). For the purposes of this Agreement, DHS means the Bureau of Customs and Border Protection, U.S. Immigration and Customs Enforcement and the Office of the Secretary and the entities that directly support it, but does not include other components of DHS such as the Citizenship and Immigration Services, Transportation Security Administration,

United States Secret Service, the United States Coast Guard, and the Federal Emergency Management Agency,

RECOGNISING the importance of preventing and combating terrorism and related crimes, and other serious crimes that are transnational in nature, including organized crime, while respecting fundamental rights and freedoms, notably privacy,

HAVING REGARD to U.S. statutes and regulations requiring each air carrier operating passenger flights in foreign air transportation to or from the United States to provide DHS with electronic access to PNR data to the extent they are collected and contained in the air carrier's automated reservation/departure control systems (hereinafter "reservation systems"),

HAVING REGARD to Article 6(2) of the Treaty on European Union on respect for fundamental rights, and in particular to the related right to the protection of personal data,

HAVING REGARD to relevant provisions of the Aviation Transportation Security Act of 2001, the Homeland Security Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2004 and Executive Order 13388 regarding cooperation between agencies of the United States government in combating terrorism,

HAVING REGARD to the Undertakings as published in the U.S. Federal Register [1] and implemented by DHS,

NOTING that the European Union should ensure that air carriers with reservation systems located within the European Union arrange for transmission of PNR data to DHS as soon as this is technically feasible but that, until then, the U.S. authorities should be allowed to access the data directly, in accordance with the provisions of this Agreement,

AFFIRMING that this Agreement does not constitute a precedent for any future discussions or negotiations between the United States and the European Union, or between either of the Parties and any State regarding the processing and transfer of PNR or any other form of data,

HAVING REGARD to the commitment of both sides to work together to reach an appropriate and mutually satisfactory solution, without delay, on the processing of Advance Passenger Information (API) data from the European Union to the United States,

NOTING that in reliance on this Agreement, the EU confirms that it will not hinder the transfer of PNR data between Canada and the United States and that the same principle will be applied in any similar agreement on the processing and transfer of PNR data,

HAVE AGREED AS FOLLOWS

(1) In reliance upon DHS's continued implementation of the aforementioned Undertakings as interpreted in the light of subsequent events, the European Union shall ensure that air carriers operating passenger flights in foreign air transportation to or from the United States of America process PNR data contained in their reservation systems as required by DHS.

(2) Accordingly, DHS will electronically access the PNR data from air carriers' reservation systems located within the territory of the Member States of the European Union until there is a satisfactory system in place allowing for transmission of such data by the air carriers.

(3) DHS shall process PNR data received and treat data subjects concerned by such processing in accordance with applicable U.S. laws and constitutional requirements, without unlawful discrimination, in particular on the basis of nationality and country of residence.

(4) The implementation of this Agreement shall be jointly and regularly reviewed.

(5) In the event that an airline passenger information system is implemented in the European Union or in one or more of its Member States that requires air carriers to provide authorities with access to PNR data for persons whose travel itinerary includes a flight to or from the European Union, DHS shall, in so far as practicable and strictly on the basis of reciprocity, actively promote the cooperation of airlines within its jurisdiction.

(6) For the purpose of applying this Agreement, DHS is deemed to ensure an adequate level of protection for PNR data transferred from the European Union concerning passenger flights in foreign air transportation to or from the United States.

(7) This Agreement shall enter into force on the first day of the month after the date on which the Parties have exchanged notifications indicating that they have completed their internal procedures for this purpose. This Agreement shall apply provisionally as of the date of signature. Either Party may terminate or suspend this Agreement at any time by notification through diplomatic channels. Termination shall take effect thirty (30) days from the date of notification thereof to the other Party. This Agreement shall expire upon the date of application of any superseding agreement and in any event no later than 31 July 2007, unless extended by mutual written agreement.

This Agreement is not intended to derogate from or amend legislation of the United States of America or the European Union or its Member States. This Agreement does not create or confer any right or benefit on any other person or entity, private or public.

This Agreement shall be drawn up in duplicate in the English language. It shall also be drawn up in the Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, and the Parties shall approve these language versions. Once approved, the versions in these languages shall be equally authentic.

Done at Washington D.C. on 19 October 2006 and at Luxembourg on 16 October 2006.

For the United States of America

Michael Chertoff,

Secretary, Department of Homeland Security.

For the European Union

Erkki Tuomioja,

Minister for Foreign Affairs, President of the Council of the European Union.

Text of U.S. letter:

Via Electronic Delivery

ATTN: Director General Jonathan Faull,
European Commission
B–1049 Bruxelles, Belgium 22.
ATTN: Ms. Irma Ertman, Presidency of
the Council of the European Union
Ministry of Foreign Affairs, P.O Box
176, Laivastokatu, FIN–00161
Helsinki, Finland.

Dear Jonathan and Irma:

This letter is intended to set forth our understandings with regard to the interpretation of a number of provisions of the Passenger Name Record (PNR) Undertakings issued on May 11, 2004 by the Department of Homeland Security (DHS). For the purposes of this letter, DHS means the Bureau of Customs and Border Protection, U.S. Immigration and Customs Enforcement and the Office of the Secretary and the entities that directly support it, but does not include other components of DHS such as the Citizenship and Immigration Services, Transportation Security Administration, United States Secret Service, the United States Coast Guard, and the Federal Emergency Management Agency. We look forward to further reviewing these and other issues in the context of future discussions toward a comprehensive, reciprocal agreement based on common principles.

[1] Vol. 69, No 131, p. 41543.

Sharing and Disclosure of PNR

The Intelligence Reform and Terrorism Prevention Act of 2004 required the President to establish an Information Sharing Environment "that facilitates the sharing of terrorism information." Following this enactment, on October 25, 2005 the President issued Executive Order 13388, directing that DHS and other agencies "promptly give access to * * * terrorism information to the head of each other agency that has counterterrorism functions" and establishing a mechanism for implementing the Information Sharing Environment.

Pursuant to Paragraph 35 of the Undertakings (which states that "No statement in these Undertakings shall impede the use or disclosure of PNR data in any criminal judicial proceedings or as otherwise required by law" and allows DHS to "advise the European Commission regarding the passage of any U.S. legislation which materially affects the statements made in these Undertakings"), the U.S. has now advised the EU that the implementation of the Information Sharing Environment required by the Act and the Executive Order described above may be impeded by certain provisions of the Undertakings that restrict information sharing among U.S. agencies, particularly all or portions of paragraphs 17, 28, 29, 30, 31, and 32.

In light of these developments and in accordance with what follows, the Undertakings should be interpreted and applied so as to not impede the sharing of PNR data by DHS with other authorities of the U.S. government responsible for preventing or combating of terrorism and related crimes as set forth in Paragraph 3 of the Undertakings.

DHS will therefore facilitate the disclosure (without providing unconditional direct electronic access) of PNR data to U.S. government authorities exercising a counter-terrorism function that need PNR for the purpose of preventing or combating terrorism and related crimes in cases (including threats, flights, individuals, and routes of concern) that they are examining or investigating. DHS will ensure that such authorities respect comparable standards of data protection to that applicable to DHS, in particular in relation to purpose limitation, data retention, further disclosure, awareness and training, security standards and sanctions for abuse, and procedures for information, complaints and rectification. Prior to commencing facilitated disclosure, each receiving authority will confirm in writing to DHS that it respects those standards. DHS will inform the EU in writing of the implementation of such facilitated disclosure and respect for the applicable standards before the expiration of the Agreement.

Early Access Period for PNR

While Paragraph 14 limits the number of times PNR can be pulled, the provision puts no such restriction on the "pushing" of data to DHS. The push system is considered by the EU to be less intrusive from a data privacy perspective. The push system does not confer on airlines any discretion to decide when, how or what data to push, however. That decision is conferred on DHS by U.S. law. Therefore, it is understood that DHS will utilize a method of pushing the necessary PNR data that meets the agency's needs for effective risk assessment, taking into account the economic impact upon air carriers.

In determining when the initial push of data is to occur, DHS has discretion to obtain PNR more than 72 hours prior to the departure of a flight so long as action is essential to combat an offense enumerated in Paragraph 3. Additionally, while there are instances in which the U.S. government may have specific information regarding a particular threat, in most instances the available intelligence is less definitive and may require the casting of a broader net to try and uncover both the nature of the threat and the persons involved. Paragraph 14 is therefore understood to permit access to PNR outside of the 72 hour mark when there is an indication that early access is likely to assist in responding to a specific threat to a flight, set of flights, route, or other circumstances associated with offenses described in Paragraph 3 of the Undertakings. In exercising this discretion, DHS will act judiciously and with proportionality.

DHS will move as soon as practicable to a push system for the transfer of PNR data in accordance with the Undertakings and will carry out no later than the end of 2006 the necessary tests for at least one system currently in development if DHS's technical requirements are satisfied by the design to be tested. Without derogating from the Undertakings and in order to avoid prejudging the possible future needs of the system any filters employed in a push system, and the design of the system itself must permit any PNR data in the airline reservation or departure control systems to be pushed to DHS in exceptional circumstances where augmented disclosure is strictly necessary to address a threat to the vital interests of the data subject or other persons.

Data Retention

Several important uses for PNR data help to identify potential terrorists; even data that is more than 3.5 years old can be crucial in identifying links among terrorism suspects. The Agreement will have expired before Paragraph 15 of the Undertakings requires the destruction of any data, and questions of whether and when to destroy PNR data collected in accordance with the Undertakings will be addressed by the United States and the European Union as part of future discussions.

The Joint Review

Given the extensive joint analysis of the Undertakings conducted in September 2005 and the expiration of the agreement prior to the next Joint Review, the question of how and whether to conduct a joint review in 2007 will be addressed during the discussions regarding a future agreement.

Data Elements

The frequent flyer field may offer addresses, telephone numbers, e-mail addresses; all of these, as well as the frequent flyer number itself, may provide crucial evidence of links to terrorism. Similarly, information about the number of bags carried by a passenger may have value in a counterterrorism context. The Undertakings authorize DHS to add data elements to the 34 previously set forth in Attachment "A" of the Undertakings, if such data is necessary to fulfill the purposes set forth in paragraph 3.

With this letter the U.S. has consulted under Paragraph 7 with the EU in connection with item 11 of Attachment A regarding DHS's need to obtain the frequent flier number and any data element listed in Attachment A to the Undertakings wherever that element may be found.

Vital Interests of the Data Subject or Others

Recognizing the potential importance of PNR data in the context of infectious disease and other risks to passengers, DHS reconfirms that access to such information is authorized by paragraph 34, which provides that the Undertakings must not impede the use of PNR for the protection of the vital interests of the data subject or of other persons or inhibit the direct availability of PNR to relevant authorities for the purposes set forth in Paragraph 3 of the Undertakings. "Vital interests" encompasses circumstances in which

the lives of the data subject or of others could be at stake and includes access to information necessary to ensure that those who may carry or may have been exposed to a dangerous communicable disease can be readily identified, located, and informed without delay. Such data will be protected in a manner commensurate with its nature and used strictly for the purposes for which it was accessed.

Sincerely yours,

Stewart Baker,

Assistant Secretary for Policy.

[FR Doc. 06–9980 Filed 1–3–07; 8:45 am]

BILLING CODE 9114–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1670–DR]

New York; 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 New York (FEMA–1670–DR), dated December 12, 2006, and related determinations.

DATES: *Effective Date:* December 22, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the Individual Assistance program for 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 December 12, 2006:

Broome and Chenango Counties for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program-Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–22520 Filed 1–3–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1671–DR]

Washington; 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 Washington (FEMA–1671–DR), dated December 12, 2006, and related determinations.

DATES: *Effective Date:* December 22, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Washington is hereby amended to include the Public Assistance program for 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 December 12, 2006:

Chelan, Jefferson, and Pacific Counties for Public Assistance. Cowlitz, Grays Harbor, King, Lewis, Pierce, Skagit, Skamania, Snohomish, and Wahkiakum Counties for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–22519 Filed 1–3–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Notice of an Open Meeting of the Advisory Committee on Water Information (ACWI)

SUMMARY: Notice is hereby given of the 2007 annual meeting of the ACWI. This meeting is to discuss broad policy-related topics relating to national water initiatives; and the development and dissemination of water information, through reports from eight ACWI subgroups. The agenda will include an update on the next phase of the National Water Quality Monitoring Network for U.S. Coastal Waters and their Tributaries, as well as consideration of a proposed new Subcommittee on Ground Water. The ACWI has been established under the authority of the Office of Management and Budget Memorandum M92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water information users and professionals to advise the Federal Government of activities and plans that may improve the effectiveness of meeting the Nation's water information needs. Member organizations help to foster communications between the Federal and non-Federal sectors on sharing water information.

Membership represents a wide range of water resources interests and functions. Representation on the ACWI includes all levels of government, academia, private industry, and professional and technical societies. Member organizations designate their representatives and alternates. Membership is limited to a maximum of 35 organizations.

DATES: The formal meeting will convene at 8:30 a.m. on January 17, 2007, and will adjourn on January 18, 2007 at 4:30 p.m.

ADDRESSES: Crowne Plaza Dulles Airport, 2200 Centreville Road, Herndon, Virginia 20170.

FOR FURTHER INFORMATION CONTACT: Ms. Toni M. Johnson (Executive Secretary), Chief, Water Information Coordination Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 417 National Center, Reston, VA 20192. Telephone:

703–648–6810, Fax: 703–648–5644 e-mail *tjohnson@usgs.gov*.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Up to a half hour will be set aside for public comment. Persons wishing to make a brief presentation (up to 5 minutes) are asked to provide a written request with a description of the general subject to Ms. Johnson at the above address no later than noon, January 8, 2007. It is requested that 65 copies of a written statement be submitted at the time of the meeting for distribution to members of the ACWI and placement in the official file. Any member of the public may submit written information and (or) comments to Ms. Johnson for distribution at the ACWI meeting.

Dated: December 20, 2007.

Katherine Lins,

Chief, Office of Water Information.

[FR Doc. 06–9963 Filed 1–3–07; 8:45 am]

BILLING CODE 4311–AM–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–957–07–1910–BJ–56KP]

Notice of Filing of Plats of Survey, Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey, Nebraska.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file the plats of surveys of the lands described below thirty (30) calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Indian Affairs and are necessary for the management of these lands. The lands surveyed are:

The plat and field notes representing the dependent resurvey of a portion of the Eighth Standard Parallel North, through Range 4 West, portions of the east boundary and subdivisional lines, and the survey of the subdivision of certain sections, Township 33 North, Range 4 West, of the Sixth Prinicipal Meridian, Nebraska, was accepted December 20, 2006.

The plat and field notes representing the dependent resurvey of portions of the east boundary and subdivisional lines, the survey of the subdivision of certain sections, and the retracement of a portion of the U. S. Army Corps of Engineers boundary line, Township 33 North, Range 5 West, of the Sixth Prinicipal Meridian, Nebraska, was accepted December 20, 2006.

Copies of the preceding described plat and field notes are available to the public at a cost of $1.10 per page.

Dated: December 22, 2006.

John P. Lee.

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. E6–22506 Filed 1–3–07; 8:45 am]

BILLING CODE 4467–22–P

INTERNATIONAL TRADE COMMISSION

Investigation Nos. AA1921–197 (Second Review); 701–TA–319, 320, 325–327, 348, and 350 (Second Review); and 731–TA–573, 574, 576, 578, 582–587, 612, and 614–618 (Second Review): Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom

ACTION: Withdrawal of notice of determination.

SUMMARY: The U.S. International Trade Commission (Commission) is withdrawing the notice of determination in Investigation Nos. AA1921–197 (Second Review); 701–TA–319, 320, 325–327, 348, and 350 (Second Review); and 731–TA–573, 574, 576, 578, 582–587, 612, and 614–618 (Second Review). This action is being taken because the notice was released in error.

SUPPLEMENTARY INFORMATION: On December 28, 2006 (71 FR 78222), the Commission published a notice in the **Federal Register** detailing its determination in Investigation Nos. AA1921–197 (Second Review); 701–TA–319, 320, 325–327, 348 and 350 (Second Review); and 731–TA–573, 574, 576, 578, 582–587, 612, and 614–618 (Second Review): Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom. The **Federal Register** notice was issued inadvertently, prior to notification of the U.S. Department of Commerce by the Commission of the Commission's determination. A notice detailing the Commission's determination will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski (202–205–3188) or Douglas Corkran (202–205–3057).

By order of the Commission.

Issued: December 28, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06–9982 Filed 12–28–06; 4:10 pm]

BILLING CODE 7020–02–P

PEACE CORPS

Information Collection Request Under OMB Review

AGENCY: Peace Corps.

ACTION: "Correction" Notice of public use form review request to the Office of Management and Budget (OMB) for reinstatement of OMB Control # 0420–0513, PC Form 2042 (Rev. 07/2006), Correspondence Match Enrollment Form.

SUMMARY: On October 3, 2006, this day, this publication was published (Volume 71, Number 191, page 58454), as PC Form 2042 (Rev. 07/2006), Correspondence Match Enrollment Form.

The corrected title should read as follows:

OMB Control # 0420–0513, Correspondence Match Program Brochure and PC Form–2042 (Rev. 07/2006), Correspondence Match Enrollment Form.

ADDRESSES: Comments should be mailed to Peace Corps, Office of Domestic Programs, Sally Caldwell, Director of World Wise Schools, 1111 20th Street, NW., Washington DC 20526. Ms. Caldwell can be contacted by telephone at (202) 692–1425 or 800–424–8580, ext. 1425 or e-mail at *scaldwell@peacecorps.gov*. E-mail comments must be made in text and not in attachments.

OMB Control Number: 0420–0513.

Title: Correspondence Match Program Brochure and PC Form-2042 (Rev. 07/2006), Correspondence Match Enrollment Form.

Dated: December 20, 2006.

Wilbert Bryant,

Associate Director for Management.

[FR Doc. 06–9955 Filed 1–3–07; 8:45 am]

BILLING CODE 6051–01–M

PEACE CORPS

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Peace Corps.

ACTION: Notice of submission for OMB Review, comment request.

SUMMARY: The Peace Corps has submitted an information collection to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1995. The Peace Corps Correspondence Match Program Brochure and PC–2042, Correspondence Match Enrollment Form (Rev. 07/2006), OMB Control #0420–0513 is required under the Peace Corps Act for Volunteer recruitment purposes. This is a reinstatement, with changes, of a previously approved collection for which approval has expired. No comments were received in response to the Peace Corps' earlier **Federal Register** Notice (October 3, 2006, Volume 71, Number 191. p. 58454 for 60 days). The Peace Corps and Paul D. Coverdell World Wise Schools invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps and the Paul D. Coverdell World Wise Schools Correspondence Match program, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

DATES: Comments must be submitted on or before February 5, 2007.

ADDRESSES: Comments should be mailed to Peace Corps, Office of Domestic Programs, Sally Caldwell, Director of World Wise Schools, 1111 20th Street, NW., Washington, DC 20526. Ms. Caldwell can be contacted by telephone at (202) 692–1425 or 800–424–8580, ext. 1425 or e-mail at *scaldwell@peacecorps.gov*. E-mail comments must be made in text and not in attachments.

Information Collection Abstract

OMB Control Number: 0420–0513.

Title: Correspondence Match Enrollment Form.

Need for and Use of the Information: The Peace Corps and Paul D. Coverdell World Wise Schools need this information to officially enroll educators in the Correspondence Match program. The information collected is used to make suitable matches between the educators and currently serving Peace Corps Volunteers.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Respondents: Educators interested in promoting global education in the classroom.

Respondents Obligation to Reply: Voluntary.

Burden on the Public:

a. Annual reporting burden: 1667 hours.

b. Annual recordkeeping burden: 250 hours.

c. Estimated average burden per response: 10 minutes.

d. Frequency of response: Annually.

e. Estimated number of likely respondents: 10,000.

f. Estimated cost to respondents/ Agency: 0/$8,900.

This notice is issued in Washington, DC on December 20, 2006.

Wilbert Bryant,

Associate Director for Management.

[FR Doc. 06–9956 Filed 1–3–07; 8:45 am]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ad–11, SEC File No. 270–261, OMB Control No. 3235–0274.

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") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17Ad–11: Reports Regarding Aged Record Differences, Buy-Ins, and Failure To Post Certificate Detail To Master Securityholder Files

Rule 17Ad–11 (17 CFR 240.17 Ad–11) requires all registered transfer agents to report to issuers and the appropriate regulatory agency in the event that aged record differences exceed certain dollar value thresholds. An aged record difference occurs when an issuer's records do not agree with those of securityowners as indicated, for instance, on certificates presented to the transfer agent for purchase, redemption or transfer. In addition, the rule requires transfer agents to report to the appropriate regulatory agency in the event of a failure to post certificate detail to the master securityholder file within 5 business days of the time required by Rule 17Ad–10(17 CFR 240.17 Ad–10). Also, transfer agents must maintain a copy of each report prepared under Rule 17Ad–11 for a period of three years following the date of the report. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule.

Because the information required by Rule 17Ad–11 is already available to transfer agents, any collection burden for small transfer agents is minimal. The staff estimates that the average number of hours necessary to comply with Rule 17Ad–11 is one hour annually. Based upon past submissions, the total burden is 50 hours annually for the transfer agent industry.

Comments should be directed 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*. Comments must be submitted within 60 days of this notice.

Dated: December 20, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22539 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ad–10; SEC File No. 270–265; OMB Control No. 3235–0273.

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") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of

Management and Budget for extension and approval.

Rule 17Ad–10: Prompt posting of certificate detail to master securityholder files, maintenance of accurate securityholder files, communications between co-transfer agents and recordkeeping transfer agents, maintenance of current control book, retention of certificate detail and "buy-in" of physical over-issuance.

Rule 17Ad–10, (17 CFR 240.17Ad-10), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), requires approximately 760 registered transfer agents to create and maintain minimum information on securityholders' ownership of an issue of securities for which it performs transfer agent functions, including the purchase, transfer and redemptions of securities. In addition, the rule also requires transfer agents that maintain securityholder records to keep certificate detail that has been cancelled from those records for a minimum of six years and to maintain and keep current an accurate record of the number of shares or principle dollar amount of debt securities that the issuer has authorized to be outstanding (a "control book"). These recordkeeping requirements assist in the creation and maintenance of accurate securityholder records, the ability to research errors, and ensure the transfer agent is ware of the number of securities that are properly authorized by the issuer, thereby avoiding overissuance.

There are approximately 760 registered transfer agents. The staff estimates that the average number of hours necessary for each transfer agent to comply with Rule 17Ad–10 is approximately 20 hours per year, totaling 15,200 hours industry-wide. The average cost per hour is approximately $50 per hour, with the industry-wide cost estimated at approximately $760,000. However, the information required by Rule 17Ad–10 generally already is maintained by registered transfer agents. The amount of time devoted to compliance with Rule 17Ad–10 varies according to differences in business activity.

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 shall have practical utility; (b) the accuracy of the agency's estimates 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. 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, Virginia 22312 or by sending an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: December 20, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22540 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ad–2(c), (d), and (h); SEC File No. 270–149; OMB Control No. 3235–0130.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17Ad–2(c), (d) and (h) Transfer Agent Turnaround, Processing and Forwarding Requirements

Rule 17Ad–2(c), (d), and (h), (17 CFR 240.17Ad–2(c), (d), and (h)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), enumerate the requirements with which transfer agents must comply to inform the Commission or the appropriate regulator of a transfer agent's failure to meet the minimum performance standards set by the Commission rule by filing a notice.

While it is estimated there are 740 transfer agents, approximately ten notices pursuant to 17Ad–2(c), (d), and (h) are filed annually. In view of (a) the readily available nature of most of the information required to be included in the notice (since that information must be compiled and retained pursuant to other Commission rules); (b) the summary fashion in which such information must be presented in the notice (most notices are one page or less in length); and (c) the experience of the staff regarding the notices, the Commission staff estimates that, on the average, most Notices require approximately one-half hour to prepare. The Commission staff estimates that transfer agents spend an average of five hours per year complying with the rule.

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 shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: December 20, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22541 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ad–13, SEC File No. 270–263, OMB Control No. 3235–0275.

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") is soliciting comments

on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17Ad–13 Annual Study and Evaluation of Internal Accounting Control

Rule 17Ad–13 (17 CFR 240.17 Ad–13) requires approximately 200 registered transfer agents to obtain an annual report on the adequacy of internal accounting controls. In addition, transfer agents must maintain copies of any reports prepared pursuant to Rule 17Ad–13 plus any documents prepared to notify the Commission and appropriate regulatory agencies in the event that the transfer agent is required to take any corrective action. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. Small transfer agents are exempt from Rule 17Ad–13.

The staff estimates that the average number of hours necessary for each transfer agent to comply with Rule 17Ad–13 is one-hundred seventy-five hours annually. The total burden is 35,000 hours annually for transfer agents, based upon past submissions.

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 shall have practical utility; (b) the accuracy of the agency's estimates 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. 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, Virginia 22312 or by sending an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: December 20, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22543 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Digital Concepts International, Inc., Integrated Homes, Inc., Lighthouse Fast Ferry, Inc. and Wannigan Capital Corp.; Order of Suspension of Trading

December 28, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Digital Concepts International, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934 ("Exchange Act"), and Rules 13a–1 and 13a–13 thereunder, having never filed a periodic report after its Form 10–SB filed on March 8, 2002, and amended on July 2, 2002, went effective registering its securities.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Integrated Homes, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Exchange Act, and Rules 13a–1 and 13a–13 thereunder, having not filed a periodic report after its Form 10–SB filed on October 13, 2000, went effective registering its securities.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Lighthouse Fast Ferry, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Exchange Act, and Rules 13a–1 and 13a–13 thereunder, having not filed a periodic report since the period ending June 30, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Wannigan Capital Corp. (f/k/a ThermoElastic Technologies, Inc.), because it is delinquent in its periodic filing obligations under Section 13(a) of the Exchange Act, and Rules 13a–1 and 13a–13 thereunder, having not filed a periodic report since the period ending September 30, 2002.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, *it is ordered*, pursuant to Section 12(k) of the Exchange Act, that trading in the above-listed companies is suspended for the period from 9:30 a.m. EST on December 28, 2006, through 11:59 p.m. EST on January 11, 2007.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 06–9967 Filed 12–28–06; 11:06 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54990; File No. SR–CBOE–2006–108]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend CBOE Rules in Connection With CBOE's Determination To Trade Certain Option Classes on Hybrid

December 21, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 15, 2006, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes amend its rules relating to CBOE's determination to trade certain option classes on Hybrid. The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, and at the Commission's public reference room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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 this rule change is to amend CBOE Rules 8.3 and 8.4 in connection with CBOE's determination to trade options on the Russell 2000 Index (RUT) on the Hybrid 2.0 Platform. Additionally, CBOE proposes to amend Rule 8.3 in connection with CBOE's determination to trade options on the iShares Russell 2000 Index Fund (IWM) on the Hybrid Trading System, and options on the NASDAQ 100 Index (NDX) on the Hybrid Trading System.[5]

RUT options currently has an appointment cost of .25, and CBOE intends to maintain that appointment cost when RUT options trade on the Hybrid 2.0 Platform. As a result, RUT options would be classified as an A+ Tier option class. CBOE intends to trade RUT options on the Hybrid 2.0 Platform beginning on December 19, 2006.

CBOE proposes to amend Rule 8.3(c)(ii) to specifically reference IWM options and NDX options as option classes trading on the Hybrid Trading System. IWM options would have an appointment cost of .50, and NDX options would have an appointment cost of 1.0.[6] CBOE proposes to amend CBOE Rule 8.3(c)(iv) to delete reference to IWM options and NDX options in the table listing the non-Hybrid option classes and their related appointment costs. CBOE notes that the new appointment cost for IWM is lower than its current non-Hybrid appointment cost of .85. CBOE intends to trade IWM options on the Hybrid Trading System beginning on December 19, 2006, and NDX options on the Hybrid Trading System beginning on January 9, 2007.

Finally, CBOE proposes to amend Rule 8.3A to expressly include a reference to the "AA" tier in Interpretation and Policy .01. Currently, Interpretation .01 references the "A+" tier, but not the "AA" tier. Products designated as "A+" tier products have a class quoting limit ("CQL") of 40 as provided in Interpretation .01 of Rule 8.3A. By including reference to the "AA" tier option in Interpretation.01, products designated as "AA" tier products (presently options on the CBOE Volatility Index (VIX)), would have a CQL of 40, which is consistent with the current CQL for VIX options.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act,[8] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4[10] thereunder because it does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate; and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to filing. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Under Rule 19b–4(f)(6) of the Act,[11] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative date, so that the proposal may take effect on December 19, 2006 with respect to IWM options and RUT options, and January 9, 2007, with respect to NDX options. The Exchange believes that the proposed rule change does not raise any new regulatory issues. The Commission agrees and, consistent with the protection of investors and the public interest, has determined to waive the 30-day operative date, which renders the proposal effective on December 19, 2006 with respect to IWM options and RUT options, and January 9, 2007, with respect to NDX options.[12]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2006–108 on the subject line.

[5] CBOE Rule 1.1(aaa) defines Hybrid Trading System and Hybrid 2.0 Platform.

[6] Because not all option classes traded on the Hybrid Trading System have an appointment cost of .01, CBOE proposes to modify Rule 8.85(e)(ii) to state that the appointment cost for option classes traded on the Hybrid Trading System is as set forth in Rule 8.3(c)(ii). Currently, Rule 8.85(e)(ii) states that the appointment cost of Hybrid option classes is .01.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] *Id.*

[12] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

Paper Comments

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2006–108. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2006–108 and should be submitted on or before January 25, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22544 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request.

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974.

(SSA) Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

1. Information Collections Conducted by State Disability Determination Services (DDSs) on Behalf of SSA—20 CFR 404.1503a, 404.1512, 404.1513404.1512, 404.1513, 404.1514 404.1517, 404.1519; 20 CFR subpart Q, 404.1613, 404.1614, 404.1624; 20 CFR subpart I, 416.903a, 416.912, 416.913, 416.914, 416.917, 416.919 and 20 CFR subpart J, 416.1013, 416.1024, 416.1014—0960–0555. The State Disability Determination Services (DDSs) collect certain information that SSA needs to correctly administer its disability program. This information is divided into the Consultative Examination (CE) and Medical Evidence of Record (MER) categories. There are three types of CE evidence: (a) medical evidence from CE providers, in which DDSs use CE medical evidence to make disability determinations when the claimant's own medical sources cannot or will not provide the required information, (b) CE claimant completion of a response form where claimants indicate if they intend to keep their CE appointment, and (c) CE claimant completion of a form indicating whether they want the CE report to be sent to their doctor. In the MER category, the DDSs use MER information to determine a person's physical and/or mental status prior to making a disability determination. Please note that for the first time, some of the information included in this collection can be submitted electronically through the new Electronic Records Express (ERE) systems. The respondents are medical providers, other sources of MER, and disability claimants.

Type of Collection: Revision to an existing OMB-approved collection. *CE:*

a. Medical Evidence from CE Providers

	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Paper Submissions	1,215,000	1	30	607,500
ERE Submissions	285,000	1	15	71,250
Totals	1,500,000			678,750

b. Claimants re Appointment Letter:

Number of Respondents: 750,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 62,500 hours.

[13] 17 CFR 200.30–3(a)(12).

c. Claimants re Report to Medical Provider:

Number of Respondents: 1,500,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 125,000 hours.

MER

	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Paper Submissions	2,480,800	1	15	620,200
C/D (Connect Direct, commercially available software used for electronically transferring medical records)	218,400	1	15	54,600
ERE	100,800		7	11,760
Totals	2,800,000			686,560

2. Response to Notice of Revised Determination—20 CFR 404.913–.914 and 992(b), 416.1413–.1414 and 1492—0960–0347. Form SSA–765 is used by claimants to request a disability hearing and/or to submit additional evidence before a revised reconsideration determination is issued. The respondents are claimants who file for a disability hearing in response to a notice of revised determination for disability insurance and/or Supplemental Security Income (SSI) under titles II (Old-Age, Survivors and Disability Insurance) and XVI (SSI).

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 1,925.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 963 hours.

3. Questionnaire for Children Claiming SSI Benefits—0960–0499. The information collected on form SSA–3881–BK is used by SSA to evaluate disability in children who are appealing an unfavorable disability decision or whose continuing disability is being reviewed. The form requests the names and addresses of non-medical sources such as schools, counselors, agencies, organizations or therapists who would have information about a child's functioning. The respondents are children or their representatives who are appealing an unfavorable decision on their claim or whose continuing disability is being reviewed.

Type of Request: Extension of OMB-approved collection.

Number of Respondents: 253,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 126,500 hours.

4. Claimant Statement about Loan of Food or Shelter; Statement about Food or Shelter Provided to Another—20 CFR 416.1130–416.1148—0960–0529. Forms SSA–5062 and SSA–L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant or recipient. SSA uses this information to determine whether food and/or shelter are bona fide loans or should be counted as income for SSI purposes. This determination can affect eligibility for SSI and the amount of SSI benefits payable. The respondents are claimants/recipients for SSI benefits and individuals that provide loans of food and/or shelter to SSI claimants/recipients.

TYPE OF REQUEST.—REVISION OF AN OMB-APPROVED INFORMATION COLLECTION.

Collections	Number of respondents	Frequency of response	Average burden per response (minute)	Estimated annual burden (hours)
SSA–5062	65,540	1	10	10,923
SSA–L5063	65,540	1	10	10,923
Totals	131,080			21,846

5. Internet Direct Deposit Application—31 CFR 210—0960–0634. SSA uses Direct Deposit/Electronic Funds Transfer (DD/EFT) enrollment information received from beneficiaries to facilitate DD/EFT of their Social Security benefits with a financial institution. Respondents are Social Security beneficiaries who use the Internet to enroll in DD/EFT.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 80,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 13,333 hours.

6. Medical Permit Parking Application—41 CFR 101–20.104–2—0960–0624. SSA issues medical parking assignments at SSA-owned and -leased facilities to individuals who have a medical condition which meets the criteria for medical parking. In order to issue a medical parking permit, SSA must obtain medical evidence from the applicant's physician. Form SSA–3192–F4 is used to collect this information. SSA then uses the information to determine whether the individual qualifies for a medical parking permit and whether or not to issue the permit. The respondents are physicians of applicants for medical parking permits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 800.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 800 hours.

7. Reporting Changes that Affect Your Social Security Payment—20 CFR 404.301–305, .310–311, .330–.333, .335–.341, .350–.352, .370–.371, .401–.402, .408(a), .421–.425, .428–.430, .434–.437, .439–.441, .446–.447, .450–.455, .468—

0960–0073. SSA uses the information collected on Form SSA–1425 to determine continuing entitlement to Title II Social Security benefits and to determine the proper benefit amount. The respondents are Social Security beneficiaries receiving SSA retirement, disability or survivor's auxiliary benefits who need to report an event that could affect payments.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 70,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 5,833 hours.

8. Disability Hearing Officer's Decision—20 CFR 404.917 and 416.1417—0960–0441. The Social Security Act requires that SSA provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased. Based on the hearing, the disability hearing officer (DHO) completes form SSA–1207 and all applicable supplementary forms (which vary depending on the type of claim). The DHO uses the information in documenting and preparing the disability decision. The form will aid the DHO in addressing the crucial elements of the case in a sequential and logical fashion. The respondents are DHOs in the State Disability Determination Services (DDS).

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 65,000.

Frequency of Response: 1.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 48,750 hours.

The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. Non-Attorney Representative Demonstration Project Application—0960–0669. Section 303 of the Social Security Protection Act of 2004 (SSPA) provides for a 5-year demonstration project to be conducted by SSA under which the direct payment of SSA-approved fees is extended to certain non-attorney claimant representatives. Under the SSPA, to be eligible for direct payment of fees, a non-attorney representative must fulfill the following statutory requirements: (1) Possess a bachelors degree or have equivalent qualifications derived from training and work experience; (2) pass an examination that tests knowledge of the relevant provisions of the Social Security Act; (3) secure professional liability insurance or equivalent insurance; (4) pass a criminal background check (information on these 4 requirements will be collected during initial reporting); (5) demonstrate completion of relevant continuing education courses (this information will be collected under the Continuing Education (CE) reporting), and (6) complete an annual Affirmations Worksheet to verify the participant's continued eligibility to participate in the demonstration project. SSA collects this information through the services of a private contractor and uses it to determine if a non-attorney representative has met and continues to meet the statutory requirements to be eligible for direct payment of fees for his or her claimant representation services. The respondents are non-attorney representatives who apply for direct payment of fees.

Type of Request: Revision of an existing information collection.

Application Reporting

Number of Respondents: 500.

Frequency of Response: 1.

Average Burden per Response: 60 minutes.

Estimated Annual Burden: 500 hours.

CE Reporting

Number of Respondents: 300.

Frequency of Response: 1.

Average Burden per Response: 30 minutes.

Estimated Annual Burden: 150 hours.

Annual Reaffirmations Worksheet

Number of Respondents: 450.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 75 hours.

Total burden hours for all collection activities—725 hours.

Dated: December 27, 2006.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. E6–22528 Filed 1–3–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of Federal railroad safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Bellefonte Historical Railroad Society

[Docket Number FRA–2006–26460]

The Bellefonte Historical Railroad Society (BHRS) seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR 223.15, requirements for two passenger cars. These two cars were built by the Budd Company. One car was built in 1953 and the other was built in 1963. The BHRS is located in Bellefonte, Pennsylvania. The BHRS states they operate a tourist railroad.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request.

All communications concerning this petition should identify the appropriate docket number (FRA–2006–26460) and may be submitted by one of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic site;
- Fax: 202–493–2251;
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001; or
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Communication received within 45 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the

docket facility's Web site at *http://dms.dot.gov.*

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 on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on December 27, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–22557 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Mid-Continent Railway Historical Society, Inc.

[Docket Number FRA–2006–26300]

The Mid-Continent Railway Historical Society, Inc. (MCRY), seeks a waiver of compliance from certain provisions of the Safety Glazing Standards of 49 CFR 223.9, and Railroad Safety Appliance Standards of 49 CFR Part 231, for one locomotive: MCRY 1256. The MCRY is located in Sauk County, Wisconsin. This is a rural area in which locomotives travel at a maximum speed of 15 miles per hour through an all-rural countryside.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request.

All communications concerning this petition should identify the appropriate docket number (FRA–2006–26300) and may be submitted by one of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic site;
- Fax: 202–493–2251;
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001; or
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communication received within 45 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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 on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on December 27, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–22558 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; BMW

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the BMW of North America, LLC (BMW) petition for exemption of the X3 vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

DATES: The exemption granted by this notice is effective beginning with the 2007 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Vehicle, Fuel Economy and Consumer Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated July 18, 2006, BMW requested exemption from the parts-making requirements of the theft prevention standard (49 CFR part 541) for the MY 2007 BMW X3 vehicle line. The petition requested exemption from parts-marking pursuant to 49 CFR part 543, Exemption From Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for an entire vehicle line. BMW's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in 543.5 and the specific content requirements of 543.6.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. In its petition, BMW provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the X3 Vehicle line. BMW will install its antitheft device, the Electronically-coded Vehicle Immobilizer (EWS), as standard equipment on the BMW X3 vehicle line beginning with MY 2007. Features of the antitheft device will include a key with a transponder, loop antenna (coil) around the steering lock cylinder, EWS control unit and passive immobilizer.

BMW stated that the EWS immobilizer device prevents the vehicle from being driven away under its own engine power. The EWS control unit provides the interface to the loop antenna (coil), engine control unit and starter. It queries key data from the

transponder and provides the coded release of the engine management for a valid key. The ignition and fuel supply are only released when a correct coded release signal has been sent by the EWS control unit, to allow the vehicle to start. The immobilizer device is automatically activated when the engine is shut off and the vehicle key is removed from the ignition lock cylinder. In addition to the key, the antitheft device can be activated by the use of its radio frequency remote control. The frequency for the remote control constantly changes to prevent an unauthorized person from opening the vehicle by intercepting the signals of its remote control. The vehicle is also equipped with a central-locking system that can be operated to lock and unlock all doors or to unlock only the driver's door, preventing forced entry into the vehicle through the passenger doors.

In addressing the specific content requirements of 543.6, BMW provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, BMW conducted tests based on its own specified standards. BMW also provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with this specified requirements for each test. BMW stated that because the EWS immobilizer device is incorporated into the ignition, fuel injection, and starter circuit of the vehicle and is activated passively, reliability and durability of the system have to be ensured because the vehicle will not start if the EWS system malfunctions. BMW also stated that, if a malfunction should occur, the EWS device incorporates a microprocessor that can be accessed by using BMW diagnostic equipment to diagnose and correct the cause of the problem.

BMW further stated that NHTSA's preliminary theft rate data (0.5955 thefts/thousand vehicles produced) for calendar year/model year 2004 shows the effectiveness of the antitheft system on the X3 line. The theft rate is below the rate of 1.83 thefts/thousand vehicles for the entire U.S. fleet, a ranking of 188 out of 231 lines.

For clarification purposes, the agency notes that it does not collect theft data. NHTSA publishes theft rates based on data provided by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. NHTSA uses NCIC data to calculate theft rates and publishes these rates annually in the **Federal Register.**

The effectiveness of BMW's EWS is compared with devices which NHTSA has previously determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-making requirements of part 541. The antitheft device that BMW intends to install on its X3 vehicle line for MY 2007 is the same system that BMW installed on its BMW X5 line, BMW 6 line, BMW 7 line, the BMW Z4 line and the MINI vehicle line. BMW has concluded that the antitheft device proposed for its X3 line is no less effective than those devices for which NHTSA has already granted exemptions from the parts-marking requirements.

BMW stated that the proposed antitheft device does not provide any visible or audible indication of unauthorized entry. Theft data have indicated a decline in theft rates, as published by NHTSA, for vehicle lines that have been equipped with antitheft devices similar to that which BMW proposes to install on the X3 line. Citing the grant of exemptions for the Oldsmobile Aurora and the Buick Riviera, BMW notes that the agency has concluded that the lack of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency finds that BMW has provided adequate reasons for its belief that the antitheft device for the X3 vehicle line will reduce and deter theft. The agency concludes that the device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

The agency agrees that the device is substantially similar to devices for which the agency has previously approved exemptions, including the BMW X5 line, BMW 6 line, BMW 7 line, the BMW Z4 line and the MINI vehicle line. In addition, the X3 vehicle line, which has had the device as standard equipment since the 2004 model year, has a theft rate below the median theft rate. This conclusion is based on the information BMW provided about the device for the BMW X3 vehicle line.

For the foregoing reasons, the agency hereby grants in full BMW's petition for exemption for the X3 vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with the 2007 model year. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If BMW decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if BMW wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the lines's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: December 15, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 06–9959 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard: Mitsubishi Motors

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Mitsubishi Motors R&D of America (Mitsubishi) petition for exemption of the Mitsubishi Eclipse vehicle line in accordance with 49 CFR Part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). Mitsubishi requested confidential treatment for some of the information and attachments it submitted in support of its petition. In a letter dated June 26, 2006, the agency granted the petitioner's request for confidential treatment of most aspects of its petition.

DATES: The exemption granted by this notice is effective beginning with the 2007 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard. Office of International Vehicle Fuel Economy and Consumer Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated June 14, 2006, Mitsubishi requested exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541) for the Mitsubishi Eclipse vehicle line beginning with MY 2007. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line. Mitsubishi's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in 543.5 and the specific content requirements of 543.6.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. In its petition, Mitsubishi provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new vehicle line. Mitsubishi will install a passive, transponder-based electronic immobilizer device as standard equipment on its Eclipse vehicle line beginning with MY 2007. Mitsubishi's device incorporates an immobilizer feature and a visual and audible alarm system. Key components of the antitheft device are an engine electronic control unit (ECU), an immobilizer ECU, a key antenna and a transponder key.

Mitsubishi explained that immobilization of its device occurs when the ignition switch is turned to the "ON" position. The transceiver module reads the specific ignition key code for the vehicle and transmits an encrypted message containing the key code to the Electronic Control Unit (ECU), which then determines if the key is valid and authorizes the engine to start by sending another encrypted message to the ECU. The powertrain will function only if the key code matches the unique identification key code previously programmed into the ECU. If the codes do not match, the power train engine and fuel system will be disabled.

In response to NHTSA's inquiry, Mitsubishi stated in an e-mail dated August 17, 2006 that an audible and visual alarm system will be installed as standard equipment on the Eclipse vehicle line. Mitsubishi further stated that the audible and visual device will monitor all the doors, rear hatch or trunk lid of the vehicle and is designed to provide protection from unauthorized entry into the vehicle. Once the alarm system has been armed, opening the hood from the outside, or opening the doors, rear hatch or trunk lid without using the remote control transmitter or key will activate the alarm unless the system is disarmed by the driver/operator.

Mitsubishi also provided information on the reliability and durability of its proposed device, conducting tests based on its own specified standards. In a letter dated June 26, 2006, NHTSA granted Mitsubishi confidential treatment for the test information. Mitsubishi provided a list of the tests it conducted. Mitsubishi based its belief that the device is reliable and durable on the fact that the device complied with the specific requirements for each test.

Mitsubishi further stated that it is not possible to mechanically override the antitheft system and start the vehicle, and that any attempt to slam or pull the ignition lock cylinder, would have no effect on an intruder's ability to start the vehicle as the correct code would need to be transmitted to do so.

On the basis of this comparison, Mitsubishi informed the agency that the Eclipse vehicle line was first equipped with the proposed device beginning with its MY 2000 vehicles and, citing theft rates published by NHTSA in the **Federal Register**, that the theft rate for the MY 2000 Eclipse decreased by almost 42% compared with that of its MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). NHTSA also checked the published theft rates through the 2004 MY, and while there is some variation, the rate continued to stay below the 1999 rate.

For clarification purposes, the agency notes that it does not collect theft data. NHTSA publishes theft rates based on data provided by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. NHTSA uses NCIC data to calculate theft rates and publishes these rates annually in the **Federal Register.**

Mitsubishi also stated that the Galant and Endeavor vehicle lines have been equipped with a similar type of immobilizer device since January and April 2004, respectively. The Mitsubishi Galant and Endeavor vehicle lines were both granted partsmaking exemptions by the agency. Therefore, Mitsubishi has concluded that the antitheft device proposed for its vehicle line is not less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-making requirements.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for an exemption from the parts-marking requirements of part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. As explained below, the agency finds that Mitsubishi has provided adequate reasons for its belief that the antitheft device will be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. This conclusion is based on the information Mitsubishi provided and additional investigation by NHTSA about the device for the Mitsubishi Eclipse vehicle line.

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): promoting activation; attracting attention to the efforts of unauthorized –

persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; prevention operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The agency agrees that the device is substantially similar to devices in other vehicles lines for which the agency has already granted exemptions. In addition, the theft rate for the vehicle line has been reduced since the introduction of the device.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption for the Eclipse vehicle line from the parts-making requirements of 49 CFR part 541, beginning with the 2007 model year vehicles. The agency notes that 49 CFR part 541, appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Mitsubishi decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Mitsubishi wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: December 15, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 06–9960 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2006–26735]

Federal Motor Vehicle Safety Standards; Child Restraint Systems; Child Restraint Anchorage Systems; Child Restraint Use Survey—LATCH Use and Misuse

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments on report.

SUMMARY: This notice announces NHTSA's publication of a report reviewing and evaluating its existing Safety Standard 213, Child Restraint Systems, and Safety Standard 225, Child Restraint Anchorage Systems. The reports' title is: Child Restraint Use Survey—LATCH Use and Misuse.

DATES: Comments must be received no later than May 4, 2007.

ADDRESSES:

Report: The report is available for viewing on line in PDF format at the Docket Management System (DMS) Web page of the Department of Transportation, *http://dms.dot.gov*. Click on "Simple Search"; type in the five-digit Docket number shown at the beginning of this Notice (26735) and click on "Search"; that brings up a list of every item in the docket, starting with a copy of this **Federal Register** notice (item NHTSA–2006–26735–1) and a copy of the report in PDF format (item NHTSA–2006–26735–2).

Comments: You may submit comments [identified by DOT DMS Docket Number NHTSA–2006–26735] by any of the following methods:

- *Web Site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may call Docket Management at 202–366–9324 and visit the Docket from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charlene Doyle, Evaluation Division, NPO–131, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590. *Telephone:* 202–366–1276. *FAX:* 202–366–2559. *E-mail: Charlene.Doyle@dot.gov.*

SUPPLEMENTARY INFORMATION: NHTSA conducted a survey from April to October 2005 to collect information about the types of restraint systems that were being used to keep children safe while riding in passenger vehicles. In particular, NHTSA was interested in whether drivers with Lower Anchors and Tethers for CHildren (LATCH)-equipped vehicles were using LATCH to secure their child safety seats to the vehicle, and if so, were these seats properly installed. Safety Standard 213, Child Restraint Systems, (49 CFR 571.213) was amended and Safety Standard 225, Child Restraint Anchorage Systems (49 CFR 571.225) was established effective September 1, 1999 (64 FR 10786). Safety Standard 213 required upper tether anchorages and lower attachment anchors to be phased into the back seats of nearly all new passenger vehicles effective September 1, 2002, and Safety Standard 225 required upper tethers and lower attachments on all child safety seats by the same date.

In the survey, the make/model and the type of restraint installed in each seating position were recorded for each of the vehicles; demographic characteristics and the type of restraint system were collected for each occupant. In addition, information was gathered about the drivers' knowledge of booster seats and LATCH, along with their opinions on how easy it was to use LATCH.

A key finding of the survey was that 55 percent of child safety seats, located in a seating position equipped with an upper anchor, were attached to the vehicle using an upper tether. Other findings include: (1) In 13 percent of the observations, the child safety seat was

placed in a seat position in the vehicle not equipped with lower anchors—the seat belt was used to secure the child safety seat to the vehicle. (2) Among the 87 percent who do place the child safety seat at a position equipped with lower anchors, 60 percent use the lower attachments to secure the child safety seat to the vehicle. (3) 81 percent of upper tether users and 74 percent of lower attachments users said upper tether and/or lower attachments were easy to use. (4) 75 percent preferred lower attachments over seat belts of those with experience using both lower attachments and seat belts. (5) 61 percent of upper tether nonusers and 55 percent of lower attachments nonusers cited their lack of knowledge—not knowing what they were, that they were available in the vehicle, the importance of using them, or how to properly use them—as the reason for not using them.

How can I influence NHTSA's thinking on this subject?

NHTSA welcomes public review of the report and invites reviewers to submit comments about the data and the statistical methods used in the analyses. NHTSA will submit to the Docket a response to the comments and, if appropriate, additional analyses that supplement or revise the report.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2006–26735) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please send two paper copies of your comments to Docket Management, submit them electronically, or fax them. The mailing address is U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. If you submit your comments electronically, log onto the Dockets Management System Web site at *http://dms.dot.gov* and click on "Help" to obtain instructions. The fax number is 1–202–493–2251.

We also request, but do not require you to send a copy to Charlene Doyle, Evaluation Division, NPO–131, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590 (alternatively, FAX to 202–366–2559 or e-mail to *Charlene.Doyle@dot.gov*). She can check if your comments have been received at the Docket and can expedite their review by NHTSA.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NCC–01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit them electronically.

Will the agency consider late comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How can I read the comments submitted by other people?

You may read the comments by visiting Docket Management in person at Room PL–401, 400 Seventh Street, SW., Washington, DC from 10 a.m. to 5 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

A. Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov*).

B. On that page, click on "Simple Search."

C. On the next page (*http://dms.dot.gov/search/searchFormSimple.cfm/*) type in the five-digit Docket number shown at the beginning of this Notice (26735). Click on "Search."

D. On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

James F. Simons,

Director, Office of Regulatory Analysis and Evaluation.

[FR Doc. E6–22529 Filed 1–3–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 26, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW, Washington, DC 20220.

DATES: Written comments should be received on or before February 5, 2007 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0032.

Type of Review: Extension.

Title: Inventory—Manufacturer of Tobacco Products.

Form: TTB 5210.9.

Description: This form is necessary to determine the beginning and ending inventories of tobacco products at the premises of a tobacco products manufacturer. The information is recorded on this form by the proprietor and is used to determine tax liability, compliance with regulations, and for protection of the revenue.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 850 hours.

OMB Number: 1513–0059.

Type of Review: Extension.

Title: Usual and Customary Business Records Relating to Tax-Free Alcohol TTB REC 5150/3.

Form: TTB REC 5150/3.

Description: Tax-free alcohol is used for nonbeverage purposes by educational organizations, hospitals, laboratories, etc. These records maintain accountability of spirits and, protect tax revenue and public safety.

Respondents: Federal government, State, local and Tribal government.

Estimated Total Burden Hours: 1 hours.

OMB Number: 1513–0061.

Type of Review: Extension.

Title: Letterhead Applications and Notices Relating to Denatured Spirits TTB REC 5150/2.

Form: TTB REC 5150/2.

Description: Denatured spirits are used for nonbeverage industrial purposes in the manufacture of person and household products. Permits, applications, and notices control the authorized uses and flow of denatured spirits, and protect the tax revenue and public safety.

Respondents: Not-for-profit institutions, State, local and Tribal government.

Estimated Total Burden Hours: 1,693 hours.

OMB Number: 1513–0068.

Type of Review: Extension.

Title: Tobacco Products Manufacturer—Records of Operations TTB REC 5210/1.

Form: TTB REC 5210/1.

Description: Tobacco Products manufacturer must maintain records that provide accountability over the tobacco products received and produced. These records ensure that each tobacco product's transaction can be traced and ensure that tax liabilities are totally satisfied.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 25,500 hours.

OMB Number: 1513–0071.

Type of Review: Extension.

Title: Tobacco Products Importer or Manufacturer—Records of Large Cigar Wholesale Prices TTB REC 5230/1.

Form: TTB REC 5230/1.

Description: Because the tax on large cigars is based on the sales price, these records are needed to verify that the correct tax has been determined by the manufacturer or importer.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 1,906 hours.

OMB Number: 1513–0087.

Type of Review: Revision.

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.

Description: Bottlers and importers of alcohol beverages must adhere to numerous performance standards for statements made on labels and in advertisements of alcohol beverages. These performance standards include minimum mandatory labeling and advertising statements.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 6,060 hours.

Clearance Officer: Frank Foote (202) 927–9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G Street, NW., Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–22550 Filed 1–3–07; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 26, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before February 5, 2007 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1535–0120.

Type of Review: Revision.

Title: FHA New Account Request, Transaction Request, and Transfer Request.

Form: BPD form 5366, 5354 and 5367.

Description: Used to establish account, change information on account, and transfer ownership.

Respondents: Individuals or households.

Estimated Total Burden Hours: 50 hours.

Clearance Officer: Vicki S. Thorpe, (304) 480–8150, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26106.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–22551 Filed 1–3–07; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4804

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4804, Transmittal of Information Returns Reported Magnetically.

DATES: Written comments should be received on or before March 5, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Transmittal of Information Returns Reported Magnetically.

OMB Number: 1545–0367.

Form Number: Form 4804.

Abstract: Under Internal Revenue Code sections 6041 and 6042, all persons engaged in a trade or business and making payments of taxable income must file reports of this income with the IRS. In certain cases, this information must be filed on magnetic media. Form 4804 is a transmittal form for the magnetic media, which indicates the payer, type of document, and total payee records.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 71,058.

Estimated Time Per Response: 17 minutes.

Estimated Total Annual Burden Hours: 20,902.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 20, 2006.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–22566 Filed 1–3–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1024

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1024, Application for Recognition of Exemption Under Section 501(a).

DATES: Written comments should be received on or before March 5, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6688, or through the internet at *CAROLYN.N.BROWN@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Recognition of Exemption Under Section 501(a).

OMB Number: 1545–0057.

Form Number: 1024.

Abstract: Organizations seeking exemption from Federal income tax under Internal Revenue Code section 501(a) as an organization described in most paragraphs of section 501(c) must use Form 1024 to apply for exemption. The information collected is used to determine whether the organization qualifies for tax-exempt status.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 4,718.

Estimated Time Per Respondent: 61 hours, 47 minutes.

Estimated Total Annual Burden Hours: 291,542.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 21, 2006.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–22567 Filed 1–3–07; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Thursday,
January 4, 2007

Part II

Environmental Protection Agency

40 CFR Parts 9, 141, and 142
Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 141 and 142

[Docket No. OW–2004–0001; FRL–8261–7]

RIN 2040–AD93

Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the United States Environmental Protection Agency (EPA) to establish criteria for a program to monitor unregulated contaminants and to publish a list of contaminants to be monitored every five years. EPA published the first set of contaminants in 1999. This final regulation meets the SDWA requirement by publishing the next set of unregulated contaminants to be monitored and the requirements for such monitoring.

This final rule describes the design for the second Unregulated Contaminant Monitoring Regulation (UCMR) cycle (i.e., UCMR 2) of 2007–2011. EPA is requiring monitoring of 25 chemicals using 5 different analytical methods. UCMR 2 monitoring will occur during 2008–2010. Implementation of this final rule will benefit the environment by providing EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, thereby permitting the assessment of the population potentially being exposed and the levels of that exposure. These data are the primary source of occurrence and exposure data for the Agency to determine whether to regulate these contaminants.

DATES: This final rule is effective on February 5, 2007. For purposes of judicial review, this rule is promulgated as of 1 p.m. eastern time on January 4, 2007 as provided in 40 CFR 23.7. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of February 5, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. OW–2004–0001. All documents in the docket are listed in the index at www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., confidential business information 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 at *http://www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This 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 this Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: David J. Munch, Technical Support Center, Office of Ground Water and Drinking Water, United States Environmental Protection Agency, Office of Water, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268, telephone (513) 569–7843; e-mail address *munch.dave@epa.gov*. For general information, contact the Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426–4791. The Hotline is open Monday through Friday, excluding legal holidays, from 10 a.m. to 4 p.m., eastern time.

SUPPLEMENTARY INFORMATION:

I. General Information

Does This Action Apply to Me?

Entities regulated by this action are public water systems (PWSs). All large community and non-transient non-community water systems serving more than 10,000 people will be required to monitor. A community water system means a PWS which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Non-transient non-community water system means a PWS that is not a community water system and that regularly serves at least 25 of the same people over 6 months per year. Only a nationally representative sample of community and non-transient non-community systems serving 10,000 or fewer people will be required to monitor. Transient non-community systems (i.e., systems that do not regularly serve at least 25 of the same people over 6 months per year) will not be required to monitor. States, Territories, and Tribes that qualify for treatment as a State for purposes of this program, may participate in the implementation of the second cycle of the Unregulated Contaminant Monitoring Regulation (i.e., UCMR 2) through a Partnership Agreement. These agencies may choose to conduct analyses to measure for contaminants in water samples collected for the UCMR 2, in which case they will be regulated by this action.

Regulated categories and entities are identified in the following table.

Category	Examples of potentially regulated entities	NAICS[a]
State, local, & tribal Governments	States, local and tribal governments that analyze water samples on behalf of PWSs required to conduct such analysis; States, local and tribal governments that directly operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[a] NAICS = North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the definition of PWS in § 141.2 of title 40 of the Code of Federal Regulations, and applicability criteria in § 141.40(a)(1) and (2) of this final action. If you have questions regarding the applicability of this action to a particular entity, consult the person

listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Abbreviations and Acronyms

HBB 2,2',4,4',5,5'-hexabromobiphenyl
µg/L Microgram per liter
ASDWA Association of State Drinking Water Administrators
BDE–47 2,2',4,4'-tetrabromodiphenyl ether
BDE–99 2,2',4,4',5-pentabromodiphenyl ether
BDE–100 2,2',4,4',6-pentabromodiphenyl ether
BDE–153 2,2',4,4',5,5'-hexabromodiphenyl ether
CCL Contaminant Candidate List
CFR Code of Federal Regulations
DBP Disinfection Byproduct
DBPR Stage 1 or Stage 2 Disinfectants and Disinfection Byproducts Rule
DSMRT Distribution system maximum residence time
DQO Data quality objective
DWSRF Drinking Water State Revolving Fund
EPA United States Environmental Protection Agency
EPTDS Entry point to the distribution system
ESA Ethane sulfonic acid
FR Federal Register
GC Gas chromatography
GWUDI Ground water under the direct influence of surface water
HAA5 Haloacetic acid 5 (5 HAAs currently regulated)
HPLC High performance liquid chromatography
HR_{PIR} Half range prediction interval of results
ICR Information collection request
IDC Initial demonstration of capability
IDSE Initial distribution system evaluation
IHS Indian Health Service
LC Liquid chromatography
LCMRL Lowest concentration minimum reporting level
LFSM Laboratory fortified sample matrix
LFSMD Laboratory fortified sample matrix duplicate
MCL Maximum contaminant level
MRL Minimum reporting level
MS Mass spectrometry
NAICS National American Industry Classification System
NCOD National Drinking Water Contaminant Occurrence Database
NDBA N-nitroso-di-n-butylamine
NDEA N-nitrosodiethylamine
NDMA N-nitrosodimethylamine
NDPA N-nitroso-di-n-propylamine
NMEA N-nitrosomethylethylamine
NPDWR National Primary Drinking Water Regulation
NPYR N-nitrosopyrrolidine
NTTAA National Technology Transfer and Advancement Act
OA Oxanilic acid
OMB Office of Management and Budget
PA Partnership agreement
PIR Prediction interval of results
PT Proficiency testing
PWS Public water system
PWSID Public water system identification
QA Quality assurance
QC Quality control
RDX Hexahydro-1,3,5-trinitro-1,3,5-triazine
RFA Regulatory Flexibility Act
RSD Relative standard deviation
SBA Small Business Administration
SDWA Safe Drinking Water Act
SDWARS Safe Drinking Water Accession and Review System
SDWIS Safe Drinking Water Information System
SPE Solid phase extraction
TNT 2,4,6-trinitrotoluene
TTHM Total trihalomethanes
UCMR Unregulated Contaminant Monitoring Regulation
UMRA Unfunded Mandates Reform Act of 1995
USEPA United States Environmental Protection Agency

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List of Exhibits

II. Statutory Authority and Background

A. What Is the Statutory Authority for UCMR?

Section 1445(a)(2) of the Safe Drinking Water Act (SDWA), as amended in 1996, requires that once every five years, beginning in August 1999, the United States Environmental Protection Agency (EPA) shall issue a list of no more than 30 unregulated contaminants to be monitored by public water systems (PWSs), and that EPA enter the monitoring data into the National Drinking Water Contaminant Occurrence Database (NCOD). EPA's UCMR program must ensure that only a nationally representative sample of PWSs serving 10,000 or fewer people will be required to monitor; however, there are no such restrictions on the number of systems serving more than 10,000 people. EPA must vary the frequency and schedule for monitoring based on the number of people a system serves, the source of supply, and the contaminants likely to be found.

B. How Does EPA Meet These Statutory Requirements?

To fulfill the initial SDWA requirements, EPA published "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems; Final Rule," on September 17, 1999 (64 FR 50556, (USEPA, 1999)). Several supplemental rules were published to establish analytical methods and to provide clarifications and refinements to the initial rule: 65 FR 11372, March 2, 2000 (USEPA, 2000); 66 FR 2273, January 11, 2001 (USEPA, 2001a); and 67 FR 65888, October 29, 2002 (USEPA, 2002b). SDWA, as amended in 1996, requires that at least once every five years EPA identify a list of no more than 30 unregulated contaminants to be monitored. This final action fulfills this statutory obligation, identifying 25 priority contaminants for monitoring using five analytical methods. EPA has developed a contaminant list (Exhibit 2, in Section III.C.1) and sampling design for UCMR 2 (2007–2011) with input from both stakeholders and an EPA working group. This list is the same as was presented in the proposed rule, with one exception: perchlorate has been removed from the UCMR 2 monitoring requirements (see Section III.C. 4 for further discussion).

III. Summary of This Rule

A. What Are the Major Changes Between the Proposed and Final Rule?

EPA published "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems; Proposed Rule," on August 22, 2005 (70 FR 49094, (USEPA, 2005a)). EPA received comments from 36 public commenters.

In response to comments received and further consideration, EPA removed perchlorate from the list of contaminants to be monitored for under UCMR 2, and revised or clarified requirements pertaining to system applicability criteria, reporting, monitoring, and quality control. In addition, to accommodate PWS preparation for rule implementation and to provide additional assurance of sufficient laboratory capacity, this rule contains revised language that changes the start of monitoring from July 2007 to January 2008, such that the effective monitoring period is now January 2008 through December 2010. Exhibit 1 provides a summary of these changes, and a listing of the corresponding preamble section, which provides a more detailed discussion of the revisions and related public comments. Sections III.B–K summarize the different aspects of this rule and the associated major comments received in response to the August 2005 proposed rule and their impact, if any, on this rule.

This summary focuses on the changes between the proposed and final rule, and requirements with deadlines that are triggered by the publication date of this final rule. EPA has compiled a document containing all public comments and EPA's responses entitled "UCMR 2 Categorized Public Comments," which can be obtained by going to *http://www.regulations.gov*, and searching for Docket ID No. OW–2004–0001 under the advanced search tab.

EXHIBIT 1.—CHANGES TO UCMR 2 BETWEEN PROPOSED AND FINAL RULE

Rule section		Description of change	Corresponding preamble section
Number	Title/description		
141.35(a)	General applicability	Defines "finished water" to clarify the definition of "population served".	III.B.
141.35(c)(3)(i)	Documenting ground water representative sampling locations.	Clarifies that approved representative well plans from previous UCMR cycles can be submitted to identify representative entry point(s).	III.J.1.c.
141.35(c)(5)	PWS notification of EPA if sampling schedule cannot be met.	Provides exception to notification requirement for PWS with ground water sampling location that can collect second sample sets within 5–7 months of the first sample set.	III.J.1.d.
141.35(e)	Data Elements	Revises Table 1 of § 141.35 to: 1. Clarify the definition of "Water Source Type" for a sampling point. 2. Change the name of "Sampling Point Type Identification Code" to "Sampling Point Type Code" and distinguish this data element from "Sampling Point Identification Code". 3. Clarify the definition for "Disinfectant Residual Type".	III.J.2.
141.40(a)(3)	Analytes to be monitored and monitoring period.	Revises Table 1 of 141.40 to: 1. Change monitoring begin date to January 2008, and Screening Survey monitoring period to coincide with Assessment Monitoring. 2. Delete perchlorate from table and associated footnotes. 3. Revise minimum reporting levels to one significant figure.	III.G. III.C.4. III.F.2.

EXHIBIT 1.—CHANGES TO UCMR 2 BETWEEN PROPOSED AND FINAL RULE—Continued

Rule section		Description of change	Corresponding preamble section
Number	Title/description		
141.40(a)(4)(i)(A)	Monitoring schedules	Clarifies that EPA or the State will determine PWS monitoring schedules.	III.G. and III.J.1.d.
141.40(a)(4)(i)(B)	Frequency	1. Requires PWSs with ground water sampling locations that cannot collect their second samples within 5–7 months of the first samples to contact EPA. 2. Changes Table 2 to indicate that ground water sample events must occur 5–7 months apart.	III.G.
141.40(a)(4)(i)(D)	Sampling Instructions	1. Clarifies that acetanilide parent and degradates must be sampled at the same time and location. 2. Deletes reference to collection methods for perchlorate samples	III.C.2; III.F.1; and III.C.4.
141.40(a)(4)(i)(G)	Laboratory errors or sampling deviations.	Changes resampling deadline from within 14 days to within 30 days.	III. I.
141.40(a)(5)(i)	Sample collection preservation	Deletes reference to preservation methods for perchlorate samples.	III.C.4.
141.40(a)(5)(iii)(B)(2)	Quality control requirements	Deletes additional quality control requirements for perchlorate methods.	III.C.4.
141.40(a)(5)(iv)	Laboratory accuracy and precision.	Changes method requirement to fortify the matrix at the minimum reporting level (MRL) concentration to within ;+/−50% vs. +/−20%.	III.F.4.
141.40(a)(5)(v)	Detection confirmation for perchlorate.	Deletes requirements in this section; and renumbers subsequent paragraphs accordingly.	III.C.4 and III.F.1.

B. Which Water Systems Must Monitor?

1. This Rule

This rule requires that Assessment Monitoring be conducted by all large community and non-transient, non-community water systems serving more than 10,000 people, and a nationally representative sample of 800 small water systems serving 10,000 or fewer people. Transient non-community water systems and those systems that purchase all of their finished water from another system are excluded from the requirements of UCMR 2. Assessment Monitoring is the largest in scope of the three UCMR 2 monitoring components (or tiers). Under Assessment Monitoring, "List 1" contaminants, for which standard analytical methods are available, are monitored to assess national occurrence in drinking water. These are the priority contaminants for which analytical method technologies are well established.

The second tier of UCMR 2 is referred to as "List 2" or Screening Survey monitoring. List 2 contaminants are those for which analytical methods have been recently developed, and for which the technologies are not widely used; laboratory capacity, therefore, may be insufficient to conduct the larger scale Assessment Monitoring. The Screening Survey will be conducted by approximately 400 PWSs serving more than 100,000 people (all systems in this largest size category), by a randomly selected sample of 320 PWSs serving between 10,001 and 100,000 people, and by 480 small PWSs.

Pre-Screen Testing, the third tier of UCMR monitoring that is designed for priority "List 3" contaminants, whose methods are very new or specialized, is not required in this action, although EPA is retaining the regulatory language that supports Pre-Screen Testing authority as part of the three-tiered UCMR framework. If EPA ultimately decides to include Pre-Screen Testing as part of this or a future UCMR, EPA will initiate a rulemaking action to propose List 3 contaminants (and their associated analytical methods) and to solicit public comments.

This rule also defines "population served" as "the number of people served directly by the PWS" plus those served "by any consecutive system receiving all or part of its finished water from that PWS." To help clarify the definition of population served, the final regulation will also include the definition of "finished water" that was recently finalized as part of the "Stage 2 Disinfectants and Disinfection Byproducts Rule" (71 FR 388, January 4, 2006 (USEPA, 2006a)) as follows: "Finished water is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except the treatment necessary to maintain water quality in the distribution system (*e.g.*, booster disinfection, addition of corrosion control chemicals)." This final regulation also specifies the PWS system's water source and population served, as of June 30, 2005, as the basis for establishing a defined list of PWSs that are subject to the rule requirements.

2. Summary of Major Comments

Comments included a recommendation for EPA to define the term "finished water" in EPA's definition of "population served," and support for the designation of the June 30, 2005, applicability date because it would eliminate some of the confusion that occurred under UCMR 1 and avoid extra effort to keep monitoring plans accurate and current. In response to these comments, this final regulation contains the definition of "finished water" that was recently finalized as part of the Stage 2 Disinfection Byproducts Rule and retains the proposed applicability date. EPA agrees that the specific applicability date of June 30, 2005, will help to streamline the implementation process.

Other comments included recommendations to publish the list of systems that are subject to UCMR 2. Such a list, including preliminary schedules, is posted on the UCMR Web page: *http://www.epa.gov/safewater/ucmr/ucmr2.*

C. What Are the UCMR 2 Priority Contaminants and Associated Methods?

1. List Compilation

a. This Rule

This rule specifies 25 contaminants for monitoring, along with five EPA

Methods for analysis as listed in Exhibit 2. EPA began with a list of over 200 contaminants, compiled from a variety of different sources, including: UCMR 1 reserved contaminants; Candidate Contaminant List 1 (CCL 1) "deferred pesticides"; CCL 1 suspected endocrine disruptors; and other emerging contaminants. The CCL is a list of contaminants that are not subject to any proposed or promulgated National Primary Drinking Water Regulation (NPDWR), are known or anticipated to occur at PWSs, and may require regulation under SDWA. The first CCL, published in March 1998 (referred to as "CCL 1"), identified 60 contaminants or contaminant groups (63 FR 10274, March 2, 1998 (USEPA, 1998b)) that were divided into categories to represent research and data needs for each of the following: (1) Regulatory determination priorities; (2) health effects research priorities; (3) treatment research priorities; (4) analytical methods research priorities; and (5) occurrence priorities. Through a multi-stepped review and prioritization process (with relative health effects the top priority), the UCMR analyte list was narrowed and prioritized, as described in the August 2005 proposed rule, and 26 contaminants were identified. However, based on public comment and further consideration, EPA has removed the requirement for monitoring perchlorate under the UCMR 2 program (see Section III.C.4).

EXHIBIT 2.—ANALYTICAL METHODS APPROVED FOR UCMR 2 MONITORING

Analytical method [1]	Contaminant	UCMR 2 "List"
EPA Method 527 (SPE/GC/MS)	2,2′,4,4′-tetrabromodiphenyl ether (BDE–47)	List 1, Assessment Monitoring: 7 contaminants.
	2,2′,4,4′,5-pentabromodiphenyl ether (BDE–99).	
	2,2′,4,4′,5,5′-hexabromobiphenyl (HBB).	
	2,2′,4,4′,5,5′-hexabromodiphenyl ether (BDE–153).	
	2,2′,4,4′,6-pentabromodiphenyl ether (BDE–100).	
	Dimethoate.	
	Terbufos sulfone.	
EPA Method 529 (SPE/GC/MS)	1,3-dinitrobenzene	List 1, Assessment Monitoring: 3 contaminants.
	2,4,6-trinitrotoluene (TNT).	
	Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX).	
EPA Method 521 (SPE/GC/CI/MS/MS)	N-nitrosodiethylamine (NDEA)	List 2, Screening Survey: 6 contaminants.
	N-nitrosodimethylamine (NDMA).	
	N-nitroso-di-n-butylamine (NDBA).	
	N-nitroso-di-n-propylamine (NDPA).	
	N-nitrosomethylethylamine (NMEA).	
	N-nitrosopyrrolidine (NPYR).	
EPA Method 535 (SPE/LC/MS/MS)	Acetochlor ethane sulfonic acid (ESA)	List 2, Screening Survey: 6 contaminants.
	Acetochlor oxanilic acid (OA).	
	Alachlor ESA.	
	Alachlor OA.	
	Metolachlor ESA.	
	Metolachlor OA.	
EPA Method 525.2 (SPE/GC/MS)	Acetochlor	List 2, Screening Survey: 3 contaminants.
	Alachlor.	
	Metolachlor.	
Total of 25 UCMR 2 contaminants.		

[1] EPA Method 521: Determination of Nitrosamines in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography with Large Volume Injection and Chemical Ionization Tandem Mass Spectrometry (MS/MS) (USEPA, 2004a).
EPA Method 525.2: Determination of Organic Compounds in Drinking Water by Liquid-Solid Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (USEPA, 1995).
EPA Method 527: Determination of Selected Pesticides and Flame Retardants in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS) (USEPA, 2004b).
EPA Method 529: Determination of Explosives and Related Compounds in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS) (USEPA, 2002a).
EPA Method 535, Revision 1.1: Measurement of Chloroacetanilide and Other Acetamide Herbicide Degradates in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS) (USEPA, 2004c).

b. Summary of Major Comments

Some commenters supported the contaminant selection process in general, but disagreed with EPA's criterion that pesticides must be currently registered to be considered for UCMR 2 because pesticides can persist even after they are no longer in use. EPA agrees that the issue of pesticides and their degradates is an important one and will consider, in future contaminant selection processes, the commenters' concern about the requirement that pesticides be registered. EPA did not receive comments on its health effects prioritization process.

Comments were received recommending that EPA substantially increase the number of UCMR 2 contaminants because of the large number of contaminants that are manufactured and sold in the United States. Section 1445(a)(2)(B)(i) of SDWA specifically limits the number of unregulated contaminants to 30 in each UCMR five-year cycle. The UCMR 2 list represents what EPA believes to be the highest priority drinking water contaminants for which monitoring information is needed and obtainable.

Further comments indicated that EPA needs to clarify the process for prioritization of both UCMR and CCL contaminants. In general, concern was expressed that EPA did not sufficiently explain the status of CCL research

priorities, especially with respect to the UCMR contaminant selection process.

In the August 2005 preamble to the proposed rule, as well as in other past **Federal Register** notifications, EPA has explained in detail the connections between the CCL and the UCMR programs (*http://www.epa.gov/safewater/ucmr*). The preamble to the proposed UCMR 2 regulation presented the logic behind the consideration of potential analytes for the UCMR. Section III "Requirements of the Unregulated Contaminant Monitoring Program" detailed all aspects of how EPA selected the contaminants proposed in this regulation with subsections describing what priority contaminants were selected for UCMR 2; a compilation of the initial list of potential UCMR 2 candidates; how EPA established priorities for UCMR 2; EPA's health effects prioritization approach; and the specific information and considerations that went into EPA's decisions on each analyte selected.

EPA has also been engaged in a multi-year process designed to create an improved CCL process. This process began after the first CCL was published in 1998 and EPA expects the next CCL (CCL 3) to reflect substantial progress in implementing this new process. Because the new CCL process was underway but not yet completed in 2005, CCL 2 carried over the previous list and did not reflect the changes EPA is expecting to make in identifying contaminants for possible regulation. EPA expects that CCL 3 will reflect a more robust, transparent, and systematic process to identify priority contaminants in drinking water that will form the primary basis for future UCMR lists.

Before EPA can list a chemical compound or microbiological parameter on UCMR, adequate analytical methods must be available. For some of the chemicals (*i.e.*, organotins, triazines and algal toxins) and for all the microbiological parameters listed on the CCL, adequate analytical methods have not yet been developed. EPA is actively engaged in analytical method development research for these parameters both in-house and through its various contracts and grant mechanisms. EPA regularly publishes journal articles and other reports on the progress of all of these research activities that are available for the public to review.

2. Acetanilide Pesticides, Degradation Products, and Related Methods

a. This Rule

Under this rule, the three highest-use parent acetanilide compounds, acetochlor, alachlor, and metolachlor, and their ESA and OA degradation products are specified as List 2, Screening Survey contaminants. The final rule also specifies EPA Method 525.2 for analysis of the parent compounds and EPA Method 535 for analysis of the acetanilide degradates. There were no changes between the proposed and final rule language regarding these priority contaminants and their associated methods. However, this rule contains revised language to clarify that acetanilide parent and degradation product sampling must be conducted at the same time and same location.

b. Summary of Major Comments

Some commenters did not agree with EPA's proposal to monitor the three parent acetanilide compounds because some water systems include these as part of their regulated volatile organic compound analyses using EPA Method 525.2. Another recommendation was that no special certification for Method 525.2 be required, since many laboratories are already approved to conduct this analysis for regulated contaminants. EPA is requiring monitoring of these three parent pesticides because it is essential that the acetanilide parent and the degradation products analysis be conducted using samples collected in the same location and at the same time to provide data on their relative concentrations (*i.e.*, to establish relationships, if any, between the two). In addition, because UCMR requires only a sample of PWSs to conduct monitoring, and the resulting occurrence data is used to support EPA decisions about whether to regulate a contaminant to protect public health, the quality of data collected, at minimum reporting levels that are considerably lower than those used for compliance monitoring, is very important. Therefore, the analyses must meet even more stringent quality control procedures than those used for other national drinking water analyses, and special approval of laboratories is warranted for both EPA Method 535 and 525.2. These analyses are required as part of the Screening Survey, and therefore analytical costs to PWSs are limited to approximately 720 large systems (EPA is paying for the analytical costs of small system monitoring).

EPA agreed with recommendations in public comment to require monitoring for acetanilide parents and their degradation products at the same location and time to provide data on their relative concentrations. The final regulation contains revised language to include this requirement.

Finally, concern was expressed in public comments that EPA may develop a single maximum contaminant level (MCL) for the parents plus their degradates; commenters specifically pointed out that different toxicity endpoints may exist for parents and degradates, and that a single MCL could conflict with some state standards. EPA has made no decision regarding whether or how to regulate these compounds. Such decisions are beyond the scope of this rule.

3. Explosives and Related Methods

a. This Rule

Under this rule, EPA is requiring that three explosives: Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), 1,3-dinitrobenzene, and, 2,4,6-trinitrotoluene (TNT) be monitored as part of List 1, Assessment Monitoring. The final rule also specifies EPA Method 529 for analysis of these compounds. There were no changes between the proposed and final rule language regarding these priority contaminants and their associated method.

b. Summary of Major Comments

Some commenters thought that other contaminants may be more widespread and should take priority over explosives for testing. However, if monitoring for explosives was required, the commenters recommended that it be limited to areas near munitions facilities. The explosives have not yet undergone a sufficiently widespread occurrence study for EPA to be confident that these contaminants are only a concern near munitions facilities. The decision to monitor for these contaminants, versus others considered, was driven by their potential health effects through the process described previously.

4. Perchlorate and Related Methods

a. This Rule

Under this rule, EPA has removed the requirement for monitoring perchlorate under the UCMR 2 program. All references to perchlorate, its associated methods, and specific quality control requirements have been removed from the final rule. As a result, the requirements of § 141.40(a)(5)(v), Detection Confirmation, were deleted, and all subsequent sections have been renumbered accordingly. The other rule sections that were impacted by this decision (with reference to perchlorate or relevant analytical methods being removed) are: § 141.40(a)(3)—Analytes

to be monitored; § 141.40(a)(4)(i)(D)—Sampling Instructions; § 141.40(a)(5)(i)—Sample collection/preservation; and § 141.40(a)(5)(iii)(B)(2)—Quality control requirements for validation of laboratory performance at or below the MRL.

b. Summary of Major Comments

Approximately 75 percent of commenters submitted comments on the topic of perchlorate. The majority of the commenters did not support an additional round of perchlorate monitoring, the most common reason being the added cost of monitoring, without the perceived potential for gaining sufficient, new information.

Monitoring for perchlorate was conducted during UCMR 1 in over 3,800 PWSs, with a minimum reporting level of 4.0 micrograms per liter (µg/L). The data collected during this survey represents a statistically valid set of high quality data that will inform EPA on the occurrence and potential exposure to perchlorate from public drinking water supplies. EPA will continue to evaluate these exposure data along with other available information (*e.g.*, health effects) as the Agency makes its regulatory determination. Until that evaluation is complete, EPA agrees with the commenters that it is not clear that the Agency needs additional information on the occurrence of perchlorate in drinking water. As a result, imposing additional perchlorate monitoring costs on water systems is not warranted at this time. Therefore, EPA has removed the requirement for monitoring perchlorate under the UCMR 2 program. If EPA later decides that additional perchlorate monitoring is warranted, the Agency will undertake an appropriate rulemaking action.

5. Nitrosamines/NDMA and Related Methods

a. This Rule

This rule requires systems to monitor for six nitrosamines as part of the List 2, Screening Survey. The final rule also specifies EPA Method 521 for analysis of these compounds. There were no changes between the proposed and final rule language regarding these priority contaminants and their associated method.

b. Summary of Major Comments

Some commenters thought that nitrosamine sampling would be more appropriately conducted as part of the Stage 1 and Stage 2 DBPRs. EPA disagrees with these comments for several reasons. While in fact, to date, the scientific literature identifies only N-nitroso-dimethylamine (NDMA) and N-nitrosodiethylamine (NDEA) as disinfection byproducts, the Screening Survey for nitrosamines is designed to aid in understanding the proportion of nitrosamines, particularly NDMA, that results from source water contamination versus that which results from disinfection. Also, the nitrosamines in this regulation are all compounds projected to have significant adverse health effects. All of these compounds are probable human carcinogens with 10^{-6} cancer risk levels that are in the low nanogram per liter range. These compounds would be high priorities for monitoring whether their occurrence is the result of source water contamination or disinfection.

Several commenters disagreed with the use of Method 521, mostly because of questions on the scope and extent of interlaboratory testing and validation. Commenters thought that methods that are already being used by laboratories should be allowed under UCMR. Several commenters gave specific suggestions as to which methods were commonly in use that could be used for UCMR monitoring.

The methods developed by EPA, for this and other chemical methods needs for the analysis of drinking water, were subjected to a rigorous process that included a series of testing, validation studies and peer review, which went beyond the proficiency testing or round robin study of the alternative draft unpublished methods suggested by the commenters. Each individual procedure of every method proposed by EPA was subjected to rigorous testing for a minimum of two years using scientifically sound procedures. EPA's review of the suggested alternative draft methods also identified technical deficiencies that preclude their approval for monitoring under UCMR 2.

6. Flame Retardants, Other Priority Contaminants, and Related Methods

a. This Rule

Under this rule, EPA is requiring monitoring for five flame retardants, as well as terbufos sulfone and dimethoate, as part of List 1, Assessment Monitoring. The final rule also specifies EPA Method 527 for analysis of these compounds. There were no changes between the proposed and final rule language regarding these priority contaminants and their associated method.

b. Summary of Major Comments

Concern was raised through public comment that only one citation was provided in the proposed rule preamble supporting the rationale for choosing this group of contaminants. Public comment suggestions were made that there may be other groups of contaminants, such as endocrine disruptors, that would be a better choice than the flame retardants. EPA notes that both Darnerud, 2001 and Hites, 2004 were cited in the preamble of the proposed regulation as sources of the statements concerning flame retardants. There are however, many additional articles in the scientific literature which could have also been cited. In an article entitled "An overview of brominated flame retardants in the environment" by Cynthia A. deWit, which was published in *Chemosphere*, 46 (2002), the author cites over 180 published articles on flame retardants. In addition, three published articles; T.E. Stoker, "Toxicology and Applied Pharmacology", 207 (2005); T.A. McDonald, "Chemosphere", 46 (2002); and I.A.T.M. Meerts, "Environmental Health Perspectives", 109 Vol. 4 (2001) concern tests that have been performed which support that the flame retardants specified for monitoring in UCMR 2 are endocrine disruptors.

7. Triazines Chlorodegradates and Parent Compounds

a. This Rule

In the proposed rule preamble, EPA solicited public comment regarding three triazine chlorodegradates and three of their parent compounds because the Agency is conducting a cumulative risk assessment for the chlorodegradates as a group with atrazine, simazine, and propazine. While atrazine and simazine are already regulated under NPDWRs, EPA was considering UCMR monitoring for these parent compounds concurrent with the collection of UCMR data for their degradation products to determine the degree of correlation between the occurrence of the parents and their degrades. Though public comment was requested, triazines were not officially proposed for inclusion under UCMR 2 monitoring. There were no changes between the proposed and final rule language, and thus, the triazines are not part of the UCMR 2 monitoring requirements.

b. Summary of Major Comments

Commenter opinion varied regarding inclusion of triazines in UCMR 2 monitoring. For those that supported their inclusion, the primary reason was health effects. One of these commenters also recommended that cyanizine be included in this contaminant group. Of those who opposed including this group, the following reasons were given:

concern about laboratory capacity if two similar analyses using liquid chromatography/tandem mass spectrometry (LC/MS/MS) were required to be conducted in the same time frame; concern regarding the status of method development; the belief that the manufacturer should pay for occurrence testing; and the fact that information on the parent compounds is already available.

Although validation of a new triazine method has been completed, EPA agrees that requiring the use of two LC/MS/MS methods in the same UCMR cycle could present a laboratory capacity problem. Due to these concerns, EPA has concluded that triazine monitoring should be postponed until a future cycle of the UCMR.

8. Other Compounds That Were Considered

a. This Rule

In identifying the target contaminants for this rule, EPA began with a list of over 200 contaminants, compiled from a variety of different sources, including: UCMR 1 reserved contaminants; CCL 1 deferred pesticides; CCL 1 suspected endocrine disruptors; and other emerging contaminants. Through a multi-stepped review and prioritization process, the list was narrowed and prioritized. EPA's final prioritization was based on the available relative health effects information for each compound.

b. Summary of Major Comments

EPA received comment encouraging the Agency to include some endocrine disruptors on the UCMR 2 contaminant list. The initial list that EPA compiled included several contaminants that were identified as suspected endocrine disruptors during CCL 1 development, as well as others that are widely suspected to be endocrine disruptors. EPA used a multi-stepped review and prioritization process to select 25 contaminants for monitoring from the broader pool of 200 contaminants. Several different health effects criteria were used to prioritize contaminants in addition to endocrine disruption, such as cancer classification and toxicity. Although some contaminants that are considered endocrine disruptors are not part of the final monitoring list, all five flame retardants that are part of UCMR 2 are suspected endocrine disruptors. In addition, EPA will consider these other contaminants for monitoring in future rounds of UCMR monitoring.

D. How Are Laboratories Approved for UCMR 2 Monitoring?

1. This Rule

The UCMR 2 laboratory approval process is designed to assess whether laboratories meet the required equipment, laboratory performance, and data reporting criteria. Laboratories wishing to participate in UCMR 2 must contact EPA to be considered. This rule requires laboratories to complete and submit their registration to EPA by April 4, 2007 (*i.e.*, within 90 days of final rule publication). To be approved to conduct UCMR testing, this rule requires that the laboratory be certified under § 141.28 for one or more compliance analyses; demonstrate, for each analytical method it plans to use for UCMR testing, that it can meet the Initial Demonstration of Capability (IDC) requirements and successfully participate in the UCMR Proficiency Testing (PT) Program; and has the capability to post monitoring data to EPA's electronic reporting system. Laboratories are encouraged to apply for UCMR 2 approval as early as possible. The steps for the laboratory approval process are as follows:

a. Request To Participate

The laboratory must contact EPA requesting to participate in the UCMR 2 laboratory approval process. Laboratories must send this request to: UCMR 2 Laboratory Approval Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268; or e-mail at: *UCMR_Sampling_Coordinator@epa.gov*. EPA began accepting participation requests for the methods associated with UCMR 2 (including List 1, Assessment Monitoring, and List 2, Screening Survey) following publication of the proposed rule on August 22, 2005. The laboratory must complete and submit the necessary registration by April 4, 2007.

b. Registration

EPA will send each laboratory that requests a registration package a list of information that EPA will need to process that application. This registration information will provide EPA with the basic information about the candidate laboratory including: Laboratory name; mailing address; shipping address; contact name; phone number; fax number; e-mail address; and UCMR 2 methods for which the laboratory is seeking approval. Thus, the purpose of the registration step is to ensure that EPA has all of the necessary contact information and that each laboratory receives a customized application package, which will include materials and instructions for the methods that it plans to use.

c. Application Package

When EPA receives the registration information, an application package will be sent to the laboratory for completion. This application package will be customized to address only those EPA methods selected in the laboratory's registration. EPA may provide analytical standards to be used when conducting monitoring; however, laboratories will be required to procure their own standards, where commercially available, to be used to complete the application process. Information requested in the application will include:

- IDC data, including precision, accuracy, and MRL studies;
- Information regarding analytical equipment;
- Proof of current drinking water laboratory certification; and
- Example chromatograms for each method under review.

The laboratory must also confirm that it will post UCMR 2 monitoring results (on behalf of its PWS clients) to EPA's UCMR electronic data reporting system.

d. EPA Review of Application Package

EPA will review the application package and, if necessary, request follow-up information. Satisfactory completion of this portion of the process will allow the laboratory to participate in the UCMR 2 PT program.

e. Proficiency Testing

A PT sample is a synthetic sample containing a concentration of an analyte that is known to EPA, but unknown to the laboratory being tested. To complete the initial laboratory approval process, a laboratory must successfully analyze UCMR 2 PT sample(s) for each method for which the laboratory is seeking approval. A laboratory must pass only one PT for each of the UCMR 2 methods. Laboratories applying for UCMR 2 approval, and laboratories conducting UCMR 2 analyses, may be subject to on-site laboratory audits. No PT studies will be conducted after the start of monitoring. Laboratories will not be approved if they did not successfully complete a PT study.

f. Written EPA Approval

After the first five steps (a–e, above) have been successfully completed, EPA will send the laboratory a letter listing the methods for which approval is granted. These letters will also include a reminder that the laboratory may be subject to on-site audits. A list of

laboratories approved for UCMR 2 will be posted to EPA's UCMR Web site: *http://www.epa.gov/safewater/ucmr/ucmr2/labs.html.*

2. Summary of Major Comments

Several comments recommended that EPA continue to oversee the laboratory approval process and offer PTs throughout the UCMR 2 period to ensure that approved laboratories are maintaining data quality. EPA notes that the laboratory approval process is meant to establish a list of laboratories that have demonstrated their ability to perform the Quality Assurance/Quality Control (QA/QC) requirements for UCMR 2 methods. EPA and its supporting contractor will be assisting candidate laboratories to achieve the required proficiency during the laboratory approval process. Once the approvals are completed, EPA does not intend to invest the resources to maintain an ongoing laboratory monitoring program. However, EPA will continue to provide technical assistance to laboratories that request it. In addition, EPA will conduct a limited number of on-site laboratory audits. PWSs also have a role to play in data quality. In selecting a laboratory for conducting UCMR 2 analyses, the PWS should consider the laboratory's commitment to data quality. As a partner in the commitment to quality data, the PWS should request and review the QC data associated with their UCMR 2 occurrence samples.

Public comments also expressed concern that there may not be adequate time for laboratories to receive certification, resulting in reduced laboratory capacity at the onset of monitoring. Recommendations included: Adjusting monitoring schedules in instances of inadequate laboratory capacity; conducting the laboratory approval process prior to rule promulgation; and extending the deadline for laboratories to report monitoring results. EPA began offering the first round of preliminary laboratory PTs in mid-2006. Additional rounds were conducted before and are scheduled to be conducted after promulgation of the final regulation. EPA is confident that sufficient laboratory capacity will be available, but will also closely evaluate the results of these preliminary PTs.

In addition, this rule contains language that revises the Screening Survey and Assessment Monitoring time frame to January 2008 through December 2010. This revision extends the start date of UCMR 2 monitoring by 6 months from the proposed July 2007 start date and allows the Screening Survey to be conducted across three years as opposed to the two-year time frame that was proposed. This will allow PWSs more time for UCMR 2 planning and budgeting and provide additional assurance of sufficient laboratory capacity.

E. What Is A System's Responsibility Regarding the Use of Laboratories?

1. This Rule

Under this rule, systems selected to participate in monitoring will be required to use laboratories that are approved by EPA for UCMR 2 monitoring (see Section III.D, above). Large systems must ensure that the laboratories conducting their analyses meet UCMR 2 QC requirements and post the data in EPA's electronic data reporting system within 120 days of the sample collection date.

2. Summary of Major Comments

Several comments were received regarding PWSs' responsibility for laboratory compliance with QC and reporting requirements, indicating that EPA should be responsible for ensuring laboratory compliance, as a condition of certification.

PWSs have always been responsible for the quality of the results produced by the laboratory they employ, whether that monitoring was conducted in support of UCMR 1 or compliance monitoring under SDWA. Large PWSs (serving greater than 10,000 people) must ensure that their laboratories have received appropriate EPA approvals to conduct UCMR 2 methods and must ensure that laboratories follow the specific UCMR 2 QC requirements. EPA recommends that laboratory requirements be addressed in the contractual language between the PWS and laboratory. EPA's UCMR Web site at: *http://www.epa.gov/safewater/ucmr/ucmr2* provides informational materials that PWSs can use to help them evaluate their data. These materials include: a laboratory approval manual, the analytical methods (each of which contain a table summarizing QC requirements of that method), and a general reference guide designed to help PWSs develop laboratory contracts.

F. What Specific Quality Control Requirements Must Be Followed?

1. Method Development Approach and Method Defined Quality Control

a. This Rule

Under this rule, UCMR 2 analyses will be conducted using five EPA methods. This final rule revises several aspects of the methods QC requirements compared to those that were established under UCMR 1, including: revising the definition of and procedures for MRL detection limits (see Section III.F.2. for more detail); and no longer requiring QC samples because standards are generally not available. The final rule language also contains other revisions to QC requirements that were necessary because of the removal of perchlorate from the final UCMR 2 monitoring list. See Section III.C.4 for a listing of those changes.

b. Summary of Major Comments

A few commenters were concerned that the methods have not been properly validated, potentially increasing costs if repeat sampling is needed. These commenters also believe that laboratory capacity would be insufficient to conduct all required monitoring.

As noted elsewhere, EPA is confident that the analytical method validation procedures that it has followed provide the appropriate evaluation of analytical methods and that the design of the Assessment Monitoring and Screening Surveys ensures that adequate laboratory capacity will be available. Moreover, as noted elsewhere, the final rule extends the time frame for Screening Survey monitoring from two years (as originally proposed) to three years, coinciding with Assessment Monitoring. This extended timeframe will further enable approved laboratories to handle the analyses associated with UCMR 2 monitoring.

EPA received comments disagreeing with its proposal to no longer require QC samples, arguing that this will diminish the quality of the analyses, and that companies that manufacture QC standards will have them available in 2006. A quality control sample, in this context, is a primary dilution standard of methods analytes that is obtained from a source external to the laboratory and different from the source of calibration standards. Although EPA agrees that the periodic measurement of a QC sample is an important element of standard laboratory quality control, it is not feasible to require the use of QC samples that do not currently exist and may or may not exist in the future. In addition, all laboratories will be required to pass an EPA performance study, which will help to assure the quality of the calibration standards being used. However, EPA is strongly encouraging all UCMR laboratories to analyze an independently prepared quantitative standard on a quarterly basis. If commercially prepared QC standards are available, they should be used. If not, laboratories should have a second analyst prepare a separate set of quantitative standards to serve as

independent quality control checks of the calibration standards being used by the laboratory. EPA will continue to require that UCMR laboratories analyze a variety of other samples (i.e., duplicate samples, laboratory fortified reagent and matrix samples, etc.) designed to assess the quality of their analyses, as specified in each analytical method and in the "UCMR 2 Laboratory Approval Manual" (USEPA, 2004d).

2. Minimum Reporting Level

a. This Rule

Under this rule, all laboratories certified to conduct UCMR analysis must be able to demonstrate their ability to detect each UCMR contaminant at the specified MRL. MRLs represent an estimate of the lowest concentration of a compound that can be quantitatively measured by a group of experienced drinking water laboratories. Previously, MRLs had been determined by analytical laboratories using expert professional judgment, but standard criteria for MRL determinations had not been established. For this rule, EPA has revised the process for developing MRLs as follows. The MRLs are now based on Lowest Concentration Minimum Reporting Levels (LCMRLs) which were determined by each laboratory that developed or subsequently tested the methods. LCMRLs represent the lowest concentration of a compound that can be quantitatively determined in each individual laboratory. In the interest of greater consistency, EPA has developed a statistical protocol for single-laboratory determinations of LCMRLs, using linear regression and prediction intervals.

b. Summary of Major Comments

Several comments were received regarding the number of significant figures associated with the MRLs. These commenters wanted the number of significant figures reduced. In considering public comments, EPA agrees that the MRLs should be reported to one significant figure. The final regulation contains revised language reflecting that MRLs are rounded to one significant figure.

Commenters also thought that having a different MRL for each analyte may lead to calibration errors. They suggested revising the MRLs within each method to achieve some proportional relationship among the MRLs. EPA does not agree with this comment. The MRLs are based upon a statistical analysis of the quantitation levels achieved at multiple laboratories. To adjust those to some proportional level would be arbitrary.

3. Lowest Concentration Minimum Reporting Level

a. This Rule

EPA has developed a protocol for developing MRLs based on LCMRLs determined by each laboratory that developed or subsequently tested the methods listed in this action. For UCMR 1, EPA specified MRLs and a requirement for recovery at the MRL so that data quality was documented daily. In the interest of greater consistency, EPA developed a statistical protocol for single-laboratory determinations of LCMRLs using linear regression and prediction intervals. This approach has been evaluated through expert peer review conducted in accordance with the Agency's formal peer review process and through the performance of a pilot-scale interlaboratory study. A free tool for calculating the LCMRL was developed and is available for download on the Web: *http://www.epa.gov/safewater/methods/sourcalt.html#Mlcmrl*.

b. Summary of Major Comments

Some public commenters disagreed with the 50–150 percent acceptance criteria for MRLs, arguing that it exceeds routinely accepted criteria, and suggested instead to use ± 10–20 percent. EPA believes that these commenters are referring to ± 10–20% relative standard deviation (RSD) and notes that the MRL verification requirement is based on the *three sigma prediction interval* being within 50–150 percent. EPA believes that the 50–150 percent criteria is in fact, a very stringent requirement comparable to that advocated by the commenters. As an example, to meet the 50–150 percent criteria for the 99 percent prediction interval, as specified in § 141.40(a)(5)(iii), and assuming 100 percent accuracy, would require an RSD of 13.5 percent. Since both precision and accuracy are measured by this criterion, any errors in accuracy would serve to reduce the required RSD even further, and make the precision criteria more stringent.

Other comments expressed concern that acceptance criteria were not consistently applied, possibly leading to inconsistencies in the precision and accuracy of reported values. EPA agrees that the LCMRL process, as specified in the proposed regulation, does not apply consistent acceptance criteria over the analytical range of the test method. EPA has always recognized that precision and accuracy of analytical methods are a function of concentration, and has generally published differing acceptance criteria for its methods in recognition of this fact. These concentration-based criteria do not in any way represent a change in policy, rather, recognition of the reality of analytical measurements.

4. Laboratory Fortified Sample Matrix and Laboratory Fortified Sample Matrix Duplicate

a. This Rule

Under this rule, all participating laboratories will be required to analyze Laboratory Fortified Sample Matrix (LFSM) samples for accuracy, and Laboratory Fortified Sample Matrix Duplicate (LFSMD) samples for precision, for all UCMR 2 contaminants. LFSM/LFSMD samples must be prepared using a sample collected and analyzed in accordance with UCMR 2 requirements and analyzed at a frequency of 5 percent (or one LFSM/LFSMD set per every 20 samples) or with each sample batch, whichever is more frequent. In addition, the LFSM/LFSMD fortification concentrations must be alternated between a low-level fortification and mid-level fortification approximately 50 percent of the time. The low-level LFSM/LFSMD fortification concentration must be within ± 50 percent of the MRL for each contaminant, and the mid-level LFSM/LFSMD fortification concentration must be within ± 20 percent of the mid-level calibration standard for each contaminant. The low-level method fortification level requirement of ± 50 percent represents a revision to the proposed rule language based on public comments that ± 20 percent was too restrictive.

b. Summary of Major Comments

Some commenters expressed concerned about the added expense of extra bottles and the time needed to coordinate with laboratories and other utilities to ensure that the proper number of LFSM/LFSMD samples will be submitted. Although EPA has changed the way that QC data will be tracked, EPA has not changed the number of sample bottles which need to be collected. The requirement to fortify at least one UCMR field sample per analytical batch, and to report these data to EPA, has not changed from UCMR 1. The only change compared to UCMR 1 is in how the data are to be reported. Previously, laboratories were required to report the percent recoveries of each analyte in the fortified field samples; in UCMR 2 they are required to report the analytical result and EPA will compute the recoveries.

Other commenters suggested using the same sample for duplicates instead of a second sample and using more

laboratory blanks to decrease cost. EPA notes that data from laboratory blanks and fortified matrix samples provide very different information. Data from fortified reagent water samples help the data user understand how well the laboratory is performing the analysis. Fortified matrix samples are used to determine if there are interfering compounds in the matrix that preclude accurate analysis and to assess the precision and accuracy of the database of field results. Since fortified reagent water samples are not subject to the same type of matrix interferences that field samples are, data from reagent water samples are not a scientifically valid way to determine the precision and accuracy of field data.

G. When Are Samples Collected?

1. This Rule

To accommodate PWS preparation for rule implementation and to provide additional assurance of sufficient laboratory capacity, this rule contains revised language that changes the start of monitoring from July 2007 to January 2008, such that the effective monitoring period is now January 2008 through December 2010. This rule also contains language that revises the Screening Survey time frame to match that of Assessment Monitoring. Thus, Screening Survey systems will be scheduled to monitor during a continuous 12-month period during January 2008 through December 2010.

In addition, as under UCMR 1, ground water sampling points must be monitored twice in a consecutive 12-month period. However, to provide PWSs with more flexibility, the final rule contains revised language to allow the second sampling event for ground water sampling points to occur within 5–7 months of the first sampling event instead of within 6 months, as proposed. EPA will establish schedules for all systems to ensure adequate laboratory capacity for the analysis of UCMR contaminants and to improve the oversight of monitoring and data reporting. EPA will use the State Monitoring Plans to identify all systems that will participate in the UCMR 2 program, and to identify the monitoring schedule for each system.

This action also contains language that clarifies the definition of a sampling location's source type. The final rule language specifies that if any percentage of the total water associated with a sampling point originates either from surface water or ground water under the direct influence of surface water (GWUDI) during the 12-month monitoring period, then that source should be reported as "SW" or "GU" as appropriate. These sampling points must be monitored for four consecutive quarters, with sample events occurring three months apart (*e.g.*, a system could conduct monitoring in either: (1) January, April, July, October; (2) February, May, August, November; or (3) March, June, September, December).

2. Summary of Major Comments

Many commenters did not support EPA's proposal to designate each PWS's month and year of monitoring, expressing concern for budget and scheduling, and some specific concerns that the assigned schedule could conflict with the Initial Distribution System Evaluation (IDSE) that is required under the Stage 2 DBPR. Alternatives recommended by commenters included: setting a "window" in which monitoring must be completed; allowing systems to conduct monitoring over the entire monitoring period; and allowing systems to set their own schedules. Some commenters recommended that EPA change the Screening Survey time frame to match that of Assessment Monitoring; others recommended delaying the start of the Screening Survey by one year. Based on its experience with UCMR 1, EPA has determined that establishing a defined schedule (month and year) for each PWS is necessary. Under UCMR 1, EPA did not establish Assessment Monitoring schedules for large systems. This resulted in delayed or incomplete monitoring for a number of large systems, leading to enforcement actions that may have been avoided had schedules been established. To help PWSs with scheduling and to provide additional assurance of laboratory capacity, the final regulation contains revised language that: (1) Changes the monitoring period for UCMR 2 from July 2007 through June 2010 to January 2008 through December 2010; and (2) extends the two-year monitoring period for the List 2 Screening Survey contaminants to three years, such that the Screening Survey will coincide with the three-year Assessment Monitoring period of January 2008 through December 2010. In addition, systems will have the opportunity to change their sampling schedules either through EPA's electronic data reporting system by August 2, 2007, or after this date by fax, mail, or e-mail request to EPA.

Some commenters indicated that wells may not be operating continually and therefore, some systems with ground water sources will be unable to meet EPA's schedule. Some recommended that EPA allow systems to conduct the second sampling event within 5–7 months of the first sample, as was done under UCMR 1. In response to this recommendation, the final regulation contains revised language that extends the time frame for collecting the second ground water sample to 5–7 months following the collection of the first round of samples. For planning purposes, EPA will initially schedule these sampling events 6 months apart. However, systems will have the flexibility to sample within a 5–7 month window. Systems will be required to notify EPA if they cannot monitor within this 3-month window. Refer to Section III.J.1.c for more detail on the requirement for a water system to notify EPA if it is unable to monitor according to its assigned schedule.

H. Where Are Samples Collected?

1. Entry Points to the Distribution System

a. This Rule

This rule establishes that all UCMR 2 samples will be collected at entry points to the distribution system (EPTDSs), and for nitrosamines, within the distribution system, and eliminates the option of source water monitoring (except for source water that leaves the EPTDS untreated).

b. Summary of Major Comments

Several commenters disagreed with EPA's proposal to eliminate monitoring from "raw source water" samples. Several reasons were given, including: Cost savings through coordination with compliance monitoring; raw water samples would provide useful information for determining which water treatment technologies are needed and potential human exposure; and EPA allowed systems the option of sampling raw water or EPTDS locations under UCMR 1. Other alternatives suggested were to allow systems with multiple source water sampling locations to collect a sample from the highest risk source based on their Source Water Assessments, and to require a portion of large systems with surface water sources to conduct raw water sampling under Assessment Monitoring.

In response to these comments, EPA notes that the UCMR design was established in fulfillment of the 1996 SDWA Amendments (Section 1445(a)(2)), which states: "The regulations shall require monitoring of drinking water supplied by public water systems * * *" The UCMR program was designed to collect data that would provide information for human exposure study. This is best achieved by conducting monitoring at the EPTDS as opposed to a pre-treatment sampling

site. However, to provide flexibility during UCMR 1, systems were allowed to collect "raw source water" samples in those States where samples for regulated contaminants were collected prior to treatment. If a system detected any contaminants above the MRL (and treatment was subsequently applied), monitoring at EPTDSs was subsequently required. This created substantial confusion and errant reporting during UCMR 1; many systems did not fully understand or comply with the requirement to conduct the required EPTDS monitoring following a raw water detection. EPA anticipates that this confusion would be even more likely during UCMR 2 if raw water monitoring was allowed because of the anticipated occurrence rates for some UCMR 2 analytes. Moreover, since UCMR 2 methods are not used to support regulated contaminant monitoring, UCMR 2 samples cannot be used to meet compliance monitoring requirements.

2. Distribution System Maximum Residence Time

a. This Rule

This rule requires systems that are participating in the Screening Survey to collect nitrosamine samples both at EPTDSs and in the distribution system to capture the occurrence of nitrosamines as disinfection byproducts. This rule requires systems to collect their nitrosamine samples at their distribution system maximum residence time (DSMRT) location(s) for each treatment plant/water source as defined in the Stage 1 DBPR. Water systems that do not have defined DSMRT sampling points in the distribution system (*e.g.*, systems that do not apply a chemical disinfectant, wholesalers without retail customers) will be required to collect nitrosamine samples at EPTDSs only.

b. Summary of Major Comments

EPA requested comment on whether nitrosamines should be collected at both EPTDSs and at the DSMRT for each treatment plant/water source as defined in Stage 1 DBPR. A few commenters agreed that this monitoring should occur at both sampling locations. Some commenters disagreed with sampling finished water, saying that EPA will be unable to determine whether NDMA occurs in the source or is formed as a disinfection byproduct (DBP) without raw water data or information on the disinfection level at the time of sample collection. In addition, commenters pointed out that treatment can reduce the concentration of some contaminants.

EPA is requiring that nitrosamine samples be collected at two locations to allow the Agency to evaluate whether exposure to nitrosamines is influenced by the distribution system. Since the nitrosamines may occur as source water contaminants and/or DBPs, monitoring at both the EPTDSs and DSMRTs will provide EPA with the range of human exposures to these contaminants in drinking water. In addition, if a nitrosamine is present as a result of reactions with the disinfectant, the concentration may increase the longer the water is in contact with that disinfectant. EPA plans to compare the aggregated concentration data from the two sample points to determine if there is a significant difference in the concentrations. This information will assist EPA in determining an appropriate sampling strategy if a decision to regulate nitrosamines is made after the UCMR 2 exposure information is available. EPA will also evaluate differences between systems using free chlorine versus chloramines to determine if the type of residual disinfectant is associated with nitrosamine levels.

EPA agrees that the UCMR 2 data will not establish the source of nitrosamines, if they are present in finished water. However, the Agency does not agree that raw water data would necessarily establish the source of nitrosamine contamination. Some coagulant aid polymers used in drinking water treatment have been implicated as precursors of nitrosamines. The inability to identify the source of the contaminant is not limited to nitrosamines; it extends to all UCMR 2 contaminants. The UCMR program was designed to collect data that would provide information for human exposure study. This is best achieved by conducting monitoring at the EPTDS as opposed to a pre-treatment sampling site because the treatment process can influence the concentration present in drinking water.

Several public comments were received regarding the timing of UCMR 2 monitoring and the completion of IDSEs. Commenters were concerned that most systems have not begun their IDSEs to identify the longest residence time in their system, and thus, DSMRT locations may not be available for nitrosamine occurrence testing. During UCMR 2 implementation, disinfecting systems will conduct monitoring at the Stage 1 DBPR distribution system sampling locations. These locations reflect the water system's and Primary Agency's judgment concerning areas in the distribution system that have the "oldest" water (*i.e.*, those locations with the greatest distribution system maximum residence times or DSMRT). Under the Stage 2 DBPR, systems will be required to conduct IDSEs to determine locations with representative high total trihalomethanes (TTHM) and haloacetic acids (HAA5) concentrations. EPA agrees that new information collected during the IDSE study may result in the water system no longer using the Stage 1 DSMRT sampling locations because other areas of the distribution system may have higher concentrations of TTHM or HAA5. However, EPA believes it is still appropriate to use the Stage 1 DSMRT sample locations for the UCMR 2 monitoring because it is premature to link nitrosamine occurrence levels to TTHM and HAA5 levels. In addition, no water system is required to conduct Stage 2 compliance monitoring until 2012, long after UCMR 2 monitoring is complete.

I. How Should Samples Be Collected?

1. This Rule

This rule includes clarifying language that acetanilide parent compounds and their degradates must be collected at the same time and sampling location (§ 141.40(a)(4)(i)(D)). Refer to Section III.C.2 for a more detailed discussion of comments pertaining to acetanilides. This rule also revises system resampling requirements related to laboratory errors or sampling deviations (§ 141.40(a)(4)(i)(G)). Previously, systems were required to resample within 14 days of becoming aware of a sampling or laboratory error. Systems will now have 30 days to collect the resample. This rule also retains the instruction that sample collection and shipping take place Monday–Thursday to ensure that samples arrive at the laboratory at the required temperature.

2. Summary of Major Comments

EPA agreed with comments that recommended acetanilide parent and the degradation products analysis be conducted using samples collected in the same location, and at the same time, to provide data on their relative concentrations. The final regulation contains revised language to specify that acetanilide parent and degradation product sampling be conducted at the same time and at the same site.

Several public comments were received indicating that a resampling period of 14 days is too short. Some made recommendations for extending the period to within 30 days of receiving written notification that a laboratory error had occurred or after the system determines that a sampling error has

occurred. Others recommended up to two months. In response to these comments, EPA has included revisions to the final regulation requiring resampling to occur within 30 days of being informed or becoming aware of the sampling or laboratory error. Extending the resampling period beyond 30 days would result in a large number of resamples being collected in the next quarterly monitoring period.

J. What Are the UCMR 2 Reporting Requirements?

1. Information Required Prior to Monitoring

a. Contact Information

This rule finalizes the proposed requirement for water systems to report contact information (*i.e.*, the name, affiliation, mailing address, phone number, fax number, and e-mail address of the PWS Technical Contact and PWS Official) to EPA. Large systems (those serving 10,000 or more people) must submit this information by April 4, 2007 using EPA's electronic data reporting system. Small systems, or States (if acting on their behalf) must submit this information within 90 days of receiving a letter from EPA that requests contact information. EPA did not receive any comments regarding these requirements.

b. Sampling Location and Inventory Information

i. This Rule

This rule finalizes the proposed requirement for large PWSs to provide inventory information for each of their required sampling locations by August 2, 2007 (*i.e.*, within 210 days of final rule publication) using EPA's electronic reporting system. For each sampling location, or for each approved representative sampling location, large systems must submit the following: public water system identification (PWSID) code; PWS facility identification code; sampling point identification code; sampling point type code; and sampling location water type. Any changes to these data must be reported to EPA's electronic reporting system within 30 days of the change. Section III.J.3.b of this action includes a more detailed discussion of EPA's electronic reporting system.

ii. Summary of major comments

Some commenters recommended that existing inventory information from the Safe Drinking Water Accession and Review System (SDWARS) or other databases, such as EPA's Safe Drinking Water Information System (SDWIS), be used to pre-populate the database for UCMR 2 to reduce some of the burden on water systems. EPA will use the large system inventory that is currently stored in SDWARS 1 as much as possible, and supplement that with new entry point facilities from SDWIS, as well as new information provided by the State. PWSs will be responsible for verifying, correcting, and updating inventory information. PWSs will identify the facilities/sample points that are required to be sampled (*i.e.*, all EPTDSs or approved representative EPTDSs sampling points, as well as applicable DSMRT sampling points). PWSs that are required to monitor in the distribution system will have the opportunity in SDWARS to associate the distribution system sample point with an entry point.

c. Proposals for Representative Sampling Locations

i. This Rule

Under this action, some large systems that have multiple ground water EPTDSs can request approval to monitor at representative entry point(s) rather than at each EPTDS. Large PWSs can submit either documentation of alternate EPTDS sampling locations that were approved by the State or EPA for UCMR 1 or Phase II/V monitoring, or a proposal for sampling at representative EPTDS(s), with supporting documentation to demonstrate that any EPTDS selected as representative of the ground water supplied from multiple wells is associated with an individual well that draws from the same aquifer as the multiple wells (*i.e.*, those being represented).

ii. Summary of Major Comments

Many commenters agreed with EPA's proposal to allow ground water systems to use representative entry points. Some indicated that EPA should allow more flexibility in the type of data used to support the selection of representative EPTDSs. In particular, some commenters suggested that EPA allow any previously approved representative monitoring plans used for UCMR 1 (including those approved by EPA) as appropriate documentation. Commenters also indicated that some systems may need more than 210 days after the publication date to prepare a representative well proposal and that EPA should extend this deadline.

In response to comments, the final regulation contains revised language to allow PWSs to submit documentation of a representative well plan approved in previous UCMR cycles (§ 141.35(c)(3)(i)). However, EPA is not revising the rule language that lists examples of the types of information a PWS may submit to demonstrate the representativeness of a well (§ 141.35(c)(3)(ii)). The situation and available data will vary too widely from PWS to PWS for EPA to specify the exact data that are necessary. Further, EPA believes that the time frame for submitting representative proposals is reasonable and notes that systems were made aware of this opportunity shortly after the publication of the proposed rule.

d. Reporting/Coordination of Monitoring Schedules for Large Systems

i. This Rule

Under UCMR 2, EPA will establish monitoring schedules for all participating systems. Large systems have until August 2, 2007 (*i.e.*, 210 days from the publication of this final rule) to revise their schedule using the EPA electronic data reporting system. After August 2, 2007, if a large PWS cannot sample according to the required schedule, the PWS Official must fax, mail, or e-mail a request to EPA explaining the reason samples cannot be taken according to the assigned schedule and requesting an alternative schedule. This rule also contains revised language clarifying that the second set of samples from ground water sources may be collected any time within 5–7 months of the first sampling event without the PWS being required to notify EPA.

ii. Summary of Major Comments

Some commenters recommended that the 210-day deadline for submitting a revised monitoring schedule be removed and systems be allowed to conduct monitoring at any time during the entire three-year time frame. Commenters indicated that the deadline would limit a water system's ability to coordinate its monitoring schedule with a contract laboratory's analytical capacity, and would result in an increased likelihood of monitoring and reporting violations due to operational failures beyond the water system's control. As discussed in Section III.J.1.d of this preamble, EPA will establish a defined schedule (month and year) for each PWS. During the 210-day period following publication of the final regulation (*i.e.*, August 2, 2007), a PWS can simply revise its schedule using the EPA electronic data reporting system. Barring a serious problem with large numbers of PWSs wanting to change their scheduled monitoring to the same time frame, EPA will honor all of these requests. After August 2, 2007, a PWS may request that its schedule be changed; however, unlike the first 210-day period, the PWS will need to

explain its rationale for the requested change. Budgetary issues or well closings are examples of problems that will be considered legitimate reasons for schedule changes. A system is subject to its original assigned sampling schedule or its modified schedule established prior to August 2, 2007 via EPA's electronic data reporting system, unless and until it receives notification from EPA specifying a new schedule.

To help PWSs with scheduling and to provide additional assurance of laboratory capacity, the final regulation contains revised language that: (1)Changes the monitoring period for UCMR 2 from July 2007 through June 2010 to January 2008 through December 2010; and (2) extends the two-year monitoring period for the List 2 Screening Survey contaminants to three years, such that the Screening Survey will coincide with the three-year Assessment Monitoring period of January 2008 through December 2010. In addition, because of the logistical issues associated with sampling for UCMR 2 (*e.g.*, seasonal operation of some wells), the final regulation also contains revised language that extends the time frame for collecting the second ground water sample to 5–7 months following the collection of the first round of samples. This will allow systems that have multiple sampling points to schedule the second sampling event across the 5–7 month window. However, for planning purposes, EPA will preliminarily schedule these sampling events 6 months apart.

e. Notice regarding applicability or inability to meet sampling schedule

i. This Rule

This rule includes system reporting requirements to ensure communication between PWSs and EPA regarding rule applicability and compliance. These requirements include: reporting changes in system status or other factors that affect a system's requirements under the rule (e.g., a system believes it does not meet the applicability criteria for UCMR); notifying EPA if a system believes it is subject to UCMR requirements but has not been notified by either EPA or the State regarding requirements; and reporting to EPA if a system cannot sample according to its assigned schedule. The final regulation at § 141.35(c)(5) contains revised language to clarify that systems collecting samples from ground water sources can collect their second set of samples within the 5–7 months of the first sampling event.

ii. Summary of Major Comments

Some commenters suggested that EPA develop a list of acceptable reasons for not monitoring from a source to eliminate the need for systems to notify EPA. EPA believes that it is impractical to develop an exhaustive list. It is important that EPA be notified of any reason that a scheduled sampling event will be missed to allow for effective coordination of compliance assistance and enforcement actions.

2. Reporting of Required Data Elements

a. This Rule

This rule specifies 15 data elements in § 141.35(e), Table 1, to be reported with UCMR 2 sample test results. In this table, EPA is providing clarifying language to the following four data elements: Water Source Type (data element #3); Sampling Point Identification Code (data element #4); Sampling Point Type Code (data element #5); and Disinfectant Residual Type (data element #6). EPA received comments on Sample Analysis Type (data element #11) and Sample Event Code (data element #15) but did not revise these data elements in this action.

b. Summary of Major Comments

Comments were received questioning whether systems would be required to report source water changes that occur throughout the 12-month monitoring period or only those that occur between sampling events. To simplify UCMR 2 reporting, the definition of "Water Source Type" (data element #3) contains revised language specifying that if any percentage of the total water associated with that sampling point originates either from surface water or GWUDI source during the 12-month monitoring period, then that source should be reported as "SW" or "GU" as appropriate. If a sampling point is served by both a surface water and GWUDI source during the 12-month monitoring period, then that source should be reported as SW (i.e., SW takes precedence over GU in the hierarchy of source water reporting). The only time that a source is to be considered ground water is if 100 percent of the water associated with that sampling point is from a ground water source during the entire 12-month monitoring period. By defining a sampling point source over the entire 12-month monitoring period, many instances where a system would otherwise need to report a change in its source to EPA will be eliminated.

Some commenters indicated that definitions for Sampling Point Identification Code (data element #4), and Sampling Point Type Identification Code (data element #5), seem redundant. In response to comments, the final regulation contains revised language changing the name of data element #5 to "Sampling Point Type Code" and clarifying the definitions of these two data elements.

Some commenters recommended that EPA clarify the definition of "Disinfectant Residual Type" (data element #6) because some systems may periodically use an alternate disinfectant. EPA's intent in the proposed rule language was that PWSs would report the type of disinfectant used at the time of each specific sampling event. In response to this comment, the final rule contains revised language to Table 1 of § 141.35(e) to clarify this point.

Some commenters expressed concern that EPA will create inconsistencies in water system and laboratory databases by retaining the name "Sample Analyses Type" from UCMR 1 but changing the codes associated with it. EPA revised the codes associated with this data element (#11) to better reflect the type of sample collected. The values that laboratories used previously proved to be problematic, since laboratories did not have enough information about the PWS's treatment systems or sample locations to assign the correct sample analysis type. Instead, EPA proposed and is finalizing in this rule codes that will provide EPA with QC information at the field sample level and with information about which UCMR field sample was fortified.

3. Reporting Process

a. Where to Report

This rule specifies in § 141.35(b)(1) the Web address for information that must be submitted electronically as: *http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html*. This paragraph of the final rule also specifies that supporting documentation can be submitted to: UCMR Sampling Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268; or by e-mail at *UCMR_Sampling_Coordinator@epa.gov*; or by fax at (513) 569–7191. EPA did not receive any comments related to this aspect of the rule.

b. Electronic Reporting System

i. This Rule

EPA's electronic data reporting system—called SDWARS, which can be accessed on the Web at: *http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html*—is the primary portal for PWSs and laboratories to submit contact

and inventory information to EPA. The UCMR program requires that all monitoring results and associated data elements be reported using this system. There were no changes between the proposed and final rule language regarding this data reporting system. The data review and approval process is discussed in Section III.J.3.c.

ii. Summary of Major Comments

EPA received several recommendations to provide more information and guidance related to PWS and laboratory use of its electronic data reporting system. In addition, several commenters requested that EPA pre-populate the UCMR 2 database with contact and inventory information that was collected under UCMR 1, or that it be easily accessible through EPA's SDWIS database.

EPA is not pre-populating the SDWARS 2 database with PWS contact information for two reasons. First, the data that EPA currently has on file are several years old and EPA is aware that many changes in contact information are necessary. Second, EPA will use a PWS's entry of this information into SDWARS to confirm that the system has successfully set up its SDWARS account. However, EPA will upload all inventory information that it has available (i.e., PWS identification code; PWS facility identification code; sampling point identification code; sampling point type code; and sampling location water type). PWSs will be responsible for verifying, correcting, and updating inventory information, as needed. In addition, EPA is finalizing the specific process for the upload of monitoring results and will release the details of the process and upload files as far ahead of the start of monitoring as possible.

Some comments were received expressing concern about the stability of the UCMR 1/SDWARS 1 database, claiming that data was lost which caused unnecessary notices of violation to be issued. Comments suggested that reminder letters/notices for compliance assistance would be more effective. Other comments were received suggesting that, to minimize confusion, PWSs have the option to report using the process they already use to report to their States, and States would then report to EPA.

EPA is not aware of any cases in which SDWARS lost data. In general, where data appeared to be lost, closer review revealed other reasons for the problem, including various situations that resulted in data that was not officially "approved" or data transfer errors by laboratories that caused SDWARS to reject all or parts of files. When developing UCMR 1 and the overall UCMR program, EPA was concerned about the problem of transcription errors in data reporting. Therefore, EPA designed SDWARS such that the originator (i.e., the laboratory that performed the analysis) was responsible for entering the data into the database.

c. Data Review and Approval Process/ Timeline

i. This Rule

This rule requires large systems to ensure that their laboratory posts the data in EPA's electronic data reporting system (*http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html*) within 120 days from the sample collection date. Large systems then have 60 days from when the laboratory posts the data in EPA's electronic data reporting system to review, approve, and submit the data to the State and EPA via the EPA electronic reporting system. If systems do not take action on the data within 60 days of the laboratory's posting to the electronic reporting system, the data will be considered approved by the system, and available for EPA review, and subsequent public release.

Because EPA pays for and organizes the small system testing program, the review and approval steps for small systems differ. Small systems are only required to record system and sample location information on the sampling forms and bottles that are sent to them by the UCMR Sampling Coordinator. Procedures for submitting this information will be specified in the instructions sent to the system. Small systems are not required to review monitoring results, although they will be given a 60-day opportunity to review such results prior to their results being posted to the publicly available Web site.

ii. Summary of Major Comments

Several commenters expressed that PWSs could not be held responsible for laboratory compliance with the UCMR 2 reporting requirements. Section 141.35(c)(6)(ii) specifies that PWSs must ensure that their laboratories post the required data to the electronic database within 120 days of sampling. PWSs have the responsibility to require that their laboratory meets this reporting deadline and PWSs are ultimately responsible for ensuring the quality of their data.

Regarding compliance with review and approval timelines, commenters also were concerned that unnecessary enforcement notices were issued during UCMR 1 often because PWSs had not correctly processed and approved data through SDWARS. Several commenters recommended that reminder notices would help to ensure reporting compliance during UCMR 2 and reduce the need for enforcement actions. Other commenters were concerned about laboratory capacity and the ability of a limited number of approved laboratories to successfully conduct analyses and reporting within the required time frames.

EPA is currently in the final stages of developing the SDWARS electronic data entry system for entry of UCMR 2 monitoring results and is including an automatic e-mail system that will alert PWSs that data was entered by the laboratory, thereby reminding PWSs that they need to review and approve their monitoring data.

4. Cross-Media Reporting and Data Availability

a. Cross-Media Electronic Reporting

The reporting required under this final rule is consistent with the requirements of the October 13, 2005, regulation, "Cross-Media Electronic Reporting" (70 FR 59847, (USEPA, 2005b)).

b. Data Availability

The data collected through the UCMR program is being stored in NCOD to facilitate analysis and review of contaminant occurrence; to guide the conduct of the CCL process; and to support the Administrator's determination to regulate a contaminant in the interest of protecting public health, as required under SDWA Section 1412(b)(1). Results of the UCMR 1 monitoring can be viewed by the public at EPA's UCMR Web site: *http://www.epa.gov/safewater/ucmr/data.html.*

K. What Constitutes a Violation Under UCMR 2?

Under this rule, EPA will finalize the definitions for monitoring and reporting violations as proposed. A monitoring violation under UCMR 2 is defined as: "Any failure to monitor in accordance with §§ 141.40(a)(3)–(5) is a monitoring violation." A reporting violation is defined as: "Any failure to report in accordance with § 141.35 is a reporting violation." EPA did not receive any comments related to these violation definitions.

L. Technical Correction Rule Changes in This Rule

This rule includes two technical corrections pertaining to: Aldicarb monitoring and State primacy.

1. Changes Pertaining to Aldicarb Monitoring

When EPA published "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems; Final Rule," on September 17, 1999 (64 FR 50556, (USEPA, 1999)), two references to § 141.40 in § 141.24 became obsolete, but were not corrected in the 1999 rule. EPA is correcting this technical error by revising the references to requirements for monitoring for aldicarb, aldicarb sulfone, and aldicarb sulfoxide in § 141.24(h) and § 141.24(h)(7)(v). EPA suspended monitoring for these regulated contaminants in a 1992 **Federal Register** notice (57 FR 22178, May 27, 1992 (USEPA, 1992)), and there are no monitoring requirements for these contaminants under UCMR.

2. Changes Pertaining to State Primacy

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing prior notice and an opportunity for public comment. In today's final rule, EPA is removing the reference to § 141.40 in § 142.16(e), a portion in the Code of Federal Regulations (CFR) that enumerates the sections of the CRF subject to State primacy. The reference was first removed on September 17, 1999 (64 FR 50556, (USEPA, 1999)), when EPA published "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems; Final Rule." However, in EPA's subsequent publication of the "Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Final Rule" (66 FR 6975, January 22, 2001, (USEPA, 2001b)), the Agency inadvertently reinserted the reference to § 141.40 in § 142.16(e). EPA has determined that there is good cause for making this rule change final without prior proposal and opportunity for comment because removal of this reference was the product of a prior notice-and-comment rulemaking, (see 64 FR 50556, (USEPA, 1999)) and because the reference to UCMR monitoring is erroneous and no longer has any substantive effect. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes "good cause" under 5 U.S.C. 553(b)(B). For the same reasons, EPA is making this rule change effective upon publication.

IV. State and Tribal Participation

A. Partnership Agreements

1. This Rule

Under UCMR 2, States may continue to have a role in rule implementation through Partnership Agreements (PAs). Because specific activities for individual States are identified and established through the PAs, not through rule language, this rule does not contain reference to PAs.

2. Summary of Major Comments

Comments received regarding State participation in UCMR 2 included:Recommendations that non-partnering States have an opportunity to review State Monitoring Plans; concerns regarding State resources to help implement UCMR 2; and the need for more guidance from EPA regarding PAs, including the need for a template for the sampling protocols for States to use as the basis for their water system notification. EPA sent the draft State Monitoring Plans to all States prior to the negotiation of PAs. All States that agreed to partner with EPA were asked to review and provide any needed revisions to the draft plan. Each State could agree to accept additional responsibilities as documented through each State's final PA with EPA. In addition, EPA will provide States with guidance and templates for small system instructions.

B. Governors' Petition and State-Wide Waivers

This rule retains the UCMR 1 language that, consistent with SDWA, allows a minimum of seven State Governors to petition EPA to add contaminants to the UCMR Contaminant list. This rule also retains the UCMR 1 language that allows States to waive monitoring requirements with EPA approval and under very limited conditions. EPA did not receive any comments on either of these topics.

V. Cost and Benefits of This Rule

In this rule, EPA finalized a new set of contaminants for monitoring in the second five-year UCMR cycle of 2007—2011. UCMR 2 Assessment Monitoring (for List 1 contaminants) will be conducted from January 2008 through December 2010 by 800 systems serving 10,000 or fewer, and by all systems serving more than 10,000 people. The Screening Survey for List 2 contaminants will also be conducted from January 2008 through December 2010 by 800 systems serving 100,000 or fewer, and all systems serving more than 100,000 (approximately 400 systems). Small systems (those serving 10,000 or fewer people) will not be subject to more than one component of UCMR 2 monitoring. For cost estimation purposes, EPA assumes that one-third of systems will monitor during each of the three monitoring years (2008–2010).

Labor costs pertain to systems, States, and EPA. They include activities such as reading the regulation, notifying systems selected to participate, sample collection, data review, reporting, and recordkeeping. Non-labor costs will be incurred primarily by EPA and by large PWSs. They include the cost of shipping samples to laboratories for testing and the cost of the actual laboratory analyses.

In this rule, EPA specified five analytical methods to monitor for 25 new UCMR contaminants. Estimated system and EPA costs are based on the projected analytical costs for these methods. With the exception of Method 525.2, these methods are comparatively new and will not coincide with other compliance monitoring (e.g., no cost savings for coincident monitoring can be realized). Laboratory analysis and shipping of samples account for approximately 71 percent of the national cost for UCMR 2 implementation. These costs are calculated as follows: The number of systems, multiplied by the number of sampling locations, multiplied by the sampling frequency, multiplied by the cost of laboratory analysis. Under UCMR 2, surface water (and GWUDI) sampling points will be monitored four times during the applicable year of monitoring, and ground water sampling points will be monitored twice during the applicable year of monitoring. Screening Survey systems that are required to monitor for DBPs will be required to sample for nitrosamines at one distribution system sampling point per treatment plant (i.e., at the DSMRT), as well as their EPTDS sampling locations.

Following publication of the proposed rule, and EPA's initial cost and burden estimates, EPA received several cost-related public comments. Several public commenters felt that EPA's estimates of cost and burden (e.g., laboratory, shipping fees and estimated labor burden) to PWSs were too low.

During the proposed rule and Information Collection Requirement (ICR) development, EPA estimated laboratory fees based on consultations with several national drinking water laboratories and based on costs of similar analytical methods. In response to comments, EPA revisited the estimates of UCMR 2 method pricing. EPA approached three additional national drinking water laboratories

(different than those consulted previously) and requested pricing estimates for UCMR 2 methods. EPA averaged the pricing estimates from the laboratories that were consulted into the cost estimates. EPA also revisited key shipping company pricing lists to ensure that shipping cost assumptions were as accurate as possible.

With respect to per system burden estimates, EPA notes that all burden estimates represent average burden hours, which include surface water systems that may have very few sampling points, and thus lower sampling burden, as well as those systems with higher numbers of sampling points that would therefore have greater sampling activity labor burden. Moreover, a system's burden is primarily incurred during its one year of required UCMR monitoring (between January 2008 and December 2010). However, in compliance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), these cost and burden estimates are presented as an average over the applicable three-year ICR period (2007–2009). Small systems (those serving 10,000 or fewer people) will have the lowest burden not only because of the relative smaller size of their infrastructure, but also because these systems will receive a great deal of direct assistance from EPA and/or their State.

EPA estimates of laboratory fees are based on the average cost determined through consultations with national drinking water laboratories, unit costs are as follows:

Assessment Monitoring (List 1):	
EPA Method 527 (for 7 contaminants)	$220
EPA Method 529 (for 3 contaminants)	215
Total List 1	435
Screening Survey (List 2):	
EPA Method 521 (for 6 contaminants)	310
EPA Method 535 (for 6 contaminants)	370
EPA Method 525.2 (for 3 contaminants)	190
Total List 2	870

Shipping is added to the calculated costs to derive the total direct analytical non-labor costs. Estimated shipping costs were based on the average cost of shipping a 15-pound package overnight, plus a ground shipment cost of the empty package which is sent to the PWSs prior to their required sampling.

In preparing the UCMR 2 ICR, EPA relied on standard assumptions and data sources used in the preparation of other drinking water program ICRs. These include the PWS inventory, number of sampling points per system, and labor rates. EPA expects that States will incur only labor costs associated with UCMR 2 implementation. State costs were estimated using the relevant modules of the State Resource Model that was recently developed by the Association of State Drinking Water Administrators (ASDWA) in conjunction with EPA (ASDWA, 2003) to help States forecast resource needs. Model estimates were adjusted to account for actual levels of State participation under UCMR 1. Because State participation is determined through the PAs, level of effort will vary across States and depend on their individual agreements with EPA.

Over the UCMR 2 cycle of 2007–2011, EPA estimates that nationwide, the average annual cost of UCMR 2 is approximately $8.87 million. These total estimated annual costs and total estimated costs (labor and non-labor) are incurred as follows:

Respondent	Average annual cost for all respondents (2007–2011)	Total estimated costs for all respondents (2007–2011)
Small Systems serving 25—10,000, including labor only (non-labor costs are paid for by EPA)	$0.06 m	$0.30
Large Systems serving 10,001—100,000, including labor and non-labor costs	3.84 m	19.20
Large Systems serving 100,001 and greater, including labor and non-labor costs	1.91 m	9.55
States, including labor costs related to implementation coordination	0.49 m	2.45
EPA, including labor for implementation coordination and non-labor for small system testing	2.57 m	12.85
National Total	8.87 m	44.35

Additional details regarding EPA's cost assumptions and estimates can be found in the ICR Number 2192.01 amendment prepared for the final rule (OMB number 2040–0270), which presents estimated cost and burden for the 2007–2009 monitoring period. Estimates of costs over the entire second five-year UCMR cycle of 2007–2011 are attached as an appendix to the ICR. Copies of the ICR and its amendment may be obtained from the EPA public docket for this rule, which includes this ICR, under Docket ID Number OW–2004–0001.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action." Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0270.

The information to be collected under this rule fulfills the statutory requirements of Section 1445(a)(2) of SDWA, as amended in 1996. The data to be collected will describe the source of the water, location, and test results for samples taken from PWSs. The concentrations of any identified UCMR contaminants will be evaluated with respect to health effects and those contaminants will be considered for future regulation accordingly. Reporting is mandatory. The data are not subject to confidentiality protection.

The annual burden and cost estimates described below are for the implementation assumptions described in Section V, Cost and Benefits of the Rule, of this action. Respondents to the

UCMR 2 will include 1,280 small water systems (those serving 10,000 or fewer people; 800 for Assessment Monitoring and 480 for Screening Survey monitoring), the 3,633 large PWSs (those serving more than 10,000 people), and the 56 States and primacy agencies (4,969 total respondents). The frequency of response varies across respondents and years. System costs (particularly laboratory analytical costs) vary depending on the number of sampling locations. Cost estimates assumes that most Assessment Monitoring and Screening Survey systems will conduct sampling evenly across the January 2008–December 2010 monitoring period (*i.e.*, one-third in each of the three consecutive 12-month periods). Because the applicable ICR period is 2007–2009, only two years of core monitoring activity are captured in the ICR estimates. Some rule preparation, including reporting of contact and inventory information, will occur during 2007.

Small systems (those serving 10,000 or fewer) that are selected for UCMR 2 monitoring will sample an average of 1.8 times per system (*i.e.*, number of responses per system) across the three-year ICR period of 2007–2009. The average burden per response for small systems is estimated to be 3.5 hours. Large systems serving 10,001 to 100,000 people and large systems serving more than 100,000 people will sample and report an average of 2.0 and 2.4 times per system, respectively, across the three-year ICR period of 2007–2009. The average burdens per response for these two categories of large systems are estimated to be 9.8 and 15.2 hours, respectively. The larger burden per response for the largest systems reflects the fact that these systems typically have more sampling locations. States are assumed to have an average of 1.0 response per year, related to coordination with EPA and systems, with an average burden per response of 203.2 hours. In aggregate, during the ICR period of 2007–2009, the average response (including responses from both systems and States) is associated with a burden of 12.1 hours, with a labor plus non-labor cost of $2,170 per response.

The annual average per respondent burden hours and costs for the ICR period of 2007–2009 are: small systems—2.1 hour burden at $57 for labor; large systems serving 10,001 to 100,000—6.6 hours at $197 for labor, and $1,651 for analytical costs; large systems serving more than 100,000—12.1 hours at $431 for labor, and $4,840 for analytical costs; and States—203.2 hours at $11,107 for labor. Annual average burden and cost per respondent (including both systems and States) is estimated to be 8.1 hours, with a labor plus non-labor cost of $1,456 per respondent. Note that small systems do not pay for testing costs, so they only incur labor costs. The total annual burden for the ICR reporting period of 2007–2009 is 40,386 hours (with a labor cost of $1.51 million); the total annual analytical cost is $5.73 million.

The Agency estimates the annual burden to EPA for UCMR program activities during the ICR years of 2007–2009 to be approximately 9,533 hours, at an annual labor cost of $0.66 million. EPA's annual non-labor costs are estimated to be $2.3 million. EPA's non-labor costs are primarily attributed to the cost of sample analysis for small systems (analysis is just under 90 percent of non-labor cost).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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

C. Regulatory Flexibility Act

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

The RFA provides default definitions for each type of small entity. Small entities are defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any "not-for-profit enterprise which is independently owned and operated and is not dominant in its field." However, the RFA also authorizes an agency to use alternative definitions for each category of small entity, "which are appropriate to the activities of the agency" after proposing the alternative definition(s) in the **Federal Register** and taking comment (5 U.S.C. 601(3)–(5)). In addition, to establish an alternative small business definition, agencies must consult with SBA's Chief Counsel for Advocacy.

For purposes of assessing the impacts of this final rule on small entities, EPA considered small entities to be PWSs serving 10,000 or fewer people, because this is the system size specified in SDWA as requiring special consideration with respect to small system flexibility. As required by the RFA, EPA proposed using this alternative definition in the **Federal Register** (63 FR 7605, February 13, 1998 (USEPA, 1998a)), requested public comment, consulted with the SBA, and finalized the alternative definition in the Consumer Confidence Reports rulemaking (63 FR 44511, August 19, 1998 (USEPA, 1998c)). As stated in that Final Rule, the alternative definition is applied to this regulation as well.

After considering the economic impacts of this final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule are a subset of small community and non-transient non-community PWSs serving 10,000 or fewer people. We have determined that the 1,280 small PWSs required to participate in either the Assessment Monitoring or Screening Survey components of UCMR 2 will experience an average cost of $43 per year; the remainder of small systems are not subject to this final rule.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. As required by SDWA, the Agency

specifically structured the rule to avoid significantly affecting small entities by assuming all costs for laboratory analyses, shipping, and QC for small entities. As a result, EPA incurs the entirety of the non-labor costs associated with UCMR 2 small system monitoring. With its authority to use monies from the Drinking Water State Revolving Fund (DWSRF) for the purposes of implementing this provision of SDWA, EPA has set aside $2.0 million each year to apply towards these costs. Small system costs are limited to the additional labor required for reading about their requirements, monitoring, reporting, and recordkeeping. The estimated average annual burden across the five-year UCMR 2 cycle of 2007–2011 is estimated to be 1.5 hours at $43 per small system. These costs for small systems are discussed in Section 6(a)(i) of the ICR document, available on the EPA public docket for this rule, under Docket ID Number OW–2004–0001 at *http://www.regulations.gov*.

D. Unfunded Mandates Reform Act

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

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Total annual costs of this final rule (across the UCMR 2 cycle of 2007–2011), for State, local, and Tribal governments and the private sector, are estimated to be $8.86 million, of which EPA will pay $2.57 million, or approximately 29 percent. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency will pay for the reasonable costs of sample analysis for the small PWSs required to monitor for unregulated contaminants under this final rule, including those owned and operated by small governments. The only costs that small systems will incur are those attributed to collecting the UCMR samples and packing them for shipping to the laboratory (EPA will pay for shipping). These costs are minimal. They are not significant or unique. Thus, this rule is not subject to the requirements of UMRA section 203.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132.

The cost to State and local governments is minimal, and the rule does not preempt State law. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed rule from State and local officials.

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

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."

This final rule does not have Tribal implications, as specified in Executive Order 13175. It will neither impose substantial direct compliance costs on Tribal governments, nor preempt Tribal law. This final rule also requires monitoring by a nationally representative sample of small systems (i.e., those serving 10,000 or fewer people). EPA estimates that approximately one percent of small Tribal systems will be selected as part of such sample. EPA estimates the average annual cost over the five-year rule period to be $43, based on the labor associated with collecting a sample and preparing it for shipping. All other small-system expenses (associated with shipping and laboratory fees) are paid by EPA.

EPA consulted with Tribal officials early in the process of developing the UCMR program to permit them to have meaningful and timely input into its development. In developing the original UCMR, EPA held stakeholder meetings and prepared background information for stakeholder review. EPA sent requests for review of stakeholder documents to nearly 400 Tribes, Tribal organizations, and small systems organizations to obtain their input. Representatives from the Indian Health Service (IHS) Sanitary Deficiency System and Tribes were consulted regarding decisions on rule design, the design for the statistical selection of small systems, and potential costs.

Tribes raised issues concerning the selection of the nationally representative sample of small systems, particularly the manner in which Tribal systems would be considered under the sample selection process. EPA developed the sample frame for Tribal

systems and Alaska Native water systems in response to those concerns. EPA worked with the Tribes, Alaska Natives, the IHS, and the States to determine how to classify each Tribal system for consideration in the statistically-based selection of the nationally representative sample of small systems. As a result of those discussions, small PWSs that are located in Indian country in each of the EPA Regions containing Indian country were evaluated as part of a Tribal category that receives selection consideration comparable to that of small systems outside of Indian country. Thus, Tribal systems have the same probability of being selected as other water systems in the stratified selection process that weighs systems by water source and size class by population served.

EPA also held a public stakeholder meeting on October 23, 2003. This meeting was announced to the public in a **Federal Register** notice dated September 11, 2003. Prior to the meeting, background materials and rule development information were sent to specific stakeholders, including representatives from the IHS and the Native American Water Association.

As described previously, this final rule requires monitoring by all large systems serving more than 10,000 people. Ten Tribal water systems have been identified as large systems. EPA estimates the average annual cost for each large system over the five-year rule period to be less than $1,200. Such cost is based on a labor component (associated with the collection of samples) and a non-labor component (associated with shipping and laboratory fees).

This final rule, addressing the second UCMR period, maintains the basic program design of the original UCMR, building upon the structure established by the original rule for this cyclical program. The primary changes include: (1) Improving the design of the Screening Survey for List 2 contaminants to increase the statistical strength of the sampling results; (2) updating the lists of contaminants to be monitored and the analytical methods approved to conduct that monitoring; (3) revising the "data elements" required to be reported; and (4) revising the implementation of the monitoring program to reflect "lessons learned" during UCMR 1.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

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

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

This final rule is part of the Agency's overall strategy for deciding whether to regulate the contaminants identified on the CCL (63 FR 10274, March 2, 1998 (USEPA, 1998b)). The purpose of this final rule is to ensure that EPA has data on the occurrence of contaminants on the CCL where those data are lacking. EPA is also taking steps to ensure that the Agency will have data on the health effects of these contaminants on children through its research program. The Agency will use these data (both contaminant occurrence and health effects) to help decide whether or not to regulate any of these contaminants.

However, given EPA's interest in protecting children's health, as part of the original provisions in UCMR 1, allowing State Governors to petition EPA to add contaminants to the UCMR Contaminant List, EPA requests Governors to include any information that might be available regarding disproportional risks to the health or safety of children. Such information will help inform EPA's decisionmaking regarding the UCMR contaminant list.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The frequency of required monitoring and testing in this rulemaking does not rise to the level of significant cost to drinking water utilities. Therefore, we have concluded that this rule is not likely to have any adverse energy costs.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law No. 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. Therefore, the Agency conducted a search to identify potentially applicable voluntary consensus standards. However, we identified no such standards, and none were brought to our attention in comments. Therefore, EPA has decided to use the methods development that the Agency conducted (described in Section III.C), which was necessary to establish acceptable methods for the determination of these UCMR 2 parameters.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994), focuses Federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities.

By seeking to identify unregulated contaminants that may pose health risks via drinking water from all PWSs, UCMR furthers the protection of public health for all citizens, including minority and low-income populations using public water supplies. Using a statistically-derived set of systems for the nationally representative sample that is population-weighted within each system size category in each State, the final rule ensures that no group within the population is under-represented.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small

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

VII. Public Involvement in Regulation Development

EPA's Office of Ground Water and Drinking Water has developed a process for stakeholder involvement in its regulatory activities for the purpose of providing early input to regulation development. When designing and developing the UCMR program in the late 1990s, EPA held meetings for developing the CCL, establishing the information requirements of the NCOD, and selecting priority contaminants for monitoring. During the initial development of the UCMR program, stakeholders, including PWSs, States, industry, and other organizations attended meetings to discuss the UCMR. Seventeen other meetings were held specifically concerning UCMR development. For a description of public involvement activities related to the UCMR, please see the discussion in the September 1999 UCMR Final Rule **Federal Register** at 64 FR 50556 (USEPA, 1999).

Specific to the development of UCMR 2, a stakeholder meeting was held on October 29, 2003, in Washington, DC. There were 25 attendees, representing State agencies, Federal agencies, laboratories, PWSs, and drinking water associations. The topics of presentations and discussions included: Rationale for selecting a new list of proposed contaminants; analytical methods to be used in measuring these contaminants; sampling design, particularly for the Screening Survey monitoring; procedure for determining LCMRLs; validation of laboratory performance at or below the MRL; revisions to data elements; and other proposed revisions based on lessons learned during implementation of UCMR 1.

In addition to public involvement during program and proposed rule development, EPA received comments from 36 public commenters. EPA's responses to these comments are summarized in Sections III, IV and V of this preamble. EPA has compiled a document containing all public comments and EPA's responses entitled: "UCMR 2 Categorized Public Comments," (USEPA, 2006b) which can be obtained by going to *http://www.regulations.gov* and searching for Docket ID No. OW–2004–0001 under the advanced search tab.

VIII. References

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List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 141

Environmental protection, Chemicals, Incorporation by reference, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Analytical methods, Chemicals, Environmental Protection, Administrative practice and procedure, Chemicals, Indians-lands, Radiation Protection, Reporting and recordkeeping requirements, Water supply.

Dated: December 20, 2006.

Stephen L. Johnson,

Administrator.

■ For the reasons set out in the preamble, title 40, chapter 1 of the Code of Federal Regulations is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

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

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

■ 2. Section 9.1 is amended by revising the entries for "141.35" and "141.40" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR Citation	OMB Control No.
* * * * *	
National Primary Drinking Water Regulations	
* * * * *	
141.35	2040–0270
141.40	2040–0270

* * * * *

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 3. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

Subpart C—[Amended]

■ 4. Section 141.24 is amended by revising paragraph (h) introductory text, removing footnote 7 of paragraph (h) introductory text, and by revising paragraph (h)(7)(v) to read as follows:

§ 141.24 Organic chemicals, sampling and analytical requirements.

* * * * *

(h) Analysis of the contaminants listed in § 141.61(c) for the purposes of determining compliance with the maximum contaminant level shall be conducted as follows, with the exception that no monitoring is required for aldicarb, aldicarb sulfoxide or aldicarb sulfone:

* * * * *

(7) * * *

(v) If the monitoring results in detection of one or more of certain related contaminants (heptachlor and heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

* * * * *

Subpart D—[Amended]

■ 5. Section 141.35 is revised to read as follows:

§ 141.35 Reporting for unregulated contaminant monitoring results.

(a) *General applicability.* This section applies to any owner or operator of a public water system (PWS) required to monitor for unregulated contaminants under § 141.40(a); such owner or operator is referred to as "you." This section specifies the information that must be reported to EPA prior to the commencement of monitoring and describes the process for reporting monitoring results to EPA. For the purposes of this section, PWS "population served" includes the sum of the retail population served directly by the PWS plus the population served by any consecutive system(s) receiving all or part of its finished water from that PWS. For purposes of this section, the term "finished" means water that is introduced into the distribution system of a PWS and is intended for distribution and consumption without further treatment, except the treatment necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals). For purposes of this section, the term "State" refers to the State or Tribal government entity that has jurisdiction over your PWS even if that government does not have primary enforcement responsibility for PWSs under the Safe Drinking Water Act. For purposes of this section, the term "PWS Official" refers to the person at your PWS who is able to function as the official spokesperson for the system's Unregulated Contaminant Monitoring Regulation (UCMR) activities; and the term "PWS Technical Contact" refers to the person at your PWS who is responsible for the technical aspects of your UCMR activities, such as details concerning sampling and reporting.

(b) *Reporting by all systems.* You must meet the reporting requirements of this paragraph if you meet the applicability criteria in § 141.40(a)(2).

(1) *Where to submit UCMR reporting requirement information.* Some of your reporting requirements are to be fulfilled electronically, and others by mail. Information that must be submitted using EPA's electronic data reporting system must be submitted through: *http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html.* Documentation that is required to be mailed can be submitted either: To UCMR Sampling Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268; or by e-mail at *UCMR_Sampling_Coordinator@epa.gov*; or by fax at (513) 569–7191. In addition, you must notify the public of the availability of unregulated contaminant

monitoring data as provided in Subpart Q (Public Notification) of this part (40 CFR 141.207). Community Water Systems that detect unregulated contaminants under this monitoring must also address such detections as part of their Consumer Confidence Reports, as provided in Subpart O of this part (40 CFR 141.151).

(2) *Contacting EPA if your system does not meet applicability criteria or has a status change.* If you have received a letter from EPA concerning your required monitoring and your system does not meet the applicability criteria for UCMR established in § 141.40(a)(2), or if a change occurs at your system that may affect your requirements under UCMR as defined in § 141.40(a)(3) through (5), you must fax, mail, or e-mail a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are not applicable to your PWS, or have changed for your PWS, along with the appropriate contact information. EPA will make an applicability determination based on your letter and in consultation with the State when necessary. You are subject to UCMR requirements unless and until you receive a letter from EPA agreeing that you do not meet the applicability criteria.

(c) *Reporting by large systems.* If you serve a population of more than 10,000 people, and meet the applicability criteria in § 141.40(a)(2)(i), you must meet the reporting requirements in paragraphs (c)(1) through (8) of this section.

(1) *Contact information.* You must provide contact information by April 4, 2007, and provide updates within 30 days if this information changes. The contact information must be submitted using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section, and include the name, affiliation, mailing address, phone number, fax number, and e-mail address for your PWS Technical Contact and your PWS Official.

(2) *Sampling location and inventory information.* You must provide your sampling location and inventory information by August 2, 2007 using EPA's electronic data reporting system. You must submit the following information for each sampling location, or for each approved representative sampling location (as specified in paragraph (c)(3) of this section regarding representative sampling locations): PWS identification (PWSID) code; PWS facility identification code; water source type, sampling point identification code; and sampling point type code; (as defined in Table 1, paragraph (e) of this section). If this information changes, you must report updates to EPA's electronic data reporting system within 30 days of the change.

(3) *Proposed ground water representative sampling locations.* Some systems that use ground water as a source and have multiple entry points to the distribution system (EPTDSs) may propose monitoring at representative entry point(s), rather than monitor at every EPTDS, as follows:

(i) *Qualifications.* Large PWSs that have EPA- or State-approved alternate EPTDS sampling locations from a previous UCMR cycle, or as provided for under §§ 141.23(a)(1), 141.24(f)(1), or 141.24(h)(1), may submit a copy of documentation from their State or EPA that approves their alternative sampling plan for EPTDSs. PWSs that do not have an approved alternative EPTDS sampling plan may submit a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS if: They use ground water as a source; all of their well sources have either the same treatment or no treatment; and they have multiple EPTDSs from the same source, such as an aquifer. You must submit a copy of the existing alternate EPTDS sampling plan or your representative well proposal, as appropriate, by May 4, 2007, as specified in paragraph (b)(1) of this section.

(ii) *Demonstration.* If you are submitting a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS, you must demonstrate that any EPTDS that you select as representative of the ground water you supply from multiple wells is associated with a well that draws from the same aquifer as the wells it will represent. You must submit the following information for each proposed representative sampling location: PWSID Code, PWS Facility Identification Code, and Sampling Point Identification Code (as defined in Table 1, paragraph (e) of this section). You must also include documentation to support your proposal that the specified wells are representative of other wells. This documentation can include system-maintained well logs or construction drawings indicating that the representative well(s) is/are at a representative depth, and details of well casings and grouting; data demonstrating relative homogeneity of water quality constituents (e.g., pH, dissolved oxygen, conductivity, iron, manganese) in samples drawn from each well; and data showing that your wells are located in a limited geographic area (e.g., all wells within a 0.5 mile radius) and/or, if available, the hydrogeologic data indicating the time of travel separating the representative well from each of the individual wells it represents (e.g., all wells within a five-year time of travel delineation). Your proposal must be sent in writing to EPA, as specified in paragraph (b)(1) of this section You must also provide a copy of this information to the State, unless otherwise directed by the State. Information about the actual or potential occurrence or non-occurrence of contaminants in an individual well, or a well's vulnerability to contamination, must not be used as a basis for selecting a representative well.

(iii) *Approval.* EPA or the State (as specified in the Partnership Agreement reached between the State and EPA) will review your proposal, coordinate any necessary changes with you, and approve the final list of EPTDSs where you will be required to monitor. Your plan will not be final until you receive written approval from EPA or the State.

(4) *Contacting EPA if your PWS has not been notified of requirements.* If you believe you are subject to UCMR requirements, as defined in § 141.40(a)(1) and (2)(i), and you have not been notified by either EPA or your State by June 4, 2007, you must send a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are applicable to your system along with the appropriate contact information. A copy of the letter must also be submitted to the State, as directed by the State. EPA will make an applicability determination based on your letter, and in consultation with the State when necessary, and will notify you regarding your applicability status and required sampling schedule. However, if your PWS meets the applicability criteria specified in § 141.40(a)(2)(i), you are subject to the UCMR monitoring and reporting requirements, regardless of whether you have been notified by the State or EPA.

(5) *Notifying EPA if your PWS cannot sample according to schedule.*

(i) *General rescheduling notification requirements.* Large systems may change their Assessment Monitoring (List 1) or Screening Survey (List 2) schedule up to August 2, 2007 using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section. After these dates have passed, if your PWS cannot sample according to your assigned sampling schedule (e.g., because of budget constraints, or if a sampling location will be closed during the scheduled month of monitoring),

you must fax, mail, or e-mail a letter to EPA, as specified in paragraph (b)(1) of this section, prior to the scheduled sampling date. You must include an explanation of why the samples cannot be taken according to the assigned schedule and the alternative schedule you are requesting. You are subject to your assigned UCMR sampling schedule or the schedule that you revised on or before August 2, 2007, unless and until you receive a letter from EPA specifying a new schedule.

(ii) *Exceptions to the rescheduling notification requirements.* For ground water sampling, if the second round of sampling will be completed five to seven months after the first sampling event, as specified in Table 2 of § 141.40(a)(4)(i)(B), no notification to EPA is required. If any ground water sampling location will be non-operational for more than one month before and one month after the month in which the second sampling event is scheduled (i.e., it is not possible for you to sample within the five to seven month window), you must notify EPA, as specified in paragraph (b)(1) of this section, explaining why the schedule cannot be met. You must comply with any modified schedule provided by EPA.

(6) *Reporting monitoring results.* For each sample, you must report the information specified in Table 1 of paragraph (e) of this section, using EPA's electronic data reporting system, as follows. If you are conducting Assessment Monitoring, you must include data elements 1 through 5, and 7 through 15 in paragraph (e) of this section; and if you are conducting Screening Survey monitoring, you must include elements 1 through 15. You also must report any changes made to data elements 1 through 6 to EPA, in writing, explaining the nature and purpose of the proposed change, as specified in paragraph (b)(1) of this section.

(i) *Electronic reporting system.* You are responsible for ensuring that the laboratory conducting the analysis of your unregulated contaminant monitoring samples (your laboratory) posts the analytical results to EPA's electronic reporting system. You are also responsible for reviewing, approving, and submitting those results to EPA.

(ii) *Reporting schedule.* You must ensure that your laboratory posts the data to EPA's electronic data reporting system within 120 days from the sample collection date (sample collection must occur as specified in § 141.40(a)(4)). You have 60 days from when the laboratory posts the data in EPA's electronic data reporting system to review, approve, and submit the data to the State and EPA, at the Web address specified in paragraph (b)(1) of this section. If you do not take action on the data within 60 days of the laboratory's posting to the electronic reporting system, the data will be considered approved by you, and available for EPA and State review.

(7) *Only one set of results accepted.* If you report more than one set of valid results for the same sampling location and the same sampling event (for example, because you have had more than one laboratory analyze replicate samples collected under § 141.40(a)(5), or because you have collected multiple samples during a single monitoring event at the same sampling location), EPA will use the highest of the reported values as the official result.

(8) *No reporting of previously collected data.* You cannot report previously collected data to meet the testing and reporting requirements for the contaminants listed in § 141.40(a)(3). All analyses must be performed by laboratories approved by EPA to perform UCMR analyses using the analytical methods specified in Table 1 of § 141.40(a)(3) and using samples collected according to § 141.40(a)(4). Such requirements preclude the possibility of "grandfathering" previously collected data.

(d) *Reporting by small systems.* If you serve a population of 10,000 or fewer people, and you are notified that you have been selected for UCMR monitoring, your reporting requirements will be specified within the materials that EPA sends you, including a request for contact information, and a request for information associated with the sampling kit.

(1) *Contact information.* EPA will send you a notice requesting contact information for key individuals at your system, including name, affiliation, mailing address, phone number, fax number, and e-mail address. These individuals include your PWS Technical Contact and your PWS Official. You are required to provide this information within 90 days of receiving the notice from EPA as specified in paragraph (b)(1) of this section. If this information changes, you also must provide updates within 30 days of the change, as specified in paragraph (b)(1) of this section.

(2) *Reporting sampling information.* You must record data elements listed in Table 1 of paragraph (e) of this section on each sample form and sample bottle provided to you by the UCMR Sampling Coordinator, as follows: If you are conducting Assessment Monitoring, you must include elements 1 through 5, and 7; if you are conducting Screening Survey, you must include elements 1 through 7. You must send this information as specified in the instructions of your sampling kit, which will include the due date and return address. You must report any changes made in data elements 1 through 6 by mailing or e-mailing an explanation of the nature and purpose of the proposed change to EPA, as specified in paragraph (b)(1) of this section.

(e) *Data elements.* Table 1 defines the data elements that must be provided with UCMR sample results.

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS

Data element	Definition
1. Public Water System Identification (PWSID) Code	The code used to identify each PWS. The code begins with the standard 2-character postal State abbreviation or Region code; the remaining 7 numbers are unique to each PWS in the State. The same identification code must be used to represent the PWS identification for all current and future UCMR monitoring.
2. Public Water System Facility Identification Code	An identification code established by the State or, at the State's discretion, by the PWS, following the format of a 5-digit number unique within each PWS for each applicable facility (i.e., for each source of water, treatment plant, distribution system, or any other facility associated with water treatment or delivery). The same identification code must be used to represent the facility for all current and future UCMR monitoring.
3. Water Source Type	The type of source water that supplies a water system facility. Systems must report one of the following codes for each sampling location:

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS—Continued

Data element	Definition
	SW = surface water (to be reported for water facilities that are served all or in part by a surface water source at any time during the twelve-month period). **GW** = ground water (to be reported for water facilities that are served entirely by a ground water source). **GU** = ground water under the direct influence of surface water (to be reported for water facilities that are served all or in part by ground water under the direct influence of surface water at any time during the twelve-month sampling period), and are not served at all by surface water during this period.
4. Sampling Point Identification Code	An identification code established by the State, or at the State's discretion, by the PWS, that uniquely identifies each sampling point. Each sampling code must be unique within each applicable facility, for each applicable sampling location (i.e., entry point to the distribution system or distribution system sample at maximum residence time). The same identification code must be used to represent the sampling location for all current and future UCMR monitoring.
5. Sampling Point Type Code	A code that identifies the location of the sampling point as either: **EP** = entry point to the distribution system. **MR** = distribution system sample at maximum residence time.
6. Disinfectant Residual Type	The type of disinfectant in use at the time of UCMR sampling to maintain a residual in the distribution system for each Screening Survey sampling point. To be reported by systems required to conduct Screening Survey monitoring. Systems must report using the following codes for each Screening Survey sampling location (i.e., EP, MR): **CL** = chlorine **CA** = chloramine **OT** = all other types of disinfectant (e.g., chlorine dioxide) **ND** = no disinfectant used.
7. Sample Collection Date	The date the sample is collected, reported as 4-digit year, 2-digit month, and 2-digit day.
8. Sample Identification Code	An alphanumeric value up to 30 characters assigned by the laboratory to uniquely identify containers, or groups of containers, containing water samples collected at the same sampling location for the same sampling date.
9. Contaminant	The unregulated contaminant for which the sample is being analyzed.
10. Analytical Method Code	The identification code of the analytical method used.
11. Sample Analysis Type	The type of sample collected and/or prepared, as well as the fortification level. Permitted values include: **FS** = field sample; sample collected and submitted for analysis under this rule. **LFSM** = laboratory fortified sample matrix; a UCMR field sample with a known amount of the contaminant of interest added. **LFSMD** = laboratory fortified sample matrix duplicate; duplicate of the laboratory fortified sample matrix. **CF** = concentration fortified; reported with sample analysis types LFSM and LFSMD, the concentration of a known contaminant added to a field sample.
12. Analytical Results—Sign	A value indicating whether the sample analysis result was: (<) "less than" means the contaminant was not detected, or was detected at a level below the Minimum Reporting Level. (=) "equal to" means the contaminant was detected at the level reported in "Analytical Result—Value."
13. Analytical Result—Value	The actual numeric value of the analytical results for: field samples; laboratory fortified matrix samples; laboratory fortified sample matrix duplicates; and concentration fortified.
14. Laboratory Identification Code	The code, assigned by EPA, used to identify each laboratory. The code begins with the standard two-character State postal abbreviation; the remaining five numbers are unique to each laboratory in the State.
15. Sample Event Code	A code assigned by the PWS for each sample event. This will associate samples with the PWS monitoring plan to allow EPA to track compliance and completeness. Systems must assign the following codes: **SE1** = represents samples collected to meet the UCMR monitoring requirement for the first sampling period (all source types). **SE2** = represents samples collected to meet the UCMR monitoring requirement for the second sampling period (all source types). **SE3** = represents samples collected to meet the UCMR monitoring requirement for the third sampling period (surface water and ground water under the direct influence of surface water (GWUDI) sources only). **SE4** = represents samples collected to meet the UCMR monitoring requirement for the fourth sampling period (surface water and GWUDI sources only).

Subpart E—[Amended]

■ 4. Section 141.40 is revised to read as follows:

§ 141.40 Monitoring requirements for unregulated contaminants.

(a) *General applicability.* This section specifies the monitoring and quality control requirements that must be followed if you own or operate a public water system (PWS) that is subject to the Unregulated Contaminant Monitoring Regulation (UCMR), as specified in paragraphs (a)(1) and (2) of this section. In addition, this section specifies the UCMR requirements for State and Tribal participation. For the purposes of this section, PWS "population served," "State," " PWS Official," "PWS Technical Contact," and "finished water" apply as defined in § 141.35(a). The determination of whether a PWS is required to monitor under this rule is based on the type of system (e.g., community water system, non-transient non-community water system, etc.); whether the system purchases all of its water, as finished water, from another system; and its population served as of June 30, 2005.

(1) *Applicability to transient non-community systems.* If you own or operate a transient non-community water system, you do not have to monitor that system for unregulated contaminants.

(2) *Applicability to community water systems and non-transient non-community water systems.*

(i) *Large systems.* If you own or operate a wholesale or retail PWS (other than a transient non-community system) that serves more than 10,000 people, and do not purchase your entire water supply as finished water from another PWS, you must monitor according to the specifications in this paragraph (a)(2)(i). If you believe that your applicability status is different than EPA has specified in the notification letter that you received, or if you are subject to UCMR requirements and you have not been notified by either EPA or your State, you must report to EPA, as specified in § 141.35(b)(2) or (c)(4).

(A) Assessment Monitoring. You must monitor for the unregulated contaminants on List 1 of Table 1, UCMR Contaminant List, in paragraph (a)(3) of this section. If you serve a population of more than 10,000 people, you are required to perform this monitoring regardless of whether you have been notified by the State or EPA.

(B) Screening Survey. You must monitor for the unregulated contaminants on List 2 (Screening Survey) of Table 1, as specified in paragraph (a)(3) of this section, if your system serves 10,001 to 100,000 people and you are notified by EPA or your State that you are part of the State Monitoring Plan for Screening Survey testing. If your system serves more than 100,000 people, you are required to conduct this Screening Survey testing regardless of whether you have been notified by the State or EPA.

(C) Pre-Screen Testing. You must monitor for the unregulated contaminants on List 3 of Table 1, in paragraph (a)(3) of this section, if notified by your State or EPA that you are part of the Pre-Screen Testing.

(ii) *Small systems.* Small PWSs, as defined in this paragraph, will not be selected to monitor for any more than one of the three monitoring lists provided in Table 1, UCMR Contaminant List, in paragraph (a)(3) of this section. EPA will provide sample containers, provide pre-paid air bills for shipping the sampling materials, conduct the laboratory analysis, and report and review monitoring results for all small systems selected to conduct monitoring under paragraphs (a)(2)(ii)(A) through (C) of this section. If you own or operate a PWS (other than a transient system) that serves 10,000 or fewer people and do not purchase your entire water supply from another PWS, you must monitor as follows:

(A) Assessment Monitoring. You must monitor for the unregulated contaminants on List 1 of Table 1, in paragraph (a)(3) of this section, if you are notified by your State or EPA that you are part of the State Monitoring Plan for Assessment Monitoring.

(B) Screening Survey. You must monitor for the unregulated contaminants on List 2 of Table 1, in paragraph (a)(3) of this section, if notified by your State or EPA that you are part of the State Monitoring Plan for the Screening Survey.

(C) Pre-Screen Testing. You must monitor for the unregulated contaminants on List 3 of Table 1, in paragraph (a)(3) of this section, if you are notified by your State or EPA that you are part of the State Monitoring plan for Pre-Screen Testing.

(3) *Analytes to be monitored.* Lists 1, 2, and 3 of unregulated contaminants are provided in the following table:

TABLE 1.—UCMR CONTAMINANT LIST

[List 1: Assessment Monitoring Chemical Contaminants]

1—Contaminant	2—CAS registry number	3—Analytical methods [a]	4—Minimum reporting level [b]	5—Sampling location [c]	6—Period during which monitoring to be completed
Dimethoate	60–51–5	EPA 527 [d]	0.7 µg/L	EPTDS	1/1/2008–12/31/2010
Terbufos sulfone	56070–16–7	EPA 527 [d]	0.4 µg/L	EPTDS	1/1/2008–12/31/2010
2,2′,4,4′-tetrabromodiphenyl ether (BDE–47).	5436–43–1	EPA 527 [d]	0.3 µg/L	EPTDS	1/1/2008–12/31/2010
2,2′,4,4′,5-pentabromodiphenyl ether (BDE–99).	60348–60–9	EPA 527 [d]	0.9 µg/L	EPTDS	1/1/2008–12/31/2010
2,2′,4,4′,5,5′-hexabromobiphenyl (HBB)	59080–40–9	EPA 527 [d]	0.7 µg/L	EPTDS	1/1/2008–12/31/2010
2,2′,4,4′,5,5′-hexabromodiphenyl ether (BDE–153).	68631–49–2	EPA 527 [d]	0.8 µg/L	EPTDS	1/1/2008–12/31/2010
2,2′,4,4′,6-pentabromodiphenyl ether (BDE–100).	189084–64–8	EPA 527 [d]	0.5 µg/L	EPTDS	1/1/2008–12/31/2010
1,3-dinitrobenzene	99–65–0	EPA 529 [e]	0.8 µg/L	EPTDS	1/1/2008–12/31/2010
2,4,6-trinitrotoluene (TNT)	118–96–7	EPA 529 [e]	0.8 µg/L	EPTDS	1/1/2008–12/31/2010
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX).	121–82–4	EPA 529 [e]	1 µg/L	EPTDS	1/1/2008–12/31/2010

TABLE 1.—UCMR CONTAMINANT LIST

[List 2: Screening Survey Chemical Contaminants

1—Contaminant	2—CAS registry number	3—Analytical methods [a]	4—Minimum reporting level [b]	5—Sampling location [c]	6—Period during which monitoring to be completed
Acetanilide Pesticide Degradation Products					
Acetochlor ESA	187022–11–3	EPA 535 [f]	1 µg/L	EPTDS	1/1/2008–12/31/2010
Acetochlor OA	184992–44–4	EPA 535 [f]	2 µg/L	EPTDS	1/1/2008–12/31/2010
Alachlor ESA	142363–53–9	EPA 535 [f]	1 µg/L	EPTDS	1/1/2008–12/31/2010
Alachlor OA	171262–17–2	EPA 535 [f]	2 µg/L	EPTDS	1/1/2008–12/31/2010
Metolachlor ESA	171118–09–5	EPA 535 [f]	1 µg/L	EPTDS	1/1/2008–12/31/2010
Metolachlor OA	152019–73–3	EPA 535 [f]	2 µg/L	EPTDS	1/1/2008–12/31/2010
Acetanilide Pesticide Parent Compounds					
Acetochlor	34256–82–1	EPA 525.2 [g]	2 µg/L	EPTDS	1/1/2008–12/31/2010
Alachlor	15972–60–8	EPA 525.2 [g]	2 µg/L	EPTDS	1/1/2008–12/31/2010
Metolachlor	51218–45–2	EPA 525.2 [g]	1 µg/L	EPTDS	1/1/2008–12/31/2010
Nitrosamines					
N-nitrosodiethylamine (NDEA)	55–18–5	EPA 521 [h]	0.005 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
N-nitroso-dimethylamine (NDMA)	62–75–9	EPA 521 [h]	0.002 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
N-nitroso-di-n-butylamine (NDBA)	924–16–3	EPA 521 [h]	0.004 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
N-nitroso-di-n-propylamine (NDPA)	621–64–7	EPA 521 [h]	0.007 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
N-nitroso-methylethylamine (NMEA)	10595–95–6	EPA 521 [h]	0.003 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
N-nitrosopyrrolidine (NPYR)	930–55–2	EPA 521 [h]	0.002 µg/L	DSMRT and EPTDS	1/1/2008–12/31/2010
Reserved [i]	Reserved [i]	Reserved [i]	Reserved [i]	Reserved [i]	Reserved [i]

Column headings are:
1—Contaminant: The name of the contaminant to be analyzed.
2—CAS (Chemical Abstract Service) Registry Number or Identification Number: A unique number identifying the chemical contaminants.
3—Analytical Methods: method numbers identifying the methods that must be used to test the contaminants.
4—Minimum Reporting Level: The value and unit of measure at or above which the concentration of the contaminant must be measured using the approved analytical methods.
5—Sampling Location: The locations within a PWS at which samples must be collected.
6—Period During Which Monitoring to Be Completed: The dates during which the sampling and testing are to occur for the indicated contaminant.

The analytical procedures shall be performed in accordance with the documents associated with each method (per the following footnotes). The incorporation by reference of the following documents listed in footnotes d—h was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Information on how to obtain these documents can be provided by the Safe Drinking Water Hotline at (800) 426–4791. Documents may be inspected at EPA's Drinking Water Docket, 1301 Constitution Avenue, NW., EPA West, Room B102, Washington, DC 20460, Telephone: (202) 566–2426; or at the National Archives and Records Administration (NARA). For information on availability of this material at NARA, call 202–741–6030, or go to:*http://www.archives.gov/federal-register/index.html.*

[a] The version of the EPA methods which you must follow for this Regulation are listed in d—h as follows.

[b] The Minimum Reporting Level (MRL) was established by EPA by adding the mean of the Lowest Concentration Minimum Reporting Levels (LCMRL) determined according to the procedure detailed in "Statistical Protocol for the Determination of The Single-Laboratory Lowest Concentration Minimum Reporting Level (LCMRL) and Validation of the Minimum Reporting Level (MRL)" by the primary and secondary laboratories conducting the development and validation of the analytical method to three times the difference of the LCMRLs. If LCMRL data from three or more laboratories were available, the MRL was established by EPA by adding three times the standard deviation of the LCMRLs to the mean of the LCMRLs. Note that EPA Method 525.2 was developed prior to UCMR 2, hence the LCMRLs were not determined for analytes determined by this method.

[c] Sampling must occur at entry points to the distribution system (EPTDSs) after treatment is applied that represent each non-emergency water source in routine use over the 12-month period of monitoring. See 40 CFR 141.35(c)(3) for an explanation of the requirements related to use of representative EPTDSs. Sampling for nitrosamines on List 2 must also occur at the disinfection byproduct distribution system maximum residence time (DSMRT) sampling locations as defined in 40 CFR 141.132(b)(1)(i) and at EPTDS sampling locations. If a treatment plant/water source is not subject to the sampling required in 40 CFR 141.132(b)(1), then the samples for nitrosamines must be collected only at the EPTDS location(s).

[d] EPA Method 527 "Determination of Selected Pesticides and Flame Retardants in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)," Revision 1.0, April 2005 is available at *http://www.epa.gov/safewater/methods/sourcalt.html.*

[e] EPA Method 529 "Determination of Explosives and Related Compounds in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)," Revision 1.0, September 2002 is available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[f] EPA Method 535 " Measurement of Chloroacetanilide and Other Acetamide Herbicide Degradates in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)," Version 1.1, April 2005 is available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[g] EPA Method 525.2 "Determination of Organic Compounds in Drinking Water by Liquid-Solid Extraction and Capillary Column Gas Chromatography/Mass Spectrometry," Revision 2.0, 1995 is available at *http://www.NEMI.gov.*

[h] EPA Method 521 "Determination of Nitrosamines in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography with Large Volume Injection and Chemical Ionization Tandem Mass Spectrometry (MS/MS)," Version 1.0, September 2004 is available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[i] To be determined at a later time.

(4) *Sampling requirements.*

(i) *Large systems.* If you serve more than 10,000 people and meet the UCMR applicability criteria specified in paragraph (a)(2)(i) of this section, you must comply with the requirements specified in paragraphs (a)(4)(i)(A) through (I) of this section. Your samples must be collected according to the

schedule that you are assigned by EPA or your State, or the schedule that you revised using EPA's electronic data reporting system on or before August 2, 2007. Your schedule must follow both the timing and frequency of monitoring specified in Tables 1 and 2 of this section.

(A) Monitoring period. You must collect the samples in one continuous 12-month period for List 1 Assessment Monitoring, and, if applicable, for List 2 Screening Survey, or List 3 Pre-Screen Testing, during the time frame indicated in column 6 of Table 1, in paragraph (a)(3) of this section. EPA or your State will specify the month(s) and year(s) in which your monitoring must occur. As specified in § 141.35(c)(5), you must contact EPA if you believe you cannot conduct monitoring according to your schedule.

(B) Frequency. You must collect the samples within the time frame and according to the frequency specified by contaminant type and water source type for each sampling location, as specified in Table 2, in this paragraph, with the following exception. For the second round of ground water sampling, if a sample location is non-operational for more than one month before and one month after the scheduled sampling month (i.e., it is not possible for you to sample within the five to seven month window specified the Table 2, in this paragraph), you must notify EPA as specified in § 141.35(c)(5).

TABLE 2.—MONITORING FREQUENCY BY CONTAMINANT AND WATER SOURCE TYPES

Contaminant type	Water source type	Time frame	Frequency
Chemical	Surface water or ground water under the direct influence of surface water (GWUDI) (includes all sampling locations for which some or all of the water comes from a surface water or GWUDI source at any time during the 12 month monitoring period).	12 months	You must monitor for 4 consecutive quarters. Sample events must occur 3 months apart.
	Ground water	12 months	You must monitor twice in a consecutive 12-month period. Sample events must occur 5–7 months apart.

(C) Location. You must collect samples for each List 1 Assessment Monitoring contaminant, and, if applicable, for each List 2 Screening Survey, or List 3 Pre-Screen Testing contaminant, as specified in Table 1, in paragraph (a)(3) of this section. Samples must be collected at each sample point that is specified in column 5 of Table 1, in paragraph (a)(3) of this section. If you are a ground water system with multiple EPTDSs, and you request and receive approval from EPA or the State for sampling at representative EPTDS(s), as specified in § 141.35(c)(3), you must collect your samples from the approved representative sampling location(s). Systems conducting Screening Survey monitoring must also sample for nitrosamines at the disinfection byproduct distribution system maximum residence time (DSMRT) sampling location(s) if they are subject to sampling requirements in § 141.132(b)(1).

(D) Sampling instructions. For each List 1 Assessment Monitoring contaminant, and, if applicable, for each List 2 Screening Survey, or List 3 Pre-Screen Testing contaminant, you must follow the sampling procedure for the method specified in column 3 of Table 1, in paragraph (a)(3) of this section. In addition, you must not composite (that is, combine, mix, or blend) the samples; you must collect and preserve each sample separately. Samples collected for the analysis of Acetanilide "parent" pesticides and their degradation products (Methods 525.2 and 535) must be collected at the same sampling point at the same time.

(E) Sample collection and shipping time. If you must ship the samples for analysis, you must collect the samples early enough in the day to allow adequate time to send the samples for overnight delivery to the laboratory. You should not collect samples on Friday, Saturday, or Sunday because sampling on these days may not allow samples to be shipped and received at the laboratory at the required temperature, unless you have made special arrangements with your laboratory to receive the samples.

(F) Analytical methods. For each contaminant, you must use the respective analytical methods for List 1, and, if applicable, for List 2, or List 3 that are specified in column 3 of Table 1, in paragraph (a)(3) of this section; report values at or above the minimum reporting levels for List 1, and, if applicable, for List 2 Screening Survey, or List 3 Pre-Screen Testing, that are specified in column 4 of Table 1, in paragraph (a)(3) of this section; and conduct the quality control procedures specified in paragraph (a)(5) of this section.

(G) Laboratory errors or sampling deviations. If the laboratory data do not meet the required QC criteria, as specified in paragraph (a)(5) of this section, or you do not follow the required sampling procedures, as specified in paragraphs (a)(4) of this section, you must resample within 30 days of being informed or becoming aware of these facts. This resampling is not for the purpose of confirming previous results, but to correct the sampling or laboratory error. All systems must report the results obtained from the first sampling for each sampling period, except for cases of sampling or laboratory errors. For the purposes of this rule, no samples are to be recollected for the purposes of confirming the results observed in a previous sampling.

(H) Analysis. For the List 1 contaminants, and, if applicable, List 2 Screening Survey, or List 3 Pre-Screen Testing contaminants, identified in Table 1, paragraph (a)(3) of this section, you must arrange for testing by a laboratory that has been approved by EPA according to requirements in paragraph (a)(5)(ii) of this section.

(I) Review and reporting of results. After you have received the laboratory results, you must review, approve, and submit the system information, and sample collection data and test results. You must report the results as provided in § 141.35(c)(6).

(ii) *Small systems.* If you serve 10,000 or fewer people and are notified that you are part of the State Monitoring Plan for Assessment Monitoring, Screening Survey or Pre-Screen monitoring, you must comply with the requirements specified in paragraphs (a)(4)(i)(A) through (H) of this section. If EPA or the State informs you that they

will be collecting your UCMR samples, you must assist them in identifying the appropriate sampling locations and in collecting the samples.

(A) Monitoring period and frequency. You must collect samples at the times specified for you by the State or EPA. Your schedule must follow both the timing of monitoring specified in Table 1, List 1, and, if applicable, List 2, or List 3, and the frequency of monitoring in Table 2 of this section.

(B) Location. You must collect samples at the locations specified for you by the State or EPA.

(C) Sample kits. You must store and maintain the sample collection kits sent to you by the UCMR Sampling Coordinator in accordance with the kit's instructions. The sample kit will include all necessary containers, packing materials and cold packs, instructions for collecting the sample and sample treatment (such as dechlorination or preservation), report forms for each sample, contact name and telephone number for the laboratory, and a prepaid return shipping docket and return address label. If any of the materials listed in the kit's instructions are not included in the kit or arrive damaged, you must notify the UCMR Sampling Coordinator who sent you the sample collection kits.

(D) Sampling instructions. You must comply with the instructions sent to you by the State or EPA concerning the use of containers, collection (how to fill the sample bottle), dechlorination and/or preservation, and sealing and preparation of sample and shipping containers for shipment. You must not composite (that is, combine, mix, or blend) the samples. You also must collect, preserve, and test each sample separately. You must also comply with the instructions sent to you by the UCMR Sampling Coordinator concerning the handling of sample containers for specific contaminants.

(E) Sampling deviations. If you do not collect a sample according to the instructions provided to you for a listed contaminant, you must report the deviation within 7 days of the scheduled monitoring on the sample reporting form, as specified in § 141.35(d)(2). You must resample following instructions that you will be sent from the UCMR Sampling Coordinator or State. A copy of the form must be sent to the laboratory with the recollected samples, and to the UCMR Sampling Coordinator.

(F) Duplicate samples. EPA will select a subset of systems in the State Monitoring Plan that must collect duplicate samples for quality control. If your system is selected, you will receive two sample kits for an individual sampling location that you must use. You must use the same sampling protocols for both sets of samples, following the instructions in the duplicate sample kit.

(G) Sampling forms. You must completely fill out each of the sampling forms and bottles sent to you by the UCMR Sampling Coordinator, including data elements listed in § 141.35(e) for each sample. If you are conducting Assessment Monitoring, you must include elements 1 through 5, and 7; and if you are conducting Screening Survey, you must include elements 1 through 7. You must sign and date the sampling forms.

(H) Sample collection and shipping. You must collect the samples early enough in the day to allow adequate time to send the samples for overnight delivery to the laboratory. You should not collect samples on Friday, Saturday, or Sunday because sampling on these days may not allow samples to be shipped and received at the laboratory at the required temperature unless you have made special arrangements with EPA for the laboratory to receive the samples. Once you have collected the samples and completely filled in the sampling forms, you must send the samples and the sampling forms to the laboratory designated on the air bill.

(5) *Quality control requirements.* If your system serves more than 10,000 people, you must ensure that the quality control requirements listed below are met during your sampling procedures and by the laboratory conducting your analyses. You must also ensure that all method quality control procedures and all UCMR quality control procedures are followed.

(i) *Sample collection/preservation.* You must follow the sample collection and preservation requirements for the specified method for each of the contaminants in Table 1, in paragraph (a)(3) of this section. These requirements specify sample containers, collection, dechlorination, preservation, storage, sample holding time, and extract storage and/or holding time that you must assure that the laboratory follow.

(ii) *Laboratory approval for Lists 1, List 2 and List 3.* To be approved to conduct UCMR testing, the laboratory must be certified under § 141.28 for one or more compliance analyses; demonstrate for each analytical method it plans to use for UCMR testing that it can meet the Initial Demonstration of Capability (IDC) requirements detailed in the analytical methods specified in column 3 of Table 1, in paragraph (a)(3) of this section; and successfully participate in the UCMR Proficiency Testing (PT) Program administered by EPA for each analytical method it plans to use for UCMR testing. UCMR laboratory approval decisions will be granted on an individual method basis for the methods listed in column 3 of Table 1 in paragraph (a)(3) of this section for List 1, List 2, and List 3 contaminants. Laboratory approval is contingent upon the capability of the laboratory to post monitoring data to the EPA electronic data reporting system. To participate in the UCMR Laboratory Approval Program, the laboratory must complete and submit the necessary registration forms by April 4, 2007. Correspondence must be addressed to: UCMR 2 Laboratory Approval Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268; or e-mailed to EPA at *UCMR_Sampling_Coordinator@epa.gov.*

(iii) *Minimum Reporting Level.* The MRL is the lowest analyte concentration for which future recovery is predicted to fall, with high confidence (at least 99%), between 50% and 150% recovery.

(A) Validation of laboratory performance. Your laboratory must be capable of quantifying each contaminant listed in Table 1, at or below the MRL specified in column 4 of Table 1, in paragraph (a)(3) of this section. You must ensure that the laboratory completes and has on file and available for your inspection, records of two distinct procedures. First, your laboratory must have conducted an IDC involving replicate analyses at or below the MRL as described in this paragraph. Second, for each day that UCMR analyses are conducted by your laboratory, a validation of its ability to quantify each contaminant, at or below the MRL specified in column 4 of Table 1, in paragraph (a)(3) of this section, following the procedure listed in paragraph (a)(5)(iii)(B) of this section, must be performed. The procedure for initial validation of laboratory performance at or below the MRL is as follows:

(1) All laboratories using EPA drinking water methods under UCMR must demonstrate that they are capable of meeting data quality objectives (DQOs) at or below the MRL listed in Table 1, column 4, in paragraph (a)(3) of this section.

(2) The MRL, or any concentration below the MRL, at which performance is being evaluated, must be contained within the range of calibration. The calibration curve regression model and the range of calibration levels that are used in these performance validation steps must be used in all routine sample

analyses used to comply with this regulation. Only straight line or quadratic regression models are allowed. The use of either weighted or unweighted models is permitted. The use of cubic regression models is not permitted.

(3) Replicate analyses of at least seven (7) fortified samples in reagent water must be performed at or below the MRL for each analyte, and must be processed through the entire method procedure (*i.e.*, including extraction, where applicable, and with all preservatives).

(4) A prediction interval of results (PIR), which is based on the estimated arithmetic mean of analytical results and the estimated sample standard deviation of measurement results, must be determined by Equation 1:

$$\text{Equation 1} \qquad PIR = Mean \pm s \times t_{(df,\ 1-\alpha/2)} \times \sqrt{1+\frac{1}{n}}$$

Where:

t is the Student's *t* value with *df* degrees of freedom and confidence level (1–α),
s is the sample standard deviation of *n* replicate samples fortified at the MRL,
n is the number of replicates.

(5) The values needed to calculate the PIR using Equation 1 are: Number of replicates (*n*); Student's *t* value with a two-sided 99% confidence level for *n* number of replicates; the average (mean) of at least seven replicates; and the sample standard deviation. Factor 1 is referred to as the Half Range PIR (HR_{PIR}).

$$HR_{PIR} = s \times t_{(df,\ 1-\alpha/2)} \times \sqrt{1+\frac{1}{n}}$$

For a certain number of replicates and for a certain confidence level in Student's *t*, this factor

$$C = t_{(df,\ 1-\alpha/2)} \times \sqrt{1+\frac{1}{n}}$$

is constant, and can be tabulated according to replicate number and confidence level for the Student's *t*. Table 3 in this paragraph lists the constant factor (*C*) for replicate sample numbers 7 through 10 with a confidence level of 99% for Student's *t*.

(6) The HRPIR is calculated by Equation 2:

$$\text{Equation 2} \qquad HR_{PIR} = s \times C$$

(7) The PIR is calculated by Equation 3:

$$\text{Equation 3} \qquad PIR = Mean \pm HR_{PIR}$$

TABLE 3.—THE CONSTANT FACTOR (C) TO BE MULTIPLIED BY THE STANDARD DEVIATION TO DETERMINE THE HALF RANGE INTERVAL OF THE PIR (STUDENT'S t 99% CONFIDENCE LEVEL) [a]

Replicates	Degrees of freedom	Constant factor (C) to be multiplied by the standard deviation
7	6	3.963
8	7	3.711
9	8	3.536
10	9	3.409

[a] The critical *t*-value for a two-sided 99% confidence interval is equivalent to the critical *t*-value for a one-sided 99.5% confidence interval, due to the symmetry of the *t*-distribution. PIR = Prediction Interval of Results.

(8) The lower and upper result limits of the PIR must be converted to percent recovery of the concentration being tested. To pass criteria at a certain level, the PIR lower recovery limits cannot be lower than the lower recovery limits of the QC interval (50%), and the PIR upper recovery limits cannot be greater than the upper recovery limits of the QC interval (150%). When either of the PIR recovery limits falls outside of either bound of the QC interval of recovery (higher than 150% or less than 50%), laboratory performance is not validated at the concentration evaluated. If the PIR limits are contained within both bounds of the QC interval, laboratory performance is validated for that analyte.

(B) Quality control requirements for validation of laboratory performance at or below the MRL.

(1) You must ensure that the calibration curve regression model and that the range of calibration levels that are used in these performance validation steps are used in future routine sample analysis. Only straight line or quadratic regression models are allowed. The use of either weighted or unweighted models is permitted. The use of cubic regression models is not permitted.

(2) You must ensure, once your laboratory has performed an IDC as specified in each analytical method (demonstrating that DQOs are met at or below an MRL), that a daily performance check is performed for each analyte and method. A single laboratory blank, fortified at or below the MRL for each analyte, must be processed through the entire method procedure. The measured concentration for each analyte must be converted to a percent recovery, and if the recovery is within 50%–150% (inclusive), the daily performance of the laboratory has been validated. The results for any analyte for which 50%–150% recovery cannot be demonstrated during the daily check are not valid. Laboratories may elect to re-run the daily performance check sample if the performance for any analyte or analytes cannot be validated. If performance is validated for these analytes, the laboratory performance is considered validated. Alternatively, the laboratory may re-calibrate and repeat the performance validation process for all analytes.

(iv) *Laboratory fortified sample matrix and laboratory fortified sample matrix duplicate.* You must ensure that your laboratory prepares and analyzes the Laboratory Fortified Sample Matrix

(LFSM) sample for accuracy and Laboratory Fortified Sample Matrix Duplicate (LFSMD) samples for precision to determine method accuracy and precision for all contaminants in Table 1, in paragraph (a)(3) of this section. LFSM/LFSMD samples must be prepared using a sample collected and analyzed in accordance with UCMR 2 requirements and analyzed at a frequency of 5% (or 1 LFSM/LFSMD set per every 20 samples) or with each sample batch, whichever is more frequent. In addition, the LFSM/LFSMD fortification concentrations must be alternated between a low-level fortification and mid-level fortification approximately 50% of the time. (For example: A set of 40 samples will require preparation and analysis of 2 LFSM/LFSMD sets. The first set must be fortified at either the low-level or mid-level, and the second set must be fortified with the other standard, either the low-level or mid-level, whichever was not used for the initial LFSM/LFSMD set.) The low-level LFSM/LFSMD fortification concentration must be within ±50% of the MRL for each contaminant (e.g., for an MRL of 1 µg/L the acceptable fortification levels must be between 0.5 µg/L and 1.5 µg/L). The mid-level LFSM/LFSMD fortification concentration must be within ±20% of the mid-level calibration standard for each contaminant, and should represent, where possible and where the laboratory has data from previously analyzed samples, an approximate average concentration observed in previous analyses of that analyte. There are no acceptance criteria specified for LFSM/LFSMD analyses. All LFSM/LFSMD data are to be reported.

(v) *Method defined quality control.* You must ensure that your laboratory performs Laboratory Fortified Blanks and Laboratory Performance Checks, as appropriate to the method's requirements, for those methods listed in Table 1, column 3, in paragraph (a)(3) of this section. Each method specifies acceptance criteria for these QC checks.

(vi) *Reporting.* You must ensure that your laboratory reports the analytical results and other data, with the required data listed in Table 1, in § 141.35(e). You must require your laboratory to submit these data electronically to the State and EPA using EPA's electronic data reporting system, accessible at (*http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html*), within 120 days from the sample collection date. You then have 60 days from when the laboratory posts the data to review, approve, and submit the data to the State and EPA, via EPA's electronic data reporting system. If you do not electronically approve and submit the laboratory data to EPA within 60 days of the laboratory's posting to EPA's electronic reporting system, the data will be considered approved and final for State and EPA review.

(6) *Violation of this rule.*

(i) *Monitoring violations.* Any failure to monitor in accordance with § 141.40(a)(3)–(5) is a monitoring violation.

(ii) *Reporting violations.* Any failure to report in accordance with § 141.35 is a reporting violation.

(b) *Petitions and Waivers by States.* (1) *Governors' petition for additional contaminants.* The Safe Drinking Water Act allows Governors of seven (7) or more States to petition the EPA Administrator to add one or more contaminants to the UCMR Contaminant List in paragraph (a)(3) of this section. The petition must clearly identify the reason(s) for adding the contaminant(s) to the monitoring list, including the potential risk to public health, particularly any information that might be available regarding disproportional risks to the health and safety of children, the expected occurrence documented by any available data, any analytical methods known or proposed to be used to test for the contaminant(s), and any other information that could assist the Administrator in determining which contaminants present the greatest public health concern and should, therefore, be included on the UCMR Contaminant List in paragraph (a)(3) of this section.

(2) *State-wide waivers.* A State can waive monitoring requirements only with EPA approval and under very limited conditions. Conditions and procedures for obtaining a waiver are as follows:

(i) *Application.* A State may apply to EPA for a State-wide waiver from the unregulated contaminant monitoring requirements for PWSs serving more than 10,000 people. To apply for such a waiver, the State must submit an application to EPA that includes the following information: The list of contaminants on the UCMR Contaminant List for which a waiver is requested, along with documentation for each contaminant in the request demonstrating that the contaminants or their parent compounds do not occur naturally in the State, and certifying that during the past 15 years they have not been used, applied, stored, disposed of, released, or detected in the source waters or distribution systems in the State.

(ii) *Approval.* EPA will review State applications and notify the State whether it accepts or rejects the request. The State must receive written approval from EPA before issuing a State-wide waiver.

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

■ 6. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

Subpart B—[Amended]

■ 7. Section 142.16 is amended by revising paragraph (e) introductory text to read as follows:

§ 142.16 Special primacy requirements.

* * * * *

(e) An application for approval of a State program revision which adopts the requirements specified in §§ 141.11, 141.23, 141.24, 141.32, 141.61, and 141.62 for a newly regulated contaminant must contain the following (in addition to the general primacy requirements enumerated elsewhere in this part, including the requirement that State regulations be at least as stringent as the Federal requirements):

* * * * *

[FR Doc. E6–22123 Filed 1–3–07; 8:45 am]
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Federal Register

Thursday,
January 4, 2007

Part III

Securities and Exchange Commission

17 CFR Parts 230 and 275
Prohibition of Fraud by Advisers to Certain Pooled Investment Vehicles; Accredited Investors in Certain Private Investment Vehicles; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 275

[Release No. 33–8766; IA–2576; File No. S7–25–06]

RIN 3235–AJ67

Prohibition of Fraud by Advisers to Certain Pooled Investment Vehicles; Accredited Investors in Certain Private Investment Vehicles

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is today proposing new rules designed to provide additional investor protections that would affect pooled investment vehicles, including hedge funds. First, the Commission is proposing a rule that would prohibit advisers to pooled investment vehicles from making false or misleading statements or otherwise defrauding investors or prospective investors in those pooled investment vehicles. Second, the Commission is proposing two rules that would revise the definition of accredited investor as it relates to natural persons. The latter rules would apply solely to the offer and sale of interests in certain privately offered investment pools specified in the rules.

DATES: Comments should be received on or before March 9, 2007.

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*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number S7–25–06 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 S7–25–06. 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 are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. 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: With respect to proposed rule 206(4)–8, Jennifer Sawin, Senior Special Counsel, or Daniel Kahl, Branch Chief, at 202–551–6787, and with respect to proposed rules 216 and 509, Elizabeth G. Osterman, Assistant Chief Counsel, or Tara R. Buckley, Senior Counsel, at 202–551–6825, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–5041.

SUPPLEMENTARY INFORMATION: The Commission is requesting comment on proposed new rule 206(4)–8 under the Investment Advisers Act of 1940 ("Advisers Act"),[1] and proposed new rules 216 and 509 under the Securities Act of 1933 ("Securities Act").[2]

Table of Contents

I. Introduction

In the past few years, the Commission has been examining a variety of issues relating to hedge funds and other pooled investment vehicles with a view to strengthening protections for investors.[3] We are now proposing to address two areas of particular concern. First, we are proposing to adopt a new antifraud rule under the Advisers Act that would clarify, in light of a recent court decision,[4] the Commission's ability to bring enforcement actions under the Advisers Act against investment advisers who defraud investors or prospective investors in a hedge fund or other pooled investment vehicle.

Second, we are proposing a rule that would revise the requirements for determining whether an individual is eligible to invest in certain pooled investment vehicles. We are concerned that the definition of "accredited investor," which certain privately offered investment pools ("private pools") use in determining whether an individual is eligible to invest in the pool, may not provide sufficient protections for investors. We are therefore proposing to define a new category of accredited investor called "accredited natural person," which is designed to help ensure that investors in these types of funds are capable of evaluating and bearing the risks of their investments.

Consistent with the purposes of the Advisers Act and the Securities Act, we believe these two proposals have the potential to enhance substantially the protections for investors and potential investors in hedge funds and other similar funds.

II. Antifraud Provisions of the Advisers Act

The Advisers Act is intended to protect investors whose assets are managed by investment advisers in pools as well as those who rely on advisers to manage their individual portfolios or to otherwise provide them with investment advice.[5] Advisers to

[1] 15 U.S.C. 80b. Unless otherwise noted, when we refer to the Advisers Act, or any paragraph of the Advisers Act, we are referring to 15 U.S.C. 80b of the United States Code, at which the Advisers Act is codified.

[2] 15 U.S.C. 77. Unless otherwise noted, when we refer to the Securities Act, or any paragraph of the Securities Act, we are referring to 15 U.S.C. 77 of the United States Code, at which the Securities Act is codified.

[3] See, *e.g.*, *Implications of the Growth of Hedge Funds, Staff Report to the United States Securities and Exchange Commission*, available at *http://www.sec.gov/spotlight/hedgefunds.htm* ("2003 Staff Study").

[4] *Goldstein* v. *Securities and Exchange Commission*, 451 F.3d 873 (D.C. Cir. 2006) ("Goldstein").

[5] Section 201 (Findings) of the Advisers Act states "that investment advisers are of national concern,

pooled investment vehicles that invest in securities, including unregistered pools, are "investment advisers" under the Advisers Act.[6]

The Advisers Act gives the Commission broad authority to protect against fraud by these investment advisers. Section 206(1) of the Advisers Act makes it unlawful for any adviser to "employ any device, scheme, or artifice to defraud any client or prospective client," and section 206(2) makes it unlawful for any adviser to "engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client." Section 206(4) of the Advisers Act provides that it is unlawful for investment advisers to "engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative" and that "[t]he Commission shall, for purposes of [paragraph 206(4)] by rules and regulations define, and prescribe means reasonably designed to prevent, such acts, practices and courses of business as are fraudulent, deceptive, or manipulative."[7]

Recently, an opinion by the Court of Appeals for the DC Circuit created uncertainties regarding obligations that investment advisers to pools have to the pools' investors.[8] The court, in *Goldstein* v. *SEC*, vacated a rule we adopted in 2004 that required certain hedge fund advisers to register under the Advisers Act.[9] In addressing the scope of the exemption from registration in section 203(b)(3) of the Advisers Act and the meaning of "client" as used in that section, the court expressed the view that, for purposes of sections 206(1) and (2), the "client" of an investment adviser managing a pool is the pool itself, not the investors in the pool.[10] As a result, the opinion created some uncertainty regarding the application of sections 206(1) and 206(2) of the Advisers Act in certain cases where investors in a pool are defrauded by an investment adviser.

The *Goldstein* decision did not, however, call into question the Commission's authority to adopt rules under section 206(4) of the Advisers Act to protect investors in pooled investment vehicles. Section 206(4) is broader in scope and not limited to conduct aimed at clients or prospective clients. This section permits us to adopt rules proscribing fraudulent conduct that is potentially harmful to the growing number of investors who directly or indirectly invest in hedge funds and other types of pooled investment vehicles. Our commitment to protect the interests of those investors is no less than those to whom the adviser directly provides investment advice.

Accordingly, today we are using our authority under section 206(4) to propose, as a means reasonably designed to prevent fraud, a new rule under the Advisers Act that would prohibit advisers to investment companies and other pooled investment vehicles from (i) making false or misleading statements to investors in those pools, or (ii) otherwise defrauding them. We would enforce the rule through administrative and civil actions against advisers under section 206(4) of the Advisers Act.

A. Scope of Proposed Rule 206(4)–8

1. Investors and Prospective Investors

Section 206(4), unlike sections 206(1) and (2), is not limited to conduct aimed at clients or prospective clients.[11] Proposed rule 206(4)–8 would address the uncertainty created by the *Goldstein* decision regarding conduct aimed at investors by prohibiting advisers from (i) making false or misleading statements to investors in pooled investment vehicles, or (ii) otherwise defrauding these investors.

Sections 206(1) and (2) of the Act make unlawful fraud by advisers to both clients and *prospective* clients. For similar policy reasons, rule 206(4)–8 would also prohibit false or misleading statements made to, or other fraud on, prospective investors in pooled investment vehicles.[12] Thus, the rule would prohibit false or misleading statements made, for example, to existing investors in account statements as well as to prospective investors in private placement memoranda, offering circulars, or responses to "requests for proposals."

We request comment on this aspect of the proposed rule.

2. Unregistered Advisers

The proposed rule would apply to any investment adviser to a pooled investment vehicle, including advisers that are not registered or required to be registered under the Advisers Act.[13]

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in that, among other things . . . the foregoing transactions occur in such volume as substantially to affect interstate commerce, national securities exchanges, and other securities markets, the national banking system, and the national economy."

[6] Section 202(a)(11) of the Advisers Act defines an investment adviser as "any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities * * *". Sections 202(a)(11)(A)–(F) identify several types of persons who are excepted from this definition, even though they may give advice about securities; exceptions are available to certain banks, accountants, lawyers, teachers, engineers, broker-dealers, publishers and ratings agencies. *See also Abrahamson* v. *Fleschner*, 568 F.2d 862, 871 (2d Cir. 1977), cert. denied, 436 U.S. 913 (1978), overruled on other grounds by *Transamerica Mortgage Advisors, Inc.* v. *Lewis*, 444 U.S. 11 (1979) ("Transamerica"); *SEC* v. *Saltzman*, 127 F. Supp. 2d 660, 669 (E.D. Pa. 2000); *SEC* v. *Michael W. Berger, Manhattan Investment Fund, Ltd., and Manhattan Capital Management, Inc.*, 244 F. Supp. 2d 180, 192 (S.D.N.Y. 2001).

[7] Section 206(4) was added to the Advisers Act in Pub. L. No. 86–750, 74 Stat. 885 (1960) at sec. 9. *See* H.R. Rep. No. 2197, 86th Cong., 2d Sess. (1960) at 7–8 ("Because of the general language of section 206 and the absence of express rulemaking power in that section, there has always been a question as to the scope of the fraudulent and deceptive activities which are prohibited and the extent to which the Commission is limited in this area by common law concepts of fraud and deceit * * * [Section 206(4)] would empower the Commission, by rules and regulations to define, and prescribe means reasonably designed to prevent, acts, practices, and courses of business which are fraudulent, deceptive, or manipulative. This is comparable to Section 15(c)(2) of the Securities Exchange Act of 1934 [15 U.S.C. 78o(c)(2)] which applies to brokers and dealers."). *See also* S. Rep. No. 1760, 86th Cong., 2d Sess. (1960) at 8 ("This [section 206(4) language] is almost the identical wording of section 15(c)(2) of the Securities Exchange Act of 1934 in regard to brokers and dealers."). The Supreme Court, in *United States* v. *O'Hagan*, interpreted nearly identical language in section 14(e) of the Securities Exchange Act of 1934 [15 U.S.C. 78n(e)] ("Exchange Act") as providing the Commission with authority to adopt rules that are "definitional and prophylactic" and that may prohibit acts that are "not themselves fraudulent * * * if the prohibition is 'reasonably designed to prevent * * * acts and practices [that] are fraudulent.'" *United States* v. *O'Hagan*, 521 U.S. 642, at 667, 673 (1997). The wording of the rulemaking authority in section 206(4) remains substantially similar to that of section 14(e) and section 15(c)(2) of the Exchange Act.

[8] Prior to the issuance of this opinion, we brought enforcement actions against hedge fund advisers alleging false or misleading statements to investors under sections 206(1) and (2) of the Advisers Act. *See, e.g., SEC* v. *Kirk S. Wright, International Management Associates, LLC, et al.*, Litigation Release No. 19581 (Feb. 28, 2006); *SEC* v. *Wood River Capital Management, LLC, et al.*, Litigation Release No. 19428 (Oct. 13, 2005) ("Wood River"); *SEC* v. *Samuel Israel III; Daniel E. Marino; Bayou Management, LLC; Bayou Accredited Fund, LLC; Bayou Affiliates Fund, LLC; Bayou No Leverage Fund, LLC; and Bayou Superfund, LLC*, Litigation Release No. 19406 (Sept. 29, 2005) ("Bayou"); *SEC* v. *Beacon Hill Asset Management LLC, et al.*, Litigation Release No. 18745A (June 16, 2004).

[9] *Goldstein, supra* note 4.

[10] *Id.*

[11] *See Goldstein, supra* note 4, at note 6. *See also United States* v. *Elliott*, 62 F.3d 1304, 1311 (11th Cir. 1995).

[12] The effect of "prospective clients" in section 206(1) and (2) is to make unlawful fraudulent behavior that an adviser uses in an attempt to draw in new clients. Similarly, we are including "prospective investors" in the proposed rule for the same underlying policy reasons—that false or misleading statements and other frauds by advisers are no less objectionable when made to prospective investors than when made to persons who have already invested in the pool.

[13] Proposed rule 206(4)–8 does not address the question of whether a person is an investment

Continued

Many of our enforcement cases against advisers to pools have been against advisers that are not registered under the Advisers Act, and we believe it is critical that we continue to be in a position to bring actions against unregistered advisers that manage pools and that defraud investors in those pools.

While section 206 applies to all investment advisers,[14] our other antifraud rules adopted under section 206 apply only to advisers registered or required to be registered under the Advisers Act.[15] In 1996, Congress enacted the National Securities Markets Improvements Act ("NSMIA"), which delegated to state securities authorities responsibility for regulating smaller advisers (which would no longer register with us).[16] Although Congress intended that we continue to apply our general antifraud authority under section 206 to state-registered advisers,[17] we decided not to apply the prophylactic provisions of our rules under section 206(4) to advisers not registered (or required to be registered) with us because we concluded that these matters had become more appropriately issues for state regulators. Accordingly, in 1997, we amended the rules we had adopted under section 206(4) to limit their application to advisers registered or required to be registered with us,[18] and our more recently adopted rules under section 206(4) have also been limited in scope to advisers registered or required to be registered with us.[19] We believe, however, that it may be appropriate to apply proposed rule 206(4)–8 to all investment advisers because the rule is designed broadly to define the making of materially false or misleading statements as a fraudulent, deceptive or manipulative practice, and to prohibit other practices that defraud or deceive pool investors, rather than designed to prohibit a specific practice.

We request comment on this aspect of the proposed rule. Commenters who believe certain advisers to pools should not be subject to the rule should please explain in detail which advisers should be exempt, and why such an exemption would be appropriate.

3. Pooled Investment Vehicles

The proposed rule would not distinguish among types of pooled investment vehicles and is designed to protect investors both in investment companies and in pools that are excluded from the definition of investment company under section 3(a) of the Investment Company Act of 1940 ("Company Act")[20] by reason of either section 3(c)(1) or 3(c)(7) of the Company Act.[21] We believe that most of the pooled investment vehicles privately offered to investors are organized under one or the other of these two provisions.

Like section 206, the new antifraud rule would apply to all advisers regardless of the investment strategy they employ, or the structure of the type of pooled investment vehicle they manage. As a result, the rule would apply to investment advisers subject to section 206 of the Advisers Act with respect to all pooled investment vehicles that they advise, such as hedge funds, private equity funds, venture capital funds, and other types of privately offered pools that invest in securities, as well as investment companies that are offered to the public.[22] Defrauding investors in any of these pools is equally unacceptable.

We request comment on the scope of the proposed rule. We are proposing to include only investment companies and companies that qualify for the exclusions provided by sections 3(c)(1) and 3(c)(7) of the Company Act, but request comment on whether the rule should apply to companies excluded from the definition of investment company by other provisions in section 3(c) of the Company Act. Commenters suggesting we broaden the scope of the proposed rule should please indicate which types of companies should be included and why. Conversely, commenters favoring limiting the application of the rule so as to exclude certain pools, as we are proposing to do in the Securities Act rules we propose in this Release,[23] should please explain to us how we should draw distinctions among pools in this regard, and why those distinctions are appropriate.

B. Prohibition on False or Misleading Statements

Under proposed rule 206(4)–8(a)(1), it would constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of section 206(4) for any investment adviser to a pooled investment vehicle to make any untrue statement of a material fact to any investor or prospective investor in the pooled investment vehicle, or to omit to state a material fact necessary in order to make the statements made to any investor or prospective investor in the pooled investment vehicle, in the light of the circumstances under which they were made, not misleading.[24] This wording, which is similar to that in many of our antifraud laws and rules,[25]

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adviser and thus subject to the Act, including the antifraud provisions.

[14] *See, e.g., SEC* v. *K.L. Group, LLC, et al.*, Litigation Release No. 19117 (Mar. 3, 2005) ("KL Group"); *SEC* v. *Barry Alan Bingham and Bingham Capital Management*, Litigation Release No. 19345 (Aug. 23, 2005); *SEC* v. *Conrad P. Seghers and James R. Dickey*, Litigation Release No. 18749 (June 17, 2004); *SEC* v. *Ryan J. Fontaine and Simpleton Holdings Corporation a/k/a Signature Investments Hedge Fund*, Litigation Release No. 17864 (Nov. 26, 2002); *SEC* v. *Edward Thomas Jung, et al.*, Litigation Release No. 17417 (Mar. 15, 2002).

[15] *See* rules 206(4)–1 through 7 under the Advisers Act [17 CFR 275.206(4)–1 through 7).

[16] Pub. L. No. 104–290, 110 Stat. 3416 (1996) (codified in scattered sections of the U.S. Code). NSMIA generally allocated regulatory authority to state securities authorities for advisers that did not manage a registered investment company and that had less than $25 million of assets under management. Section 203A of the Advisers Act prohibits these smaller advisers from registering with the Commission.

[17] *See* S. Rep. No. 293, 104th Cong., 2d Sess. 3–4 (1996) ("1996 Senate Report") at 4 ("Both the Commission and the states will be able to continue bringing antifraud actions against investment advisers regardless of whether the investment adviser is registered with the state or the SEC."). The Commission has brought such actions against state-registered advisers. *See, e.g., In the Matter of James William Fuller*, Investment Advisers Act Release No. 1842 (Oct. 4, 1999).

[18] *See Rules Implementing Amendments to the Investment Advisers Act of 1940*, Investment Advisers Act Release No. 1633 (May 15, 1997) [62 FR 28112 (May 22, 1997)).

[19] *See Proxy Voting by Investment Advisers*, Investment Advisers Act Release No. 2106 (Jan. 31, 2003) [68 FR 6585 (Feb. 7, 2003)); *Compliance Programs of Investment Companies and Investment Advisers*, Investment Advisers Act Release No. 2204 (Dec. 17, 2003) [68 FR 74713 (Dec. 24, 2003)].

[20] 15 U.S.C. 80a. Unless otherwise noted, when we refer to the Company Act, or any paragraph of the Company Act, we are referring to 15 U.S.C. 80a of the United States Code, at which the Company Act is codified.

[21] Company Act section 3(c)(1) or (7). Section 3(c)(1) excludes from the definition of investment company an issuer the securities (other than short-term paper) of which are beneficially owned by not more than 100 persons and that is not making or proposing to make a public offering of its securities. Section 3(c)(7) excludes from the definition of investment company an issuer the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are "qualified purchasers" and that is not making or proposing to make a public offering of its securities. "Qualified purchaser" is defined in section 2(a)(51) of the Company Act generally to include a natural person (or a company owned by two or more related natural persons) who owns not less than $5,000,000 in investments; a person, acting for its own account or accounts of other qualified purchasers, who owns and invests on a discretionary basis, not less than $25,000,000; and a trust whose trustee, and each of its settlors, is a qualified purchaser.

[22] We have brought enforcement actions under the Advisers Act against advisers to these types of funds. *See, e.g., In the Matter of Thayer Capital Partners, et al.*, Investment Advisers Act Release No. 2276 (Aug. 12, 2004) (private equity fund); *SEC* v. *Michael A. Liberty, et al.*, Litigation Release No. 19601 (Mar. 8, 2006) (venture capital fund); *In the Matter of Askin Capital Management, L.P and David J. Askin*, Investment Advisers Act Release No. 1492 (May 23, 1995).

[23] *See* Section III.B.4 of this Release.

[24] Proposed rule 206(4)–8(a)(1).

[25] *See, e.g.*, sections 12 and 17 of the Securities Act; section 14 of the Exchange Act [15 U.S.C. 78n);

prohibits false or misleading statements of material facts by investment advisers.

Unlike rule 10b–5 under the Exchange Act and other rules that focus on securities transactions, rule 206(4)–8 would not be limited to fraud in connection with the purchase and sale of a security.[26] Accordingly, proposed rule 206(4)–8(a)(1) would prohibit advisers to pooled investment vehicles from making any materially false or misleading statements to investors in the pool regardless of whether the pool is offering, selling, or redeeming securities. Unlike violations of rule 10b–5, the Commission would not need to demonstrate that an adviser violating rule 206(4)–8 acted with scienter.[27] There would be no private cause of action against an adviser under the proposed rule.[28]

The effect of this provision of the rule would be to prohibit, for example, materially false or misleading statements regarding investment strategies the pooled investment vehicle will pursue (including strategies the adviser may pursue for the pool in the future), the experience and credentials of the adviser (or its associated persons), the risks associated with an investment in the pool, the performance of the pool or other funds advised by the adviser, the valuation of the pool or investor accounts in it, and practices the adviser follows in the operation of its advisory business such as how the adviser allocates investment opportunities.[29]

We request comment on these provisions of the proposed rule.

C. Prohibition of Other Frauds

We are also using our broad authority under section 206(4) to propose a prohibition against other fraud on investors in pooled investment vehicles by advisers to those pools. Proposed rule 206(4)-8(a)(2) would make it a fraudulent, deceptive, or manipulative act, practice, or course of business for any investment adviser to a pooled investment vehicle to "otherwise engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in the pooled investment vehicle."[30] The language of this provision is drawn from the first sentence of section 206(4) and is designed to apply more broadly to deceptive conduct that may not involve statements.

We request comment on this provision.

D. No Fiduciary Duty Created

Proposed rule 206(4)-8 would not create a fiduciary duty to investors or prospective investors in the pooled investment vehicle not otherwise imposed by law. Nor would the rule alter any duty or obligation an adviser has under the Advisers Act, any other federal law or regulation, or any state law or regulation (including state securities laws) to investors in a pooled investment vehicle it advises.[31]

III. Amendments to Private Offering Rules Under the Securities Act

A. Offer and Sale of Securities Issued by Private Investment Pools

Private offerings of securities issued by investment pools in the United States are made without compliance with the registration and prospectus delivery requirements of section 5 of the Securities Act[32] in reliance on the private offering exemption provided by section 4(2) of the Securities Act or in compliance with certain rules related to that section.

Section 4(2) exempts from the registration requirements of the Securities Act any "transaction by an issuer not involving a public offering."[33] Before 1982, our rules generally required an issuer seeking to rely on section 4(2) to make a subjective determination that each offeree had sufficient knowledge and experience in financial and business matters to enable that offeree to evaluate the merits of the prospective investment or that such offeree was able to bear the economic risk of the investment.

In part because of a degree of uncertainty as to the availability of the

section 34 of the Company Act; rules 156, 159, and 610 under the Securities Act [17 CFR 230.156, 230.159, 230.610]; rules 10b–5, 13e–3, 13e–4, and 15c1–2 under the Exchange Act [17 CFR 240.10b–5, 240.13e–3, 240.13e–4, 240.15c1–2]; and rule 17j–1 under the Company Act [17 CFR 270.17j–1]). In addition, section 34(b) of the Company Act uses similar wording with respect to documents filed or transmitted pursuant to the Company Act; we believe that, as a general matter, most advisers that advise registered investment companies will, to a large extent, communicate with investors and prospective investors in those funds through documents that are already subject to section 34(b).

[26] Under the proposed rule, we could bring enforcement actions even when the facts of the case did not involve the offer, purchase or sale of a security. We have, however, brought a number of enforcement actions involving pools alleging violations of section 10(b) of the Exchange Act [15 U.S.C. 78j(b)], rule 10b–5 under the Exchange Act [17 CFR 240.10b–5], and section 17(a) of the Securities Act, when the alleged frauds were "in connection with the purchase or sale of a security," or allegedly involved the "offer or sale" of a security. *See, e.g., SEC* v. *Sharon E. Voughn and Directors Financial Group, Ltd.*, Litigation Release No. 19589 (Mar. 3, 2006); *SEC* v. *HMC International, LLC., et al.*, Litigation Release No. 19508 (Dec. 21, 2005); *In the Matter of Maxwell Investments, LLC, Gary J. Moxwell, and Bort D. Coon*, Investment Advisers Act Release No. 2455 (Dec. 1, 2005); *Wood River, supra* note 8; *Bayou, supra* note 8; *SEC* v. *Jan E. Honkins, et al.*, Litigation Release No. 19283 (June 24, 2005).

[27] *See SEC* v. *Steadman*, 967 F.2d 636, at 647 (D.C. Cir. 1992). The court in *Steodman* analogized section 206(4) of the Advisers Act to section 17(a)(3) of the Securities Act, which the Supreme Court had held did not require a finding of scienter, *id.* (citing *Aoron* v. *SEC*, 446 U.S. 680 (1980)); the *Steadmon* court concluded that "scienter is not required under section 206(4)." Id. In discussing section 17(a)(3) and its lack of a scienter requirement, the *Steadman* court observed that, similarly, a violation of section 206(2) of the Advisers Act could rest on a finding of simple negligence. *Id.* at 643 note 5. For the same reason, the Commission would not need to demonstrate scienter under paragraph (a)(2) of the proposed rule. *See* Section II.C of this Release for a discussion of paragraph (a)(2).

[28] The Supreme Court has held that "there exists a limited private remedy under the Investment Advisers Act of 1940 to void an investment adviser's contract, but that the Act confers no other private causes of action, legal or equitable." *Transomerico, supro* note 6, at 24 (footnote omitted). Similarly, paragraph (a)(2) of the proposed rule would not create a new private right of action. *See* Section II.C of this Release for a discussion of paragraph (a)(2).

[29] We have previously brought enforcement actions alleging these or similar types of frauds. We have brought actions alleging advisers' material misrepresentations or omissions regarding their background or experience. *See, e.g., SEC* v. *EPG Global Privote Equity Fund*, Litigation Release No. 18577 (Feb. 17, 2004); *SEC* v. *Peter W. Chabot, Chobot Investments, Inc., Sirens Investments, Inc., Sirens Synergy, The Synergy Fund, LLC*, Litigation Release No. 18214 (July 3, 2003); *SEC* v. *Ashbury Capital Partners, L.P., Ashbury Capitol Manogement, L.L.C., and Mark Yagalla*, Litigation Release No. 16770 (Oct. 17, 2000); *SEC* v. *Michoel Bottermon, Rondoll B. Botterman III, and Dynasty Fund, Ltd., et ol.*, Litigation Release No. 16615 (June 30, 2000). We have also brought enforcement actions alleging advisers' misrepresentations of the pool's performance. *See, e.g., In the Matter of Evan Misshula*, Investment Advisers Act Release No. 2524 (June 21, 2006); *Bayou, supra* note 8; *K.L. Group, supra* note 14; *In the Matter of Samer M. El Bizri and Bizri Copitol Portners, Inc.*, Investment Advisers Act Release No. 2250 (June 16, 2004).

[30] Proposed rule 206(4)-8(a)(2).

[31] For example, under the Uniform Limited Partnership Act, advisers who serve as general partners owe fiduciary duties to the limited partners. Unif. Limited Partnership Act § 408 (2001).

[32] Section 5 of the Securities Act requires that the offer and sale of an issuer's securities comply with certain registration requirements, unless an exemption from registration is available for that transaction or class of securities.

[33] In 1980, Congress enacted section 4(6) of the Securities Act to provide an additional offering exemption. Small Business Investment Incentive Act of 1980, Pub. L. 96–477, § 602 (Oct. 21, 1980) (codified at 15 U.S.C. 77d(6)). Section 4(6) provides an issuer exemption for offers and sales of securities to accredited investors if the issuer offers no more than $5 million of securities and does not engage in a general solicitation. At the same time, Congress enacted section 2(a)(15) of the Securities Act. Section 2(a)(15)(i) establishes a statutory definition of the term "accredited investor" used in section 4(6) that includes certain institutions. Section 2(a)(15)(ii) provides the Commission with statutory authority to adopt rules to further define any person (including any natural person) as an accredited investor based on "such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets under management."

section 4(2) exemption,[34] the Commission adopted Regulation D under the Securities Act in 1982 to establish non-exclusive "safe harbor" criteria for the section 4(2) private offering exemption.[35] Rule 506 of Regulation D is the safe harbor protection that privately offered investment pools typically rely upon in making offers and sales of their securities.[36] An issuer may sell its securities under rule 506 to an unlimited number of "accredited investors"[37] without registration under the Securities Act, unless the issuer is subject to another restriction.[38]

Rule 501(a) of Regulation D defines the term "accredited investor" to include a natural person whose individual net worth, or joint net worth with the person's spouse, exceeds $1,000,000 at the time of the purchase,[39] or whose individual income exceeds $200,000 (or joint income with the person's spouse exceeds $300,000) in each of the two most recent years and who has a reasonable expectation of reaching the same income level in the year of investment.[40] We adopted the $1,000,000 net worth and $200,000 income standards in 1982 based on our view that these tests would provide appropriate and objective standards to meet our goal of ensuring that only such persons who are capable of evaluating the merits and risks of an investment in private offerings may invest in one.[41]

We recently have taken the opportunity to reconsider the standards we established to qualify persons as accredited investors under the safe harbor provided under Regulation D and our rules for certain small offerings. We note our staff's observation in its 2003 Staff Study that "inflation, along with the sustained growth in wealth and income of the 1990s, has boosted a substantial number of investors past the 'accredited investor' standard."[42] Based on analysis conducted by our Office of Economic Analysis ("OEA"), we also note that the increase in investor wealth is due in part to the increase in the values of personal residences since 1982. Accordingly, many individual investors today may be eligible to make investments in privately offered investment pools as accredited investors that previously may not have qualified as such for those investments. Moreover, private pools have become increasingly complex and involve risks not generally associated with many other issuers of securities.[43] Not only do private pools often use complicated investment strategies, but there is minimal information available about them in the public domain. Accordingly, investors may not have access to the kind of information provided through our system of securities registration and therefore may find it difficult to appreciate the unique risks of these pools, including those with respect to undisclosed conflicts of interest, complex fee structures and the higher risk that may accompany such pools' anticipated returns.

We note that natural persons may have indirect exposure to private pools as a result of their participation in pension plans and investment in certain pooled investment vehicles that invest in private pools. Such plans and vehicles are generally administered by entities of plan fiduciaries and registered investment professionals. This protection is not present in the case of natural persons who seek to invest in 3(c)(1) Pools outside of the structure of such pension plans and pooled investment vehicles. Moreover, while the existing net worth and income tests provide some investor protection, we believe that additional protections may be appropriate.

The investor protections that we believe may be lacking with respect to 3(c)(1) Pools already exist for private pools that rely on the exclusion from the definition of investment company provided by section 3(c)(7) of the Company Act ("3(c)(7) Pools").[44] Natural persons who invest in such pools are required to own $5 million in certain investments at the time of their investment in the pool.[45] In addition, for a 3(c)(7) Pool to rely on the safe harbor provided by Regulation D, the pool must limit the sale of its securities to qualified purchasers who also meet the definition of accredited investor. Accordingly, 3(c)(7) Pools are subject to a two-step approach that is designed to provide assurance that an investor has a level of knowledge and financial sophistication and the ability to bear the economic risk of the investment in such pools, as demonstrated by the investor's investment experience and also, for natural persons, that person's net worth or income.

We believe that such a two-step approach may provide important, additional investor protections to natural persons who invest in certain 3(c)(1) Pools. Accordingly, as discussed below, the proposed rules governing investments in such pools incorporate that approach.

[34] In 1953, in discussing the private offering exemption, the U.S. Supreme Court stated that a private offering is an "offering to those who are shown to be able to fend for themselves" and that the availability of the private offering exemption "turns on the knowledge of the offerees" and is limited to situations in which the offerees have access to the kind of information afforded by registration under section 5 of the Securities Act. *SEC* v. *Ralston Purina Co.*, 346 U.S. 119, 125, 126–27 (1953).

[35] Securities Act Release No. 6389 (Mar. 8, 1982) [47 FR 11251 (Mar. 16, 1982)] (adopting Regulation D) ("1982 Adopting Release"). Rule 501(a) of Regulation D applies to offerings made under rules 505 and 506 of Regulation D and defines accredited investor to include a number of categories of investors.

As noted, section 4(6) of the Securities Act also provides an exemption for certain offers and sales made to accredited investors. *See supra* note 33. The definition of accredited investor for purposes of section 4(6) is contained partly in section 2(a)(15)(i) of the Securities Act and partly in rule 215 under that Act. Rule 215 contains the categories of accredited investors adopted by the Commission. Taken together, the accredited investor categories under section 4(6) are the same as under Regulation D. *See* Defining the Term "Qualified Purchaser" under the Securities Act of 1933, Securities Act Release No. 8041 (Dec. 19, 2001) [66 FR 66839 (Dec. 27, 2001)] ("2001 Proposing Release") (history of accredited investor concept).

[36] Most private pools rely on an exclusion from the definition of investment company under the Company Act provided by section 3(c)(1) or section 3(c)(7) of the Company Act, both of which are premised on the absence of a public offering. *See supra* note 21 (generally discusses such exclusions); 2003 Staff Study, *supra* note 3 (staff discussion of exclusions and related interpretation of private offering).

[37] An issuer making a private offering under rule 506 also may have 35 non-accredited purchasers of its securities provided that each such purchaser has such knowledge and experience in financial and business matters that the purchaser is capable of evaluating the merits and risks of the prospective investment, or the issuer reasonably believes immediately prior to making any sale that such purchaser comes within this description. *See* rule 506(b)(2). Such non-accredited investors must receive certain disclosure required by Regulation D. *See* rule 502(b). Section 4(6), section 2(a)(15) and rule 215 do not include this provision.

[38] *See* Company Act section 3(c)(1), *supra* note 21. Private pools that rely on the exclusion from the definition of investment company provided by section 3(c)(1) of the Company Act ("3(c)(1) Pools") may have no more than 100 beneficial owners, regardless of whether they are accredited investors under rule 501(a). In addition, issuers with more than 499 holders of record generally must register their securities under the Exchange Act. *See* Exchange Act section 12 [15 U.S.C. 78*l*] and rule 12g-1 [17 CFR 240.12g-1] under the Exchange Act.

[39] Rule 501(a)(5).

[40] Rule 501(a)(6).

[41] 1982 Adopting Release, *supra* note 35. *See also* Securities Act Release No. 6758 (Mar. 3, 1988) [53 FR 7866 (Mar. 10, 1988)] (adopting $300,000 joint income standard).

[42] 2003 Staff Study, *supra* note 3 at text accompanying note 271.

[43] *See generally* 2003 Staff Study, *id.*

[44] *See supra* note 21.

[45] Company Act section 2(a)(51)(A). *See also* note 21 (definition of "qualified purchaser" as it relates to natural persons). *See* 1996 Senate Report, *supra* note 17 at 10 ("The qualified purchaser pool reflects the Committee's recognition that financially sophisticated investors are in a position to appreciate the risks associated with investment pools that do not have the Investment Company Act's protections. Generally, these investors can evaluate on their own behalf matters such as the level of a fund's management fees, governance provisions, transactions with affiliates, investment risk, leverage, and redemptions rights.").

B. Proposed Rules 509 and 216

For the reasons discussed above, we are proposing two rules under the Securities Act. As proposed, rules 509 and 216 would define a new category of accredited investor ("accredited natural person") that would apply to offers and sales of securities issued by certain 3(c)(1) Pools (defined in the proposed rules as "private investment vehicles") to accredited investors under Regulation D and section 4(6).[46] The term accredited natural person would mean any natural person who meets either the net worth or income test specified in rule 501(a) or rule 215, as applicable, and who owns at least $2.5 million in investments, as defined in the proposed rules. The term would apply for purposes of ascertaining whether a person is an accredited investor at the time of that person's purchase of securities of private investment vehicles. As proposed, the rules would not alter the criteria for investments by natural persons described in rule 501(a)(4) and rule 215(d).

Rule 501(a) generally provides that the term "accredited investor" means a person who is or who the issuer reasonably believes comes within any of the categories specified in the rule. Proposed rule 509(a) incorporates this concept. We note that a similar provision is not included under section 4(6), section 2(a)(15) or rule 215,[47] and therefore proposed rule 216 does not incorporate this concept. We solicit comments on this approach.

Except as modified by the application of the proposed definition of accredited natural person, all other provisions of Regulation D, and sections 4(6) and 2(a)(15) and rule 215, would continue to apply to the offer and sale of securities issued by private investment vehicles. The application of the proposed rules and the definitions used in the proposed rules are discussed more fully below.

1. Application of Proposed Rules to Private Investment Vehicles

The proposed rules would apply solely to the offer and sale of securities issued by private investment vehicles, as defined in the proposed rules.[48] The proposed rules would not apply to offers and sales of securities issued by private funds not meeting the proposed definition of the term private investment vehicle, including venture capital funds, as defined in the proposed rules and discussed below.[49]

The proposed rules would define the term private investment vehicle to mean an issuer that would be an investment company (as defined in section 3(a) of the Company Act) but for the exclusion provided by section 3(c)(1) of that Act.[50] The proposed rules would apply to private investment vehicles that rely on the safe harbor provisions of Regulation D in connection with the offer and sale of their securities. The proposed rules would also apply to offerings of private investment vehicles made in reliance on section 4(6) of the Securities Act.

We are not including 3(c)(7) Pools within the definition of private investment vehicle because offers and sales of securities issued by 3(c)(7) Pools must be made to qualified purchasers (as that term is defined by section 2(a)(51)(A) of the Company Act) who are also accredited investors under Regulation D. As noted, 3(c)(7) Pools already are subject to investor protections with higher thresholds than the ones that we propose today.[51] Commenters who suggest that we increase the net worth and income amounts specified under Regulation D for natural persons in response to comments solicited below in connection with the proposed definition of accredited natural person, however, are asked to comment on whether, if we adopt such an approach, the net worth and income amounts specified under Regulation D for natural persons should also be increased for 3(c)(7) Pools.

2. Definition of Accredited Natural Person

As proposed, the term accredited natural person would include any natural person who meets the requirements specified in the current definition of accredited person, as that term relates to natural persons,[52] and would add a requirement that such person also must own (individually, or jointly with the person's spouse) not less than $2.5 million (as adjusted every five years for inflation[53]) in investments at the time of purchase of securities issued by private investment vehicles under Regulation D or section 4(6).[54] The proposed rules would not alter the criteria for investments by natural persons described in rule 501(a)(4) and rule 215(d). The proposed definition is similar in design to the two-step approach for 3(c)(7) Pools.[55] The proposed definition is consistent with our goal of providing an objective and clear standard to use in ascertaining whether a purchaser of a private investment vehicle's securities is likely to have sufficient knowledge and experience in financial and business matters to enable that purchaser to evaluate the merits and risks of a prospective investment, or to hire someone who can.

We also are proposing to amend paragraphs (a)(5) and (a)(6) of rule 501 and paragraphs (e) and (f) of rule 215 to provide a cross-reference to our proposed definition of accredited natural person in proposed rule 509 and proposed rule 216, as applicable. Such a cross-reference would alert persons reading rules 501 and 215 to the existence of the proposed rules for sales of securities issued by private investment vehicles.

We solicit comment on whether retaining the existing definition of accredited investor as it relates to natural persons and adding an additional requirement for that term that uses the amount and type of a natural person's investments (individually, or jointly with the person's spouse) is an appropriate standard by which to measure whether that person is likely to have sufficient knowledge and financial sophistication to evaluate the merits of a prospective investment in a private investment vehicle and to bear the economic risk of such an investment.

Solely in the context of investments in private investment vehicles, if we adopt rules using the two-step approach that we propose today, commenters are asked whether we should increase (or decrease) the amounts specified for the net worth and income criteria applicable to natural persons under the Regulation D definition of accredited investor. Commenters are also solicited for their views on whether (and why) we should use a standard based *solely* on the objective net worth and income tests specified in the existing rules under Regulation D and rule 215 for offers and sales of securities issued by private investment vehicles to natural persons, rather than adding the proposed additional criteria based on investments.[56] In responding to both or either of these requests, we ask commenters to discuss what they

[46] Our proposed definition would be the same for purposes of section 4(6) and Regulation D private offerings. Accordingly, except as noted, we do not discuss the rules separately.

[47] *See supra* note 37.

[48] Proposed rule 509(a); proposed rule 216(a).

[49] *See infra* section III.B.4.

[50] Proposed rule 509(b)(1); proposed rule 216(b)(1).

[51] *See supra* notes 44 and 45 and accompanying text.

[52] *See* section 2(a)(15) and rules 215 and 501(a).

[53] Proposed rule 509(c)(6); proposed rule 216(c)(6).

[54] *See* discussion of the terms private investment vehicle and investments elsewhere in this release.

[55] *See supra* notes 44 and 45 and accompanying text.

[56] *See supra* notes 39 and 40 and accompanying text.

believe the appropriate levels for the net worth and income criteria should be, if different than set forth in our accredited investor rules. For example, OEA estimates that the levels used in those rules, adjusted for inflation, would have been approximately $1.9 million (net worth), $388,000 (individual income) and $582,000 (joint income) as of July 1, 2006.[57] Commenters who believe that changing the applicable levels under either the proposed two-step approach or the current definition are requested to suggest alternate levels and to explain why it would be appropriate to use the suggested approach and changed levels. We also request that commenters explain in their response why their suggestions would address our interest in providing an objective and clear standard for ascertaining whether a purchaser of a private investment vehicle's securities is likely to have sufficient knowledge and financial sophistication to enable that purchaser to evaluate the merits of a prospective investment in a private investment vehicle and to bear the economic risk of such an investment.

We have specified $2.5 million for the amount of investments that a person would be required to own under the proposed definition. As proposed, this dollar amount would be adjusted for inflation on April 1, 2012, and every five years thereafter, to reflect any changes in the value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the Department of Commerce, from December 31, 2006.[58] OEA estimates that approximately 1.3% of United States households would qualify for accredited natural person status based on owning $2.5 million in investments.[59] It estimates that in 1982, when Regulation D was adopted, approximately 1.87% of U.S. households qualified for accredited investor status. It further estimates that by 2003 that percentage increased by 350% to approximately 8.47% of households. By incorporating the proposed requirement for $2.5 million of investments owned by the natural person at the time of purchase, that percentage would decrease to 1.3% of households that would qualify for accredited natural person status, a percentage below 1982 levels. We believe that this result is appropriate given the increasing complexity of financial products, in general, and hedge funds, in particular, over the last decade. In addition, we note that the proposed level is less than required for qualified purchasers in 3(c)(7) Pools. We believe that the proposed amount therefore would establish a bright-line standard that addresses our concerns about the increase in individual wealth and income, but that maintains separate requirements for private investment vehicles, 3(c)(7) Pools and investments in all other private offerings.[60] We generally solicit comment on this approach.

In particular, commenters are asked to comment on our proposal to adjust the amount every five years and the methodology that we have used for this purpose in the proposed rules. Should the time period between adjustments be longer or shorter than five years? Is the methodology (calculation based on the proposed index and time period) used in the proposed rules appropriate? Commenters responding to these questions who believe that a different methodology and/or time period would be appropriate for us to use are asked to provide rule text for their suggestion. They also are asked to explain why their suggestion would be more appropriate. We also request commenters' views on our data. Is there a more appropriate data set to use that would support another amount or is there a more appropriate way to interpret the data that we used?

We also solicit comment on our proposal to use $2.5 million as the level of investments that an accredited natural person must own. Should we use another level that is higher or lower than proposed? For example, as discussed previously, natural persons seeking to invest in 3(c)(7) Pools must own $5 million in investments at the time of purchase. Also, investment advisers may charge a natural person client a performance fee if the adviser reasonably believes that the client has a net worth (together with assets held jointly with the client's spouse) of more than $1.5 million at the time that the client enters into a contract with the adviser.[61] Is one of these levels more appropriate than the proposed $2.5 million? Commenters responding to this request who believe that a different amount would be more appropriate are asked to specify that amount and explain why they believe that it is a more appropriate measure of a natural person's investment experience, financial knowledge and sophistication. Such commenters are asked to suggest rule text reflecting their view.

We note that our proposed rules would not grandfather current accredited investors who would not meet the new accredited natural person standard so that they could make future investments in private investment pools, even those in which they currently are invested. Commenters are asked to comment on whether such a grandfathering provision is necessary and/or appropriate and why.

We also solicit comment on whether employees of private investment vehicles or their investment advisers (collectively "pool employees") should be subject to the same accredited natural person standard. Would applying such a standard to pool employees preclude many of them from investing in such pools? We are aware that many private investment vehicles currently offer and sell their interests to pool employees who do not meet the current accredited investor standard. We note that such private investment vehicles may: (i) Rely on rule 506, which allows for 35 non-accredited purchasers, provided that the pool employees meet the condition in rule 506(b)(2)(ii) and receive the information required by rule 502(b); (ii) make an offering pursuant to section 4(2) of the Securities Act; or (iii) rely on rule 701 under the Securities Act, which provides an exemption from registration for offers and sales of securities to certain natural persons pursuant to certain compensatory benefit plans and contracts relating to compensation. We also are aware that many private pools provide equity incentive compensation to pool employees through contractual arrangements in employment agreements not subject to direct regulation under the federal securities laws. For example, a private pool manager may allocate a portion of the pool's interest in the performance fee, or "carry," payable by the pool, to certain

[57] OEA estimated these levels using the Personal Consumption Expenditures Chain-Type Price Index, as published by the Department of Commerce, available at *http://www.bea.gov*.

[58] Each adjustment would be rounded to the nearest multiple of $100,000.

We have selected the above-referenced index following discussions with the Federal Reserve Bank and our conclusion that that index is a widely used and broad indicator of inflation in the U.S. economy.

[59] This estimate was prepared by OEA using data from the 1983 and 2004 Federal Reserve Surveys of Consumer Finance ("Federal Reserve Surveys"). The Federal Reserve Survey is conducted triennially. The 1983 and 2004 Federal Reserve Surveys used year-end 1982 and 2003 values, respectively. More information regarding the Federal Reserve Surveys may be obtained at *http://www.federalreserve.gov/pubs/oss/oss2/scfindex.html*.

[60] *See supra* note 21.

[61] *See* rule 205–3(a) and (d)(1)(i)(A) (performance fee prohibition of the Advisers Act does not apply to qualified clients, defined to include a natural person with more than $1.5 million of net worth (together with assets held jointly with the person's spouse) at the time that the natural person enters into a contract with the adviser).

of its employees. We request comment on whether any or all of the four different ways that we believe that private pools may compensate pool employees are sufficient to permit pool employees who are not accredited natural persons to receive securities issued by a private investment vehicle. Commenters who believe that they are not are asked to explain why not. We also request comment on whether we should add to the list of accredited natural persons certain "knowledgeable employees," consistent with the concept of "knowledgeable employees" eligible to invest in private investment pools in accordance with rule 3c-5 under the Company Act.[62]

3. Definition of Investments

We have based the proposed definition of investments in the proposed rules on the definition of that term set forth in rule 2a51–1 under the Company Act.[63] Including this definition would provide a bright-line standard for ascertaining an investor's status as an accredited natural person.

We have modified the proposed definition of investments to the extent that certain provisions of rule 2a51–1 would not be relevant to a definition that applies solely to natural persons. For example, rule 2a51–1 generally refers to qualified purchaser[64] and section 3(c)(7) Pools. These terms generally are not relevant to the definition of accredited natural person because the proposed definition relates only to natural persons and would not involve investments in 3(c)(7) Pools. We solicit comment on whether we have made appropriate modifications to the term investments for purposes of the proposed definition. If not, commenters are asked to discuss any changes that they believe would be appropriate and why they believe that they would be appropriate.

In addition, the treatment in the proposed rules of investments a natural person may own jointly with a spouse or that are part of a shared community interest is different from the treatment of such investments under rule 2a51–1. Rule 2a51–1 permits all of such investments to be included in the determination of whether a natural person is a qualified purchaser for purposes of section 2(a)(51)(A).[65] We believe that, for purposes of determining whether a natural person, acting on that person's own behalf (and not jointly with a spouse), should be able to qualify as an accredited natural person, a natural person's investments should include only a portion of the amount of any investments owned jointly, or of any investments which ownership is shared, with the person's spouse. Accordingly, the proposed rules provide that the investments of a natural person seeking to make an investment in a private investment vehicle on his or her own behalf may include only 50 percent of: (a) Any of such person's investments held jointly with that person's spouse; and (b) any investments in which the natural person shares a community property or similar shared ownership interest with that person's spouse.[66] We believe that including only half of these categories of investments is typical of the division of assets of natural persons and their spouses made for other purposes. Where spouses make a joint investment in a private investment vehicle, the full amount of all of their investments (whether made jointly or separately) may be included for purposes of determining whether each spouse is an accredited natural person. We seek comment on this amount and the approach generally, including the feasibility of implementing it. In addition, the proposed rules would provide that the aggregate amount of investments owned and invested on a discretionary basis by the natural person is the fair market value of such investments.[67] We intend the value of a natural person's investments to be calculated on a per investment basis. We solicit comment on whether this is clear.

As noted previously, one reason for the rise in the net worth of natural persons is the increase in the value of personal residences since 1982. We believe that such an increase should not be relevant in evaluating whether an investor may qualify as an accredited investor for purposes of sales under Regulation D or section 4(6) of securities issued by private investment vehicles. Moreover, the value of a person's personal residence or place of business, or real estate held in connection with a trade or business, bears little or no relationship to that person's knowledge and financial sophistication. Accordingly, the proposed definition, like rule 2a51–1 on which it is modeled, would not include, as an investment held for investment purposes, real estate that is used by a natural person or certain family members for personal purposes or as a place of business, or in connection with a trade or business.[68] Is this treatment of real estate appropriate? Commenters who respond to this question are asked to discuss whether they believe that any such real estate should be counted as an investment held for investment purposes under the proposed rules and why. We solicit comment on our concern about the effect of increased housing values on the application of the definition of accredited investor solely in connection with the offer and sale of private investment companies.

We solicit comment on whether our proposed definition of investments captures the universe of relevant investments that should be included for purposes of the proposed definition. Should any investments included in our proposed definition be excluded? Are there any investments that are not reflected in our definition that should be included? Commenters are asked to explain the basis for any exclusion or inclusion that they recommend.

Our proposed definition of "prospective accredited natural person" refers to securities "issued by" a private investment vehicle rather than the reference to securities "of" a 3(c)(7) Pool under the parallel definition in rule 2a51–1 under the Company Act. The use of securities "of" an issuer could be misinterpreted to refer to the portfolio securities held by a private pool and not the securities issued by that pool. Rule 2a51–1 was not meant to be subject to such an interpretation and neither are our proposed rules.

4. Proposed Exclusion for Venture Capital Pools

The proposed rules specifically would not apply to the offer and sale of securities issued by venture capital funds. As defined in the proposed rules, the term venture capital fund would have the same meaning as the definition of business development company in section 202(a)(22) of the Advisers Act.[69]

[62] Under rule 3c–5, knowledgeable employees include executive officers, directors, trustees, general partners and advisory board members of a 3(c)(1) Pool or a 3(c)(7) Pool , and those who serve in similar capacities. The rule also includes certain other employees of the private fund or its management affiliate who participate in investment activities and have performed such functions for at least 12 months.

[63] Proposed rule 509(b)(3); proposed rule 216(b)(3).

[64] The term "qualified purchaser" includes both institutional investors and natural persons that meet the conditions of section 2(a)(51)(A) of the Company Act.

[65] Rule 2a51–1(g)(2).

[66] Proposed rule 509(c)(4); proposed rule 216(c)(4).

[67] Proposed rule 509(c)(2); proposed rule 216(c)(2).

[68] Proposed rule 509(c)(1)(i); proposed rule 216(c)(1)(i).

[69] Proposed rule 509(b)(2); proposed rule 216(b)(2). *See* section 202(a)(22) of the Advisers Act. Section 202(a)(22) defines the term business development company to mean any company which is described in section 2(a)(48) of the

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In the Small Business Investment Incentive Act of 1980, Congress generally modeled the definition of business development company on the capital formation activities of venture capital funds.[70] Both venture capital funds and business development companies provide capital to small businesses. They also often provide managerial assistance to these small businesses.[71] In proposing to exclude the offer and sale of securities issued by venture capital funds from the application of the proposed definition, therefore, we recognize the benefit that venture capital funds play in the capital formation of small businesses.

We note that the term business development company is also defined in section 2(a)(48) of the Company Act.[72] We solicit comment on whether defining venture capital fund with reference to the definition provided in the Advisers Act is appropriate. Would it be more appropriate to define venture capital fund with reference to the definition provided in the Company Act? Would it be more appropriate to define venture capital funds in terms of their investment objective and strategy (*e.g.*, investing in and developing start-up and early phase businesses)? Alternatively, would it be more appropriate to define private investment vehicles to be 3(c)(1) Pools that do not permit their investors to redeem their interests in the pools within a specified period of time ("holding period")?[73] Would such an approach cause most 3(c)(1) Pools to simply extend their holding periods sufficient to avoid application of the proposed rules? We request comment on how this would affect investors, including those with respect to any possible adverse effect on investors that might result from such extension of holding periods. For example, how would taking such an approach impact natural persons who might have more current needs for assets invested in the pool? If we followed this approach, should we also include a provision that would allow private investment vehicles to redeem securities in the case of emergencies, such as the death or serious illness of an investor, or other unforeseeable events?[74] If we adopted this approach, would two years be appropriate,[75] or would a shorter (*e.g.*, one year) or longer (*e.g.*, four year) holding period be more appropriate?

We particularly solicit the views of commenters on the different types of investments made by venture capital funds, as currently operating in the market, and business development companies, as defined under the Advisers Act.[76] We note that there currently are venture capital funds that invest significantly in offshore markets or other private pools. If we were to adopt a definition of venture capital fund based on either of the statutory definitions of business development company, should we modify that definition to include venture capital funds that invest a significant amount of their assets in foreign securities and other private pools?

We request comment on whether excluding venture capital funds from the application of the proposed rules is appropriate at all. If so, would applying the proposed definition to them affect their ability to raise capital? Are there other policy reasons for excluding venture capital funds? For example, are there aspects of such funds that make them more appropriate investments for less wealthy investors?

IV. General Request for Comment

The Commission requests comment on the rules proposed in this Release, suggestions for additions to the rules, whether any changes are necessary or appropriate to implement the objectives of our proposed rules and what those changes might be, and comment on other matters that might have an effect on the proposals contained in this Release. For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, the Commission also requests information regarding the potential impact of the proposed rules on the economy on an annual basis. Commenters should provide empirical data to support their views.

V. Paperwork Reduction Act

A. Proposed Rule 206(4)–8

The proposed rule, titled 206(4)–8 Pooled Investment Vehicles, would not impose a new "collection of information" within the meaning of the Paperwork Reduction Act of 1995.[77] Proposed rule 206(4)–8 would make it a fraudulent, deceptive, or manipulative act, practice, or course of business for an investment adviser to a pooled investment vehicle to make any untrue statement of material fact or to omit to state a material fact necessary in order to make the statements made not misleading to any investor or prospective investor in the pooled investment vehicle. The proposed rule would also make it a fraudulent, deceptive or manipulative act, practice, or course of business within the meaning of section 206(4) for any investment adviser to certain pooled investment vehicles to otherwise engage in any act, practice, or course of

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Company Act, *infra* note 72, and which complies with section 55 of the Company Act, except that, in contrast to business development companies under the Company Act, a business development company under the Advisers Act: (i) is prohibited from acquiring any assets (except those described by section 55(a)(1) through (7) of the Company Act which include securities issued by "eligible portfolio companies") unless at least 60 percent of its total assets are invested in assets described by 55(a)(1) through (6) (for purposes of this release "section 55(a) assets") (compared to 70 percent for Company Act business development companies); (ii) does not have to be a closed-end company or be subject to the provisions of sections 55 through 65 of the Company Act; and (iii) may purchase section 55(a) assets from any person. A business development company defined in section 202(a)(22) must offer managerial assistance to companies that are counted against its 60 percent requirement.

The Company Act generally defines eligible portfolio companies to be domestic companies that are not (i) investment companies or (ii) companies that would be investment companies but for the exclusions provided by section 3(c) of the Company Act. Company Act sections 2(a)(46)(A) and (B). *See generally Definition of Eligible Portfolio Company under the Investment Company Act of 1940*, Company Act Release No. 27538 (Oct. 25, 2006) [71 FR 64086 (Oct. 31, 2006)] (adoption of new definition of the term eligible portfolio company). *See also Definition of Eligible Portfolio Company under the Investment Company Act of 1940*, Company Act Release No. 27539 (Oct. 25, 2006) [71 FR 64093 (Oct. 31, 2006)] (proposal to include additional domestic, non-financial companies within the definition of the term eligible portfolio company).

[70] *See* H.R. Rep. No. 1341, 96th Cong., 2d Sess. 21 (1980) ("1980 House Report").

[71] *See id.* at 21.

[72] *See* section 2(a)(48) of the Company Act. Section 2(a)(48) defines business development company for purposes of the Company Act as any closed-end company which securities are registered under the Securities Act and: (i) Is organized under the laws of, and has its principal place of business in, any State or States; (ii) is operated for the purpose of making investments in section 55(a) assets, *see supra* note 69, (iii) is prohibited from making any purchases of any assets (except those described by section 55(a)(1) through (7) of the Company Act) unless the value of the company's assets invested in section 55(a) assets at the time of any new purchase constitutes at least 70 percent of the value of its total assets; (iv) offers managerial assistance to issuers of section 55(a) assets that it purchases; and (v) has elected to be subject to the provisions of sections 55 through 65 of the Company Act. In addition, Company Act business development companies are generally required to purchase section 55(a) assets from their issuers or close affiliates.

[73] *See, e.g., Registration Under the Advisers Act of Certain Hedge Fund Advisers*, Investment Advisers Act Release No. 2333 (Dec. 2, 2004) [69 FR 72054 (Dec. 10, 2004)] (generally defined "private fund" to mean any "company: (i) That would be an investment company under section 3(a) of the * * * Company Act but for the [exclusion] provided from that definition by either section 3(c)(1) or 3(c)(7) of [the Company] Act * * *; (ii) That permits its owners to redeem any portion of their ownership interests within two years of the purchase of such interests; and (iii) Interests in which are or have been offered based on the investment advisory skills, ability or expertise of the investment adviser.").

[74] *Id.*

[75] *Id.*

[76] *See supra* note 69.

[77] 44 U.S.C. 3501 to 3520.

business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in the pooled investment vehicle. The proposed rule would not create any filing, reporting, recordkeeping, or disclosure requirements for investment advisers subject to the rule and accordingly there would be no "collection of information" under the Paperwork Reduction Act.

B. Proposed Rules 509 and 216

Certain provisions of proposed rules 509 and 216 contain "collection of information" requirements within the meaning of the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*], and the Commission is submitting the proposed collection of information to the Office of Management and Budget ("OMB") for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. The title for the collection of information is "Form D." 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.

Form D (OMB Control No. 3235–0076) was adopted pursuant to sections 2(a)(15), 3(b), 4(2), 19(a) and 19(c)(3) of the Securities Act [15 U.S.C. 77b(15), 77c(b), 77d(2), 77s(a) and 77s(c)(3)].

We recently have taken the opportunity to reconsider the standards we established to qualify persons as accredited investors under the safe harbor provided under Regulation D and our rules for certain small offerings. We note our staff's observation in its 2003 Staff Study that "inflation, along with the sustained growth in wealth and income of the 1990s, has boosted a substantial number of investors past the 'accredited investor' standard." [78] Based on analysis conducted by OEA, we also note that the increase in investor wealth is due in part to the increase in the values of personal residences since 1982. Accordingly, many individual investors today may be eligible to make investments in privately offered investment pools as accredited investors that previously may not have qualified as such for those investments. Moreover, private pools have become increasingly complex and involve risks not generally associated with many other issuers of securities.[79] Not only do private pools often use complicated investment strategies, but there is minimal information available about them in the public domain. Accordingly, investors may not have access to the kind of information provided through our system of securities registration and therefore may find it difficult to appreciate the unique risks of these pools, including those with respect to undisclosed conflicts of interest, complex fee structures and the higher risk that may accompany such pools' anticipated returns.

We note that natural persons may have indirect exposure to private pools as a result of their participation in pension plans and investment in certain pooled investment vehicles that invest in private pools. Such plans and vehicles are generally administered by entities of plan fiduciaries and registered investment professionals. This protection is not present in the case of natural persons who seek to invest in 3(c)(1) Pools outside of the structure of such pension plans and pooled investment vehicles. Moreover, while the existing net worth and income tests provide some investor protection, we believe that additional protections may be appropriate.

The investor protections that we believe may be lacking with respect to 3(c)(1) Pools already exist for 3(c)(7) Pools.[80] Natural persons who invest in such pools are required to own $5 million in certain investments at the time of their investment in the pool.[81] In addition, for a 3(c)(7) Pool to rely on the safe harbor provided by Regulation D, the pool must limit the sale of its securities to qualified purchasers who also meet the definition of accredited investor. Accordingly, 3(c)(7) Pools are subject to a two-step approach that is designed to provide assurance that an investor has a level of knowledge and financial sophistication and the ability to bear the economic risk of the investment in such pools, as demonstrated by the investor's investment experience and also, for natural persons, that person's net worth or income.

We believe that such a two-step approach may provide important, additional investor protections to natural persons who invest in certain 3(c)(1) Pools. Accordingly, the proposed rules governing investments in such pools incorporate that approach.

Form D contains collection of information requirements. The issuers likely to be affected by the proposed rules are companies relying on section 3(c)(1) of the Company Act and filing with the Commission on Form D a notice of sale of securities. Compliance with the notice requirements of Form D is mandatory to the extent that a company elects to make an offering of securities in reliance on an exemption under Regulation D or section 4(6). Responses to the notice requirements are not confidential.

We estimate that if the proposed rules are adopted, the estimated burden for responding to the collection of information in Form D would not increase for most companies because the information required in the form would not change. The number of eligible accredited investors available to invest in issuers relying on section 3(c)(1) of the Company Act and registering with the Commission on Form D, however, would likely decrease. Such a decrease in accredited investors may result in either issuers reducing the number of offerings they make, or increasing the number of non-accredited investors in their pools.[82]

The currently approved collection of information in Form D is 17,500 hours. We estimate that there may be 20 fewer filings as a result of the proposed rules.[83] Accordingly, we estimate the proposed rules would reduce the annual aggregate information collection burden under Form D by 20 hours[84] for a total of 17,480 hours.

We request comment on the accuracy of our estimates. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments 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 Commission's estimate of burden of the proposed collection of information; (iii) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) evaluate whether there are ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection

[78] 2003 Staff Study, *supra* note 3 at text accompanying note 271.

[79] *See generally* 2003 Staff Study, *id.*

[80] *See supra* note 21.

[81] *See supra* note 45.

[82] We note that an issuer electing to use the rule 506 exemption would not be able to sell to more than 35 non-accredited investors. *See supra* note 37.

[83] In fiscal year 2006, 19,250 filings were submitted to the Commission on Form D. Form D does not contain sufficient information to allow the Commission to determine whether a filer is an operating company, a 3(c)(7) Pool or a 3(c)(1) Pool. Of the 19,250 filings on Form D, we estimate that 20%, or 3,850 filings, were made by 3(c)(1) and 3(c)(7) Pools. Of those 3,850 filings, we estimate that 10%, or 385 filings, were made by filers that are 3(c)(1) Pools. Of the filers that are 3(c)(1) Pools, we estimate that 5% might not make new offerings as a result of our proposed rules, resulting in an estimated decrease of 20 filings on Form D.

[84] An estimated reduction of 20 filings on Form D at 1 hour each ($20 \times 1 = 20$). We estimate that each filer spends approximately 1 hour in preparing a filing on Form D.

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 of their comments to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090, with reference to File No. S7–25–06. Requests for materials submitted to OMB by the Commission with regard to this collection of information should be in writing, refer to File No. S7–25–06, and be submitted to the Securities and Exchange Commission, Records Management, Office of Filing and Information Services, 100 F Street, NE., Washington, DC 20549. OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this Release. Consequently, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication of this Release.

VI. Cost-Benefit Analysis

A. Proposed Rule 206(4)–8

The Commission is sensitive to costs imposed by our rules and the benefits that derive from them, and is considering the costs and benefits of proposed rule 206(4)–8. The proposed rule would make it a fraudulent, deceptive or manipulative act, practice, or course of business within the meaning of section 206(4) for any investment adviser to a pooled investment vehicle to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in the pooled investment vehicle. The proposed rule would also make it a fraudulent, deceptive or manipulative act, practice, or course of business within the meaning of section 206(4) for any investment adviser to a pooled investment vehicle to otherwise engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in the pooled investment vehicle. For the reasons discussed below, we do not believe that the proposed rule would require advisers to incur new or additional costs.

Investment advisers to pooled investment vehicles should not be making untrue statements or omitting material facts or otherwise be engaged in fraud with respect to investors or prospective investors in pooled investment vehicles today, because federal authorities, state authorities and private litigants often can, and do, seek redress from the adviser for the untrue statements or omissions, or other frauds. In most cases, the conduct that the rule would prohibit is already prohibited by federal securities statutes,[85] other federal statutes (including federal wire fraud statutes),[86] as well as state law.[87]

We recognize that there are costs involved in assuring that communications to investors and prospective investors do not contain untrue or misleading statements and preventing other frauds. Advisers have incurred, and will continue to incur, these costs due to the prohibitions and deterrent effect of the law and rules that would apply under these circumstances. While each of the provisions noted above may have different limitation periods, apply in different factual circumstances, or require the government (or a private litigant) to prove different states of mind than the proposed rule, we believe that the multiple prohibitions against fraud, and the consequences under both criminal and civil law for fraud, should currently cause an adviser to take the precautions it deems necessary to refrain from such conduct.

Furthermore, prior to *Goldstein*, advisers operated with the understanding that the Advisers Act prohibited the same conduct that would be prohibited by the proposed rule. Accordingly, we do not believe that advisers to pooled investment vehicles would need to take steps or alter their business practices in such a way that would require them to incur new or additional costs as a result of the adoption of the proposed rule.

We also recognize that the proposed rule, if adopted, may cause some advisers to pay more attention to the information they present to better guard against making an untrue or misleading statement to an investor or prospective investor and to reevaluate measures that are intended to prevent fraud. As a consequence, some advisers might seek guidance, legal or otherwise, and more closely review the information that they disseminate to investors and prospective investors and the antifraud related policies and procedures they have implemented. While increased concern about making false statements or committing fraud could be attributable to the new rule, advisers should already be incurring these costs to ensure truthfulness and prevent fraud, regardless of the proposed rule, because of the myriad of laws or regulations that may already apply.

The principal benefit of the rule is that it would clearly enable the Commission to bring enforcement actions under the Advisers Act, if an adviser to a pooled investment vehicle disseminates false or misleading information to investors or prospective investors or otherwise commits fraud with respect to any investor or prospective investor. Our enforcement actions permit us to protect fund investor assets by stopping ongoing frauds,[88] barring persons that have committed certain specified violations or offenses from being associated with an investment adviser,[89] imposing penalties,[90] seeking court orders to protect fund assets,[91] and to order disgorgement of ill-gotten gains.[92] Moreover, we believe that proposed rule 206(4)–8 would deter advisers to pooled

[85] *See, e.g.*, section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and section 17(a) of the Securities Act which would apply when the false statements are made "in connection with the purchase or sale of a security" or involve the "offer or sale" of a security, and section 34(b) of the Company Act which makes it unlawful "to make any untrue statement of a material fact in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to [the Company Act] * * *".

[86] *See, e.g.*, 18 U.S.C. 1341 (Frauds and swindles) and 18 U.S.C. 1343 (Fraud by wire, radio, or television) which make it a criminal offense to use the mails or to communicate by means of wire, having devised a scheme to defraud or for obtaining money or property by means of false or fraudulent pretenses, and 18 U.S.C. 1957 (Engaging in monetary transactions in property derived from specified unlawful activity) which makes it a criminal racketeering offense to engage or attempt to engage in a transaction in criminally derived property of a value greater than $10,000.

[87] *See, e.g., Metro Communications Corp. BVI v. Advanced Mobilecomm Technologies, et al.*, 854 A.2d 121,156 (Del. Ch. 2004) (court held that plaintiff-former member of LLC had sufficiently alleged a common law fraud claim based on allegation that series of reports by LLC's managers contained misleading statements; court stated that "[i]n the usual fraud case, the speaking party who is subject to an accusation of fraud is on the opposite side of a commercial transaction from the plaintiff, who alleges that but for the material misstatements or omissions of the speaking party he would not have contracted with the speaking party").

[88] *See* section 203(k) (Commission authority to issue cease and desist orders).

[89] *See* section 203(f) (Commission authority to bar a person from being associated with an investment adviser).

[90] *See* section 203(i) (Commission authority to impose civil penalties).

[91] *See* section 209(d) (Commission authority to seek injunctions and restraining orders in federal court).

[92] *See* section 203(j) (Commission authority to order disgorgement).

investment vehicles from engaging in fraudulent conduct with respect to investors in those pools and would provide investors with greater confidence when investing in pooled investment vehicles.

We request comment on the assumptions on which we base our preliminary conclusion that advisers that would be subject to the new rule would not incur additional costs if we determined to adopt the rule as proposed. We encourage commenters to discuss any potential costs and benefits that we did not consider in our discussion above. We request commenters to provide analysis and empirical data to support their statements regarding any costs or benefits associated with proposed rule 206(4)–8.

B. Proposed Rules 509 and 216

The Commission is sensitive to the costs and benefits that result from its rules. We recently have taken the opportunity to reconsider the standards we established to qualify persons as accredited investors under the safe harbor provided under Regulation D and our rules for certain small offerings. We note our staff's observation in its 2003 Staff Study that "inflation, along with the sustained growth in wealth and income of the 1990s, has boosted a substantial number of investors past the 'accredited investor' standard." [93] Based on analysis conducted by OEA, we also note that the increase in investor wealth is due in part to the increase in the values of personal residences since 1982. Accordingly, many individual investors today may be eligible to make investments in privately offered investment pools as accredited investors that previously may not have qualified as such for those investments. Moreover, private pools have become increasingly complex and involve risks not generally associated with many other issuers of securities.[94] Not only do private pools often use complicated investment strategies, but there is minimal information available about them in the public domain. Accordingly, investors may not have access to the kind of information provided through our system of securities registration and therefore may find it difficult to appreciate the unique risks of these pools, including those with respect to undisclosed conflicts of interest, complex fee structures and the higher risk that may accompany such pools' anticipated returns.

We note that natural persons may have indirect exposure to private pools as a result of their participation in pension plans and investment in certain pooled investment vehicles that invest in private pools. Such plans and vehicles are generally administered by entities of plan fiduciaries and registered investment professionals. This protection is not present in the case of natural persons who seek to invest in 3(c)(1) Pools outside of the structure of such pension plans and pooled investment vehicles. Moreover, while the existing net worth and income tests provide some investor protection, we believe that additional protections may be appropriate.

The investor protections that we believe may be lacking with respect to 3(c)(1) Pools already exist for 3(c)(7) Pools.[95] Natural persons who invest in such pools are required to own $5 million in certain investments at the time of their investment in the pool.[96] In addition, for a 3(c)(7) Pool to rely on the safe harbor provided by Regulation D, the pool must limit the sale of its securities to qualified purchasers who also meet the definition of accredited investor. Accordingly, 3(c)(7) Pools are subject to a two-step approach that is designed to provide assurance that an investor has a level of knowledge and financial sophistication and the ability to bear the economic risk of the investment in such pools, as demonstrated by the investor's investment experience and also, for natural persons, that person's net worth or income.

We believe that such a two-step approach may provide important, additional investor protections to natural persons who invest in certain 3(c)(1) Pools. Accordingly, the proposed rules governing investments in such pools incorporate that approach.

We have identified certain costs and benefits that may result from the proposed rules. We encourage commenters to identify, discuss, analyze, and supply relevant data regarding these or any additional costs and benefits.

We believe that the proposed rules would benefit those investors who are currently accredited investors and would meet the proposed accredited natural person standard. The revised eligibility standard may benefit those accredited investors who would meet the definition of accredited natural person by increasing the competition among 3(c)(1) Pools for their investment money. Such competition may result in lower fees. We request comment on the nature and extent of the benefits to investors that would result from increasing the accredited investor standards for natural persons investing in certain 3(c)(1) Pools.

The proposed rules may impose certain costs on affected 3(c)(1) Pools. These costs may include administrative compliance costs, such as the costs related to amending investor questionnaires and other administrative documents and procedures. These costs also could include expenses for computer time, legal and accounting fees, and information technology staff. Under the proposed rules, sponsors of an affected 3(c)(1) Pool would need to prepare and review new administrative documents and procedures, and implement such new procedures, in order to determine if prospective investors in the 3(c)(1) Pool would meet the revised accredited investor standards we propose for natural persons in connection with the offer or sale of securities issued by those pools. We expect the costs involved in complying with these proposed requirements would be minimal based on our understanding that many sponsors of 3(c)(1) Pools also sponsor 3(c)(7) Pools. We note that to the extent a sponsor of a 3(c)(1) Pool also sponsors a 3(c)(7) Pool that sponsor would already have systems in place and would be familiar with the process of evaluating investor eligibility. We solicit comment on our understanding and conclusion that the costs would be minimal. We also solicit comment on the administrative and legal costs that a sponsor of 3(c)(1) Pools that does not also sponsor 3(c)(7) Pools would incur in setting up and implementing new systems and procedures to evaluate investor eligibility. Commenters who believe that the proposed rules would impose more than minimal costs are solicited to discuss the costs of compliance that the proposed rules would impose. Commenters are asked to explain why they believe that the proposed rules would impose such costs and to quantify the costs of compliance with the proposed rules.

The proposed rules would shrink the pool of accredited investors eligible to invest in 3(c)(1) Pools.[97] Such a decrease in the investor base may increase competition among 3(c)(1) Pools which could lower profits and thereby possibly result in some sponsors of 3(c)(1) Pools not offering new 3(c)(1) Pools or some potential sponsors of

[93] 2003 Staff Study, *supra* note 3 at text accompanying note 271.

[94] *See generally* 2003 Staff Study, *id.*

[95] *See supra* note 21.

[96] *See supra* note 45.

[97] *See supra* note 59 and accompanying text.

such pools not entering the business. While we recognize that there are costs associated with such a decrease in the investor pool and potential new pools, we believe that these costs would be justified by the potential benefits of investor protection, and possibly lower fees resulting from increased competition.

Further, to the extent that a 3(c)(1) Pool has more than 35 investors who do not meet the increased accredited investor standards for natural persons in our proposed rules, the 3(c)(1) Pool would not be able to rely on the exclusion from registration under rule 506 of Regulation D of the Securities Act. The 3(c)(1) Pool, however, may still be able to rely on section 4(2) of the Securities Act. We request comment on the number of 3(c)(1) Pools that would be able to rely on section 4(2) of the Securities Act.

The proposed rules may also result in costs to investors. It is possible that the proposed rules could result in a diminishment of the universe of 3(c)(1) Pools available to investors. We believe, however, that such a diminishment, were it to take place, may result in increased competition among 3(c)(1) Pools which, in turn, may result in lower fees for investors.

Our proposed definition may also result in costs to previously accredited investors who would not meet the proposed accredited natural person standards. Since the proposed definition of accredited natural person is not precisely correlated with actual investment sophistication, to the extent that a sophisticated investor would no longer be considered accredited, his or her investment opportunities would decrease. We believe, that to the extent that our proposed definition captures financial sophistication for investors in 3(c)(1) Pools better than the accredited investor definition alone, the benefits would still justify the costs. We request comment on the nature and extent of the costs to private pools and investors that would result from our proposed revisions to the accredited investor standards for natural persons investing in certain 3(c)(1) Pools.

We request comments on all aspects of this cost-benefit analysis, including identification of any additional costs or benefits of the proposed rules. Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VII. Regulatory Flexibility Act Analysis

A. Certification for Proposed Rule 206(4)–8

Section 3(a) of the Regulatory Flexibility Act requires the Commission to undertake an Initial Regulatory Flexibility Analysis of the proposed rule on small entities unless the Commission certifies that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.[98] Pursuant to section 605(b) of the Regulatory Flexibility Act, the Commission hereby certifies that proposed rule 206(4)–8 would not, if adopted, have a significant economic impact on a substantial number of small entities.[99] Proposed rule 206(4)–8 would make it a fraudulent, deceptive, or manipulative act, practice, or course of business for an investment adviser to a pooled investment vehicle to make any untrue statement of material fact or to omit to state a material fact necessary to make the statements made not misleading to any investor in the pooled investment vehicle. The proposed rule would also make it a fraudulent, deceptive or manipulative act, practice, or course of business within the meaning of section 206(4) for any investment adviser to certain pooled investment vehicles to otherwise engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in the pooled investment vehicle. The rule is intended to provide the Commission with clear enforcement authority under the Advisers Act for false or misleading statements or other frauds committed by investment advisers with respect to investors in pooled investment vehicles. The conduct the rule would prohibit is already prohibited, in most cases, by laws other than the Advisers Act. As such, we do not believe that the proposed rule would have any economic impact on an investment adviser to a pooled investment vehicle, regardless of whether the investment adviser is a small entity. Accordingly, the Commission certifies that proposed rule 206(4)–8 would not have a significant economic impact on a substantial number of small entities.

The Commission encourages written comments regarding this certification. The Commission requests that commenters describe the nature of any impact on small businesses and provide empirical data to support the extent of the impact.

[98] 5 U.S.C. 603(a).

[99] 5 U.S.C. 605(b).

B. Initial Regulatory Flexibility Analysis for Proposed Rules 509 and 216

This Initial Regulatory Flexibility Analysis has been prepared in accordance with 5 U.S.C. 603, and relates to the Commission's proposed rules 509 and 216 under the Securities Act that would revise the definition of accredited investor as it relates to natural persons. These proposed rules would apply solely to the offer and sale of certain privately offered investment pools specified in the rules. The proposed rules are designed to provide assurance that natural persons who invest in 3(c)(1) Pools have a level of knowledge and financial sophistication and the ability to bear the economic risk of the investment in such pools.

1. Reasons for, and Objectives of, Proposed Rules

We recently have taken the opportunity to reconsider the standards we established to qualify persons as accredited investors under the safe harbor provided under Regulation D and our rules for certain small offerings. We note our staff's observation in its 2003 Staff Study that "inflation, along with the sustained growth in wealth and income of the 1990s, has boosted a substantial number of investors past the 'accredited investor' standard." [100] Based on analysis conducted by OEA, we also note that the increase in investor wealth is due in part to the increase in the values of personal residences since 1982. Accordingly, many individual investors today may be eligible to make investments in privately offered investment pools as accredited investors that previously may not have qualified as such for those investments. Moreover, private pools have become increasingly complex and involve risks not generally associated with many other issuers of securities.[101] Not only do private pools often use complicated investment strategies, but there is minimal information available about them in the public domain. Accordingly, investors do not have access to the kind of information provided through our system of securities registration and therefore may find it difficult to appreciate the unique risks of these pools, including those with respect to undisclosed conflicts of interest, complex fee structures and the higher risk that may accompany such pools' anticipated returns.

We note that natural persons may have indirect exposure to private pools as a result of their participation in

[100] 2003 Staff Study, *supra* note 3 at text accompanying note 271.

[101] *See generally* 2003 Staff Study, *id.*

pension plans and investment in certain pooled investment vehicles that invest in private pools. Such plans and vehicles are generally administered by entities of plan fiduciaries and registered investment professionals. This protection is not present in the case of natural persons who seek to invest in 3(c)(1) Pools outside of the structure of such pension plans and pooled investment vehicles. Moreover, while the existing net worth and income tests provide some investor protection, we believe that additional protections may be appropriate.

The investor protections that we believe may be lacking with respect to 3(c)(1) Pools already exist for 3(c)(7) Pools.[102] Natural persons who invest in such pools are required to own $5 million in certain investments at the time of their investment in the pool.[103] In addition, for a 3(c)(7) Pool to rely on the safe harbor provided by Regulation D, the pool must limit the sale of its securities to qualified purchasers who also meet the definition of accredited investor. Accordingly, 3(c)(7) Pools are subject to a two-step approach which is designed to provide assurance that an investor has a level of knowledge and financial sophistication and the ability to bear the economic risk of the investment in such pools, as demonstrated by the investor's investment experience and also, for natural persons, that person's net worth or income. We believe that such a two-step approach may provide important, additional investor protections to natural persons who invest in certain 3(c)(1) Pools. Accordingly, the proposed rules governing investments in such pools incorporate that approach.

2. Legal Basis

The Commission is proposing new rules pursuant to authority set forth in sections 2(a)(15), 3(b), and 19(a) of the Securities Act of 1933 [15 U.S.C. 77b(15), 77c(b), and 77s(a)].

3. Small Entities Subject to the Rule

For purposes of the Regulatory Flexibility Act, an issuer is a "small business" or "small organization" if it has total assets of $5 million or less as of the end of its most recent fiscal year.[104] Approximately 19,250 filings on Form D were made in fiscal year 2006. Of these filings, we estimate that 385 were made by private issuers that are 3(c)(1) Pools.[105] Of those filings made by 3(c)(1) Pools, we estimate that 50%, or 193, of them were made by issuers that are small businesses that would be affected by the proposed rules.[106]

4. Reporting, Recordkeeping, and Other Compliance Requirements

The proposed rules would require 3(c)(1) Pools to amend their administrative procedures to evaluate whether investors meet the eligibility standards of the proposed rules.

The proposed rules would apply equally to private pools that are small entities and to other private pools. The Commission estimates that the proposed rules may result in some one-time formatting and ongoing costs and burdens that would be imposed on all affected private pools, but which may have a relatively greater impact on smaller firms. These include the costs related to amending investor questionnaires and other administrative documents and procedures, and implementing such procedures. These costs also could include expenses for computer time, legal and accounting fees, and information technology and compliance staff. However, many sponsors of 3(c)(1) Pools also sponsor 3(c)(7) Pools and therefore may already be familiar with the systems necessary to monitor the financial eligibility of investors. Commenters are solicited for their views on the effect the proposed rules would have on small entities.

5. Duplicative, Overlapping or Conflicting Federal Rules

There are no rules that duplicate, overlap, or conflict with the proposed rules.

6. Significant Alternatives

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 rules, the Commission considered the following alternatives: (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simplification of compliance and reporting requirements under the proposed rules for small entities; (iii) the use of performance rather than design standards; and (iv) an exemption from coverage of the proposed rules, or any part thereof, for small entities.

With respect to the establishment of special compliance requirements or timetables under the proposals for small entities, we do not presently think this is feasible or appropriate. The proposed rules arise from the increase in investor wealth and private pool complexity since 1982 which underscores the need to strengthen investor protections. Excepting small entities from the proposed rules could compromise the overall effectiveness of the proposed rules. Nevertheless, we request comment on whether it is feasible or appropriate for small entities to have special requirements or timetables for compliance with the proposed rules. Should the proposed rules be altered to ease the regulatory burden on small entities?

We do not believe that clarification, consolidation, or simplification of the compliance requirements is feasible. The proposed rules contain a straightforward two-step approach designed to help ensure that only investors that are capable of evaluating the merits and risks of investments in certain 3(c)(1) Pools may invest in such pools. We request comment on ways to clarify, consolidate, or simplify any part of the proposed rules.

We do not believe that the use of performance rather than design standards is feasible. We are concerned that current standards established to qualify persons as accredited investors may be insufficient under certain circumstances. The proposed rules would revise the definition of accredited investor as it relates to natural persons and may provide important, additional investor protections to natural persons who invest in certain 3(c)(1) Pools.

With respect to exempting small entities from coverage of these proposed rules, we believe such changes would be impracticable. We have endeavored throughout these proposed rules to minimize the regulatory burden on all affected private pools, including small entities, while meeting our regulatory objectives. Exemption from the proposals for private pools that are small entities would be inconsistent with the Commission's goal of investor protection.

7. Solicitation of Comments

The Commission encourages the submission of written comments with respect to any aspect of this analysis.

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[102] *See supra* note 21.

[103] *See supra* note 45.

[104] 17 CFR 230.157.

[105] Form D does not contain sufficient information to allow the Commission to determine the number of filings on Form D that were made by 3(c)(1) Pools. Of the 19,250 filings on Form D, we estimate that 20%, or 3,850 filings, were made by filers that are 3(c)(1) and 3(c)(7) Pools. Of those 3,850 filings, we estimate that 10%, or 385 filings, were made by filers that are 3(c)(1) Pools.

[106] Form D also does not provide the Commission with sufficient information to determine the number of filings on Form D made by small businesses. We, therefore, estimate that 50% of 3(c)(1) Pools are small businesses.

Comment is specifically requested on the number of small entities that would be affected by the proposed rules and the likely impact of the proposals 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 rules are adopted, and will be placed in the same public file as comments on the proposed rules themselves.

VIII. Effects on Competition, Efficiency and Capital Formation

Section 2(b) of the Securities Act requires 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.[107]

The proposed rules are designed to provide assurance that an accredited investor has a level of knowledge and financial sophistication and the ability to bear the economic risk of an investment in a 3(c)(1) Pool, as demonstrated by the investor's investment experience and also, for natural persons, that person's net worth or income. These proposed rules may affect efficiency. Since the proposed enhanced eligibility standards would result in a smaller pool of accredited investors eligible to invest in 3(c)(1) Pools, competition among private pools for investors may increase resulting in more efficient allocation of assets among private pools. The proposed standards, however, also may have an inefficient allocation result in certain circumstances. The proposed rules, for example, may result in certain investors who are knowledgeable and financially sophisticated but who do not meet the parameters of the proposed rules not being able to invest in 3(c)(1) Pools.

Competition may also be affected by the proposed rules. They may promote competition by shrinking the pool of investors eligible to invest in 3(c)(1) Pools. Such a decrease in the investor base may increase competition among 3(c)(1) Pools which could lower profits and thereby possibly result in some sponsors of 3(c)(1) Pools not offering new 3(c)(1) Pools or some potential sponsors of such pools not entering the business.

Finally, the proposed rules would affect capital formation by decreasing the pool of investors from which 3(c)(1) Pools would be able to obtain capital to start or increase the size of their private pools.

We request comment on whether the proposed rules, if adopted, would promote efficiency, competition and capital formation. We specifically request comment on the effect a decrease in the eligible investor base will have on competition. Commenters are solicited for their views on the impact that applying the proposed rules would have on the ability of affected 3(c)(1) Pools to raise capital. For example, commenters are requested to discuss how much capital they believe that 3(c)(1) Pools historically have raised (total amount and percentage of assets of the pool) through the offer and sale of their securities to persons who would meet the current definition of accredited investor under Regulation D, but who would not meet the definition of accredited natural person. Commenters are requested to provide empirical data and other factual support for their views if possible.

IX. Statutory Authority

We are proposing new rules 509 and 216 pursuant to our authority set forth in sections 2(a)(15), 3(b) and 19(a) of the Securities Act [15 U.S.C. 77b(15), 77c(b) and 77s(a)]. We are proposing new rule 206(4)–8 pursuant to our authority set forth in sections 206(4) and 211(a) of the Advisers Act [15 U.S.C. 80b–6(4) and 80b–11(a)].

List of Subjects

17 CFR Part 230

Investment companies, Reporting and recordkeeping, Securities.

17 CFR Part 275

Reporting and recordkeeping, Securities.

Text of Proposed Rules

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The general authority citation for Part 230 is revised to read as follows:

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–3, 77sss, 78c, 78d, 78j, 78*l*, 78m, 78n, 78o, 78t, 78w, 78*ll* (d), 78mm, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

2. Section 230.215 is amended by revising paragraphs (e) and (f) to read as follows:

§ 230.215 Accredited investor.

* * * * *

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds $1,000,000, except that § 230.216 shall apply with respect to the sale of securities issued by a "private investment vehicle" as described therein;

(f) Any natural person who had an individual income in excess of $200,000 in each of the two most recent years or joint income with that person's spouse in excess of $300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year, except that § 230.216 shall apply with respect to the sale of securities issued by a "private investment vehicle" as described therein;

* * * * *

3. By adding § 230.216 before the undesignated section heading to read as follows:

§ 230.216 Accredited investor definition for investors in certain private investment vehicles.

(a) Notwithstanding the definition of the term "accredited investor" in § 230.215, in connection with the offer and sale of securities issued by an issuer that is a private investment vehicle, other than a venture capital fund, the term "accredited investor" as used in section 4(6) of the Securities Act of 1933 (15 U.S.C. 77(d)(6)) with reference to a natural person for purposes of § 230.215(e) or § 230.215(f) ("accredited natural person") shall mean a natural person who meets the requirements specified in § 230.215(e) or § 230.215(f), and who owns (individually, or jointly with that person's spouse) not less than $2.5 million (as adjusted for inflation) in investments.

(b) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

(1) *Private investment vehicle* means any issuer that would be an investment company as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) but for the exclusion provided for in section 3(c)(1) (15 U.S.C. 80a–3(c)(1)) of that Act.

(2) *Venture capital fund* has the same meaning as "business development company" in section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(22)).

(3) *Investments* means:

(i) Securities (as defined by section 2(a)(1) of the Act (15 U.S.C. 77b(a)(1))), other than securities issued by an issuer that is controlled by the prospective

[107] 15 U.S.C. 77(b).

accredited natural person that owns such securities, unless such issuer is:

(A) An investment company, as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)), or a company that would be an investment company under section 3(a) but for the exclusions from that definition provided by sections 3(c)(1) through 3(c)(9) of the Investment Company Act (15 U.S.C. 80a–3(c)(1) through 3(c)(9)), or the exclusions provided by § 270.3a–6 or § 270.3a–7 of this chapter, or a commodity pool;

(B) A company that:

(*1*) Files reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)); or

(*2*) Has a class of securities that are listed on a "designated offshore securities market" as such term is defined by Regulation S under the Act (§§ 230.901 through 230.904); or

(C) A company with shareholders' equity of not less than $50 million (determined in accordance with generally accepted accounting principles) as reflected on the company's most recent financial statements, provided that such financial statements present the information as of a date within 16 months preceding the date on which the prospective accredited natural person acquires the securities of a private investment vehicle;

(ii) Real estate held for investment purposes;

(iii) Commodity interests held for investment purposes. For purposes of this section, *commodity interests* means commodity futures contracts, options on commodity futures contracts, and options on physical commodities traded on or subject to the rules of:

(A) Any contract market designated for trading such transactions under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*) and the rules thereunder (17 CFR 1.1 through 190.10); or

(B) Any board of trade or exchange outside the United States, as contemplated in Part 30 of the rules under the Commodity Exchange Act (17 CFR 30.1 through 30.12);

(iv) Physical commodities held for investment purposes. For purposes of this paragraph, *physical commodities* means any physical commodity with respect to which a commodity interest is traded on a market specified in paragraph (b)(3)(iii) of this section;

(v) To the extent not securities, financial contracts (as such term is defined in section 3(c)(2)(B)(ii) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(2)(B)(ii)) entered into for investment purposes; and

(vi) Cash and cash equivalents (including foreign currencies) held for investment purposes. For purposes of this section, cash and cash equivalents include:

(A) Bank deposits, certificates of deposit, bankers acceptances and similar bank instruments held for investment purposes; and

(B) The net cash surrender value of an insurance policy.

(4) *Prospective accredited natural person* means a natural person seeking to purchase a security issued by a private investment vehicle.

(5) *Related person* means a natural person who is related to a prospective accredited natural person as a sibling, spouse or former spouse, or is a direct lineal descendant or ancestor by birth or adoption of the prospective accredited natural person, or is a spouse of such descendant or ancestor.

(c) Solely for purposes of this section:

(1) *Investment purposes:*

(i) Real estate shall not be considered to be held for investment purposes by a prospective accredited natural person if it is used by the prospective accredited natural person or a related person for personal purposes or as a place of business, or in connection with the conduct of the trade or business of the prospective accredited natural person or a related person, provided that real estate owned by a prospective accredited natural person who is engaged primarily in the business of investing, trading or developing real estate in connection with such business may be deemed to be held for investment purposes. Residential real estate shall not be deemed to be used for personal purposes if deductions with respect to such real estate are not disallowed by section 280A of the Internal Revenue Code (26 U.S.C. 280A).

(ii) A commodity interest or physical commodity owned, or a financial contract entered into, by the prospective accredited natural person who is engaged primarily in the business of investing, reinvesting, or trading in commodity interests, physical commodities or financial contracts in connection with such business may be deemed to be held for investment purposes.

(2) *Valuation.* For purposes of determining whether a natural person is an accredited natural person, the aggregate amount of investments owned and invested on a discretionary basis by the natural person shall be the investments' fair market value on the most recent practicable date or their cost, provided that:

(i) In the case of commodity interests, the amount of investments shall be the value of the initial margin or option premium deposited in connection with such commodity interests; and

(ii) In each case, there shall be deducted from the amount of investments owned by the natural person the amounts specified in paragraph (c)(3) of this section, as applicable.

(3) *Deductions.* In determining whether any natural person is an accredited natural person there shall be deducted from the amount of such person's investments the amount of any outstanding indebtedness incurred to acquire or for the purpose of acquiring the investments owned by such person.

(4) *Joint investments.* In determining whether a natural person is an accredited natural person, there may be included in the amount of such person's investments any investments held individually and fifty percent of any investments (a) held jointly with such person's spouse, and (b) in which such person shares with such person's spouse a community property or similar shared ownership interest. In determining whether spouses who are making a joint investment in a private investment vehicle are accredited natural persons, there may be included in the amount of each spouse's investments any investments owned by the other spouse (whether or not such investments are held jointly). In each case, there shall be deducted from the amount of any such investments the amounts specified in paragraph (c)(3) of this section incurred by each spouse; and

(5) *Certain retirement plans and trusts.* In determining whether a natural person is an accredited natural person, there may be included in the amount of such person's investments any investments held in an individual retirement account or similar account the investments of which are directed by and held for the benefit of such person.

(6) *Inflation adjustments.*

(i) On April 1, 2012, and on the 1st day of each subsequent 5-year period, the dollar amount in paragraph (a) of this section shall be adjusted by:

(A) Dividing the annual value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the Department of Commerce, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index (or successor) for the calendar year ending December 31, 2006; and

(B) Multiplying the dollar amount by the quotient obtained in paragraph (c)(6)(i)(A) of this section.

(ii) *Rounding.* If the adjusted dollar amount determined under paragraph (c)(6)(i) of this section for any period is not a multiple of $100,000, the amount so determined shall be rounded to the nearest multiple of $100,000.

4. Section 230.501 is amended by revising paragraphs (a)(5) and (a)(6) to read as follows:

§ 230.501 Definitions and terms used in Regulation D.

(a) * * *

(5) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds $1,000,000, except that § 230.509 shall apply with respect to the sale of securities issued by a "private investment vehicle" as described therein;

(6) Any natural person who had an individual income in excess of $200,000 in each of the two most recent years or joint income with that person's spouse in excess of $300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year, except that § 230.509 shall apply with respect to the sale of securities issued by a "private investment vehicle" as described therein;

* * * * *

5. By adding § 230.509 to read as follows:

§ 230.509 Private investment vehicle.

(a) Notwithstanding the definition of the term "accredited investor" in § 230.501, in connection with the offer and sale of securities issued by an issuer that is a private investment vehicle, other than a venture capital fund, the term "accredited investor" in Regulation D (§§ 230.501 through 230.509) with reference to a natural person for purposes of § 230.501(a)(5) or § 230.501(a)(6) ("accredited natural person") shall mean a natural person who meets the requirements specified in § 230.501(a)(5) or § 230.501(a)(6), and who owns (individually, or jointly with that person's spouse) not less than $2.5 million in investments (as adjusted for inflation), or who the issuer reasonably believes meets such qualifications, at the time of the purchase.

(b) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

(1) *Private investment vehicle* means any issuer that would be an investment company as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) but for the exclusion provided for in section 3(c)(1)(15 U.S.C. 80a–3(c)(1)) of that Act.

(2) *Venture capital fund* has the same meaning as "business development company" in section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(22)).

(3) *Investments* means:

(i) Securities (as defined by section 2(a)(1) of the Act (15 U.S.C. 77b(a)(1))), other than securities issued by an issuer that is controlled by the prospective accredited natural person that owns such securities, unless such issuer is:

(A) An investment company, as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)), or a company that would be an investment company under section 3(a) but for the exclusions from that definition provided by sections 3(c)(1) through 3(c)(9) of the Investment Company Act (15 U.S.C. 80a–3(c)(1) through 3(c)(9)), or the exclusions provided by § 270.3a–6 or § 270.3a–7 of this chapter, or a commodity pool;

(B) A company that:

(*1*) Files reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)); or

(*2*) Has a class of securities that are listed on a "designated offshore securities market" as such term is defined by Regulation S under the Act (§§ 230.901 through 230.904); or

(C) A company with shareholders' equity of not less than $50 million (determined in accordance with generally accepted accounting principles) as reflected on the company's most recent financial statements, provided that such financial statements present the information as of a date within 16 months preceding the date on which the prospective accredited natural person acquires the securities of a private investment vehicle;

(ii) Real estate held for investment purposes;

(iii) Commodity interests held for investment purposes. For purposes of this section, *commodity interests* means commodity futures contracts, options on commodity futures contracts, and options on physical commodities traded on or subject to the rules of:

(A) Any contract market designated for trading such transactions under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*) and the rules thereunder (17 CFR 1.1 through 190.10); or

(B) Any board of trade or exchange outside the United States, as contemplated in Part 30 of the rules under the Commodity Exchange Act (17 CFR 30.1 through 30.12);

(iv) Physical commodities held for investment purposes. For purposes of this paragraph, *physical commodities* means any physical commodity with respect to which a commodity interest is traded on a market specified in paragraph (b)(3)(iii) of this section;

(v) To the extent not securities, financial contracts (as such term is defined in section 3(c)(2)(B)(ii) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(2)(B)(ii)) entered into for investment purposes; and

(vi) Cash and cash equivalents (including foreign currencies) held for investment purposes. For purposes of this section, cash and cash equivalents include:

(A) Bank deposits, certificates of deposit, bankers acceptances and similar bank instruments held for investment purposes; and

(B) The net cash surrender value of an insurance policy.

(4) *Prospective accredited natural person* means a natural person seeking to purchase a security issued by a private investment vehicle.

(5) *Related person* means a natural person who is related to a prospective accredited natural person as a sibling, spouse or former spouse, or is a direct lineal descendant or ancestor by birth or adoption of the prospective accredited natural person, or is a spouse of such descendant or ancestor.

(c) Solely for purposes of this section:

(1) *Investment purposes*:

(i) Real estate shall not be considered to be held for investment purposes by a prospective accredited natural person if it is used by the prospective accredited natural person or a related person for personal purposes or as a place of business, or in connection with the trade or business of the prospective accredited natural person or a related person, provided that real estate owned by a prospective accredited natural person who is engaged primarily in the business of investing, trading or developing real estate in connection with such business may be deemed to be held for investment purposes. Residential real estate shall not be deemed to be used for personal purposes if deductions with respect to such real estate are not disallowed by section 280A of the Internal Revenue Code (26 V.S.C. 280A).

(ii) A commodity interest or physical commodity owned, or a financial contract entered into, by the prospective accredited natural person who is engaged primarily in the business of investing, reinvesting, or trading in commodity interests, physical commodities or financial contracts in connection with such business may be deemed to be held for investment purposes.

(2) *Valuation.* For purposes of determining whether a natural person is an accredited natural personal the aggregate amount of investments owned and invested on a discretionary basis by the natural person shall be the investments' fair market value on the most recent practicable date or their cost, provided that:

(i) In the case of commodity interests, the amount of investments shall be the value of the initial margin or option premium deposited in connection with such commodity interests; and

(ii) In each case, there shall be deducted from the amount of investments owned by the natural person the amounts specified in paragraph (c)(3) of this section, as applicable.

(3) *Deductions.* In determining whether any natural person is an accredited natural person there shall be deducted from the amount of such person's investments the amount of any outstanding indebtedness incurred to acquire or for the purpose of acquiring the investments owned by such person.

(4) *Joint investments.* In determining whether a natural person is an accredited natural person, there may be included in the amount of such person's investments any investments held individually and fifty percent of any investments (a) held jointly with such person's spouse, and (b) in which such person shares with such person's spouse a community property or similar shared ownership interest. In determining whether spouses who are making a joint investment in a private investment vehicle are accredited natural persons, there may be included in the amount of each spouse's investments any investments owned by the other spouse (whether or not such investments are held jointly). In each case, there shall be deducted from the amount of any such investments the amounts specified in paragraph (c)(3) of this section incurred by each spouse; and

(5) *Certain retirement plans and trusts.* In determining whether a natural person is an accredited natural person, there may be included in the amount of such person's investments any investments held in an individual retirement account or similar account the investments of which are directed by and held for the benefit of such person.

(6) *Inflation adjustments.*

(i) On April 1, 2012, and on the 1st day of each subsequent 5-year period, the dollar amount in paragraph (a) of this section shall be adjusted by:

(A) Dividing the annual value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the Department of Commerce, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index (or successor) for the calendar year ending December 31, 2006; and

(B) Multiplying the dollar amount by the quotient obtained in paragraph (c)(6)(i)(A) of this section.

(ii) *Rounding.* If the adjusted dollar amount determined under paragraph (c)(6)(i) of this section for any period is not a multiple of $1 00,000, the amount so determined shall be rounded to the nearest multiple of $100,000.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

6. The authority citation for part 275 continues to read in part as follows:

Authority: 15 U.S.C. 80b–2(a)(11)(F), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, and 80b–11, unless otherwise noted.

* * * * *

7. Section 275.206(4)–8 is added to read as follows:

§ 206(4)–8 Pooled investment vehicles.

(a) *Prohibition.* It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of section 206(4) of the Act (15 U.S.C. 80b–6(4)) for any investment adviser to a pooled investment vehicle to:

(1) Make any untrue statement of a material fact or to omit to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in the pooled investment vehicle; or

(2) Otherwise engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in the pooled investment vehicle.

(b) *Definition.* For purposes of this section "pooled investment vehicle" means any investment company as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) or any company that would be an investment company under section 3(a) of that Act but for the exclusion provided from that definition by either section 3(c)(1) or section 3(c)(7) of that Act (15 U.S.C. 80a–3(c)(1) or (7)).

By the Commission.

Dated: December 27, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22531 Filed 1–3–07; 8:45 am]

BILLING CODE 8011–01–P

Federal Register

Thursday,
January 4, 2007

Part IV

The President

Federal Register
Vol. 72, No. 2
Thursday, January 4, 2007

Presidential Documents

Title 3—

The President

Proclamation 8093 of December 27, 2006

Announcing the Death of Gerald R. Ford

By the President of the United States of America

A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

It is my sad duty to announce officially the death of Gerald R. Ford, the thirty-eighth President of the United States, on December 26, 2006.

President Ford was a great man who devoted the best years of his life to serving the United States of America. He was also a true gentleman who reflected the best in America's character. Before the world knew his name, he served with distinction in the United States Navy and the United States House of Representatives. As a congressman from Michigan, and then as Vice President, he commanded the respect and earned the goodwill of all who had the privilege of knowing him. On August 9, 1974, he stepped into the presidency without having ever sought the office.

During his time in office, the American people came to know President Ford as a man of complete integrity, who led our country with common sense and kind instincts. Americans will always admire Gerald Ford's unflinching performance of duty, the honorable conduct of his Administration, and the great rectitude of the man himself. We mourn the loss of such a leader, and our thirty-eighth President will always have a special place in our Nation's memory.

President Ford lived 93 years, and his life was a blessing to America. Now this fine man will be taken to his rest by a family that will love him always and by a Nation that will be grateful to him forever.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, in honor and tribute to the memory of Gerald R. Ford, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and Naval vessels of the United States for a period of 30 days from the day of his death. I also direct that for the same length of time, the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their Embassies, Legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense.

In a further expression of our national grief, I will appoint in a subsequent proclamation a National Day of Mourning throughout the United States when the American people may assemble in their respective places of worship, there to pay homage to the memory of President Ford.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 06–9991
Filed 1–3–07; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 8094 of December 28, 2006

National Day of Mourning for Gerald R. Ford

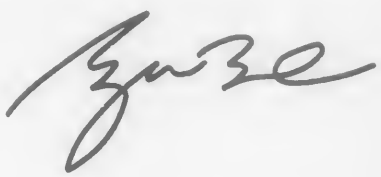
By the President of the United States of America

A Proclamation

As a further mark of respect to the memory of Gerald R. Ford, the thirty-eighth President of the United States,

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, in honor and tribute to the memory of Gerald R. Ford, and as an expression of public sorrow, do appoint Tuesday, January 2, 2007, as a National Day of Mourning throughout the United States. I call on the American people to assemble on that day in their respective places of worship, there to pay homage to the memory of President Ford. I invite the people of the world who share our grief to join us in this solemn observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.



[FR Doc. 06–9992
Filed 1–3–07; 8:45 am]
Billing code 3195–01–P

Presidential Documents

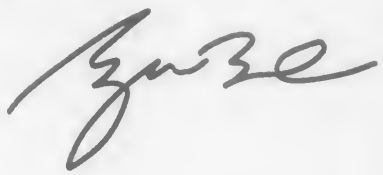
Executive Order 13421 of December 28, 2006

Providing for the Closing of Government Departments and Agencies on January 2, 2007

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive departments, independent establishments, and other governmental agencies shall be closed on January 2, 2007, as a mark of respect for Gerald R. Ford, the thirty-eighth President of the United States. That day shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 2. The first sentence of section 1 of this order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, the Department of Justice, the Department of Homeland Security, or other departments, independent establishments, and governmental agencies that the heads thereof determine should remain open for reasons of national security or defense or other essential public business.



THE WHITE HOUSE,
December 28, 2006.

[FR Doc. 06–9993
Filed 1–3–07; 8:45 am]
Billing code 3195–01–P

Federal Register

Thursday,
January 4, 2007

Part V

The President

Federal Register
Vol. 72, No. 2
Thursday, January 4, 2007

Presidential Documents

Title 3—

The President

Proclamation 8095 of December 29, 2006

To Eliminate Tariffs on Certain Pharmaceuticals and Chemical Intermediates

By the President of the United States of America

A Proclamation

1. During the Uruguay Round of Multilateral Trade Negotiations (the "Uruguay Round"), a group of major trading countries agreed to reciprocal elimination of tariffs on certain pharmaceuticals and chemical intermediates, and that participants in this agreement would revise periodically the list of products subject to duty-free treatment. On December 13, 1996, at the Ministerial Conference of the World Trade Organization (WTO), the United States and 16 other major trading countries agreed to eliminate tariffs on additional pharmaceuticals and chemical intermediates. On April 1, 1997, the United States implemented this agreement in Proclamation 6982. The second revision to the list of products was negotiated under the auspices of the WTO in 1998. The United States implemented this revision on July 1, 1999, in Proclamation 7207. In 2006, the United States and 30 other WTO members concluded negotiations, under the auspices of the WTO, on a further revision to the list of pharmaceuticals and chemical intermediates to receive duty-free treatment.

2. Section 111(b) of the Uruguay Round Agreements Act (URAA)(19 U.S.C. 3521(b)) authorizes the President under specified circumstances to proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX-United States of America, annexed to the Marrakesh Protocol to the GATT 1994 (Schedule XX) for products that were the subject of reciprocal duty elimination negotiations during the Uruguay Round, if the United States agrees to such action in a multilateral negotiation under the auspices of the WTO. Section 111(b) also authorizes the President to proclaim such modifications as are necessary to correct technical errors in, or make other rectifications to, Schedule XX.

3. On October 3, 2006, consistent with section 115 of the URAA, the United States Trade Representative (USTR) submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (the "Committees") that set forth the proposed further revision to the list of products subject to tariff eliminations.

4. Section 604 of the Trade Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

5. Pursuant to section 111(b) of the URAA, I have determined that Schedule XX should be modified to reflect the implementation by the United States of the multilateral agreement on certain pharmaceuticals and chemical intermediates negotiated under the auspices of the WTO. In addition, I have determined that the pharmaceuticals appendix to the HTS should be modified to reflect the duty eliminations provided for in that agreement and to make certain technical corrections in the manner in which Schedule XX identifies

particular products in order to ensure that they are accorded the intended duty treatment.

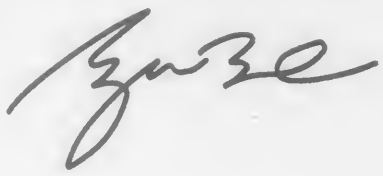
NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 111(b) of the URAA and section 604 of the 1974 Act, do proclaim that:

(1) In order to implement the multilateral agreement negotiated under the auspices of the WTO to eliminate tariffs on certain pharmaceutical products and chemical intermediates, and to make technical corrections in the tariff treatment accorded to such products, the HTS is modified as set forth in the Annex to this proclamation.

(2) Such modifications to the HTS shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date set forth in the Annex for the respective actions taken.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.



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Annex

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

The Pharmaceutical Appendix to the Harmonized Tariff Schedule of the United States (HTS) is modified as provided herein, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2007:

1. Table 1 of the Appendix is modified by adding the following new international nonproprietary names (INNs), in alphabetical order, in the "Product" column and their CAS numbers in the "CAS No." column:

Product	CAS No.	Product	CAS No.
Abaperidonum	183849-43-6	Lerdelimumabum	285985-06-0
Abataceptum	332348-12-6	Leridistimum	193700-51-5
Abetimusum	167362-48-3	Lestaurtinibum	111358-88-4
Abrineurinum	178535-93-8	Leteprinimum	138117-50-7
Acidum salcaprozicum	183990-46-7	Levmetamfetaminum	33817-09-3
Acidum salclobuzicum	387825-03-8	Levolansoprazole	138530-95-7
Acidum lidadronicum	63132-38-7	Levotofisopamum	82059-51-6
Acidum gadocoletlcum	280776-87-6	Liaterminum	188630-14-0
Acidum carglumicum	1188-38-1	Libivirumabum	569658-79-3
Acidum caloxeticum	135306-78-4	Licarbazepinum	29331-92-8
Acidum arundicum	185517-21-9	Licofelonum	156897-06-2
Acolbifenum	182167-02-8	Lidorestatum	245116-90-9
Acotiamidum	185106-16-5	Linaprazanum	248919-64-4
Adalimumabum	331731-18-1	Liraglutidum	204656-20-2
Adargileukinum alfa	250710-65-7	Lirimilastum	329306-27-6
Adecatumumabum	503605-66-1	Litomeglovirum	321915-31-5
Adekalantum	227940-00-3	Llvaraparinum calcium	329306-27-6
Adrogolidum	171752-56-0	Lixivaptanum	168079-32-1
Afeletecanum	215604-75-4	Lomeguatribum	192441-08-0
Agalsidasum alfa	104138-64-9	Lonafarnibum	193275-84-2
Agalsidasum beta	104138-64-9	Lopinavirum	192725-17-0
Alagebrium chloridum	341028-37-3	Lubazodonum	161178-07-0
Alamifovirum	193681-12-8	Lubiprostonum	333963-40-9
Albaconazolum	187949-02-6	Luliconazolum	187164-19-8
Alefaceptum	222535-22-0	Lumlliximabum	357613-86-6
Alemcinalum	150785-53-8	Lumiracoxibum	220991-20-8
Alemtuzumabum	216503-57-0	Lurasidonum	367514-87-2
Alfatradiolum	57-91-0	Lusaperidonum	214548-46-6
Alfimeprasum	259074-76-5	Lusupultidum	200074-80-2
Alglucosldasum alfa	420784-05-0	Manlfaxinum	135306-39-7
Alicaforsenum	185229-68-9	Manitimus	202057-76-9
Alilusemum	144506-11-6	Mantabegronum	36144-08-8
Aliskirenum	173334-57-1	Mapatumumab	658052-09-6
Alitretinoinum	5300-03-8	Maravirocum	376348-65-1
Altiniclinum	179120-92-4	Maribavirum	176161-24-3
Alvamelinum	120241-31-8	Marimastat	154039-60-8
Alvimopanum	156053-89-3	Maropltantum	147116-67-4
Alvocidibum	146426-40-6	Matuzumabum	339186-68-4
Ambrisentanum	177036-94-1	Mecaserminum rinfabas	478166-15-3
Amdoxovirum	145514-04-1	Meclinertantum	146362-70-1
Amediplasum	151912-11-7	Meldonlum	76144-81-5
Amelubantum	346735-24-8	Melevodopum	7101-51-1

Product	CAS No.	Product	CAS No.
Amiglumidum	119363-62-1	Mepolizumabum	196078-29-2
Amotosalenum	161262-29-9	Merimepodibum	198821-22-6
Amprenavirum	161814-49-9	Metellmumabum	272780-74-2
Anatibantum	209733-45-9	Metreleptinum	186018-45-1
Anatumomabum Mafenatoxum	(none)	Micafunginum	235114-32-6
Ancestimum	163545-26-4	Midafotelum	117414-74-1
Ancrivirocum	370893-06-4	Midaxifyllinum	151159-23-8
Anecortavum	7753-60-8	Midostaurinum	120685-11-2
Anidulafunginum	166663-25-8	Miglustatum	72599-27-0
Anisperimusum	170368-04-4	Milataxelum	393101-41-2
Antithrombin alfa	84720-88-7	Minopafantum	128420-61-1
Apaziquonum	114560-48-4	Minretumomabum	195189-17-4
Apixaban	503612-47-3	Miriplatinum	141977-79-9
Aplindorum	189681-70-7	Mirococeptum	507453-82-9
Apolizumabum	267227-08-7	Mirostipenum	244130-01-6
Apratastat	287405-51-0	Mitemcinalum	154738-42-8
Aprepitantum	170729-80-3	Mitratapidum	179602-65-4
Aprinocarsenum	151879-73-1	Mitumomabum	216503-58-1
Arasertaconazole	583057-48-1	Mivotilatum	130112-42-4
Ardenerminum	305391-49-5	Morolimumabum	202833-07-6
Arformoterolum	67346-49-0	Morphinii glucuronidum	20290-10-2
Arimoclomolum	289893-25-0	Motexafinum	189752-49-6
Armodafinilum	112111-43-0	Mozavaptanum	137975-06-5
Artemifonum	255730-18-8	Mozenavirum	174391-92-5
Artemotilum	75887-54-6	Mubritinibum	366017-09-6
Artenimolum	81496-81-3	Muraglitazarum	331741-94-7
Arzoxifenum	182133-25-1	Mureletecanum	246527-99-1
Ascorbylum gamolenas	109791-32-4	Nalfurafinum	152657-84-6
Aselizumabum	395639-53-9	Naminidilum	220641-11-2
Asenapinum	65576-45-6	Nasaruplasum beta	136653-69-5
Asoprisnili ecamas	222732-94-7	Natalizumabum	189261-10-7
Asoprisnilum	199396-76-4	Naveglitazarum	476436-68-7
Ataciguatum	254877-67-3	Navuridinum	84472-85-5
Ataquimastum	182316-31-0	Naxifyllinum	166374-49-8
Atazanavirum	198904-31-3	Nebentanum	403604-85-3
Atilmotinum	533927-56-9	Nebicapone	274925-86-9
Atocalcitolum	302904-82-1	Neboglaminum	163000-63-3
Atorolimumabum	202833-08-7	Nemifitidum	173240-15-8
Atrasentanum	195733-43-8	Neramexanum	219810-59-0
Avanafilum	330784-47-9	Nerispirdine	119229-65-1
Avasimibum	166518-60-1	Nesiritidum	124584-08-3
Aviscuminum	223577-45-5	Netoglitazonum	161600-01-7
Avosentan	290815-26-8	Netupitant	290297-26-6
Axitromum	156740-57-7	Nolomirolum	90060-42-7
Axomadolum	187219-95-0	Norelgestrominum	53016-31-2
Balaglitazonum	199113-98-9	Nortopixantronum	156090-17-4
Balicatibum	354813-19-7	Oblimersenum	190977-41-4
Bamirastinum	215529-47-8	Odiparcilum	137215-12-4
Banoxantronum	136470-65-0	Ofatumumab	679818-59-8
Bapineuzumab	648895-38-9	Oglufanidum	38101-59-6
Barixibatum	263562-28-3	Olamufloxacinum	167887-97-0
Barusibanum	285571-64-4	Olanexidinum	146510-36-3
Batabulinum	195533-53-0	Olcegepantum	204697-65-4
Bazedoxifenum	198481-32-2	Olmesartan	144689-24-7
Becampanelum	188696-80-2	Olmesartanum medoxomilum	144689-63-4
Becatecarinum	119673-08-4	Omaciclovirum	124265-89-0
Becocalcidiolum	524067-21-8	Omalizumabum	242138-07-4
Befetupitantum	290296-68-3	Omigananum	204248-78-2
Belatacept	706808-37-9	Omigapilum	181296-84-4
Belimumabum	356547-88-1	Omocianinum	154082-13-0
Belotecanum	256411-32-2	Onerceptum	199685-57-9
Beminafilum	566906-50-1	Opaviralinum	178040-94-3

Product	CAS No.	Product	CAS No.
Bemotrizinolum	187393-00-6	Opebacanum	206254-79-7
Bertilimumabum	375348-49-5	Oregovomabum	213327-37-8
Besilesomabum	537694-98-7	Oritavancinum	171099-57-3
Bevacizumabum	216974-75-3	Ortataxelum	186348-23-2
Bexarotenum	153559-49-0	Oseltamivirum	196618-13-0
Bexlosteridum	148905-78-6	Osemozotanum	137275-81-1
Bifarceptum	163796-60-9	Ospemifenum	128607-22-7
Bifeprunoxum	350992-10-8	Otamixabanum	193153-04-7
Bilastinum	202189-78-4	Oteracilum	937-13-3
Bimatoprostum	155206-00-1	Oxeglitazarum	280585-34-4
Bimosoamosum	187269-40-5	Ozogamicinum	(none)
Binetrakinum	207137-56-2	Paclitaxelum poliglumexum	263351-82-2
Binodenosonum	144348-08-3	Paclitaxelum ceribas	186040-50-6
Bisoctrizolum	103597-45-1	Pactimibum	189198-30-9
Bivatuzumabum	214559-60-1	Padoporfin	274679-00-4
Bortezomibum	179324-69-7	Pagibaximab	595566-61-3
Brivaracetam	357336-20-0	Paliferminum	162394-19-6
Brostallicinum	203258-60-0	Paliperidonum	144598-75-4
Bulaquinum	223661-25-4	Paliroden	188396-77-2
Cadrofloxacinum	153808-85-6	Palivizumabum	188039-54-5
Calcobutrolum	151878-23-8	Palosuranum	540769-28-6
Caldaretum	133804-44-1	Panitumumabum	339177-26-3
Canertinibum	267243-28-7	Parecoxibum	198470-84-7
Canfosfamidum	158382-37-7	Pascolizumabum	331243-22-2
Cangrelorum	(none)	Pasireotidum	396091-73-9
Cantuzumabum mertansinum	400010-39-1	Patupilonum	152044-54-7
Capravirinum	178979-85-6	Peforelin	147859-97-0
Capromorelinum	193273-66-4	Pegacaristimum	187139-68-0
Carabersatum	184653-84-7	Pegamotecanum	203066-49-3
Caricotamide	64881-21-6	Pegaptanibum	(none)
Carmoterolum	147568-66-9	Pegfilfrastimum	208265-92-3
Caspofunginum	162808-62-0	Peginterferonum alfa-2b	215647-85-1
Catumaxomab	509077-98-9	Peginterferonum alfa-2a	198153-51-4
Cefmatilenum	140128-74-1	Pegnartograstimum	204565-76-4
Cefovecinum	234096-34-5	Pegsunerceptum	330968-75-5
Ceftobiprolum medocarilum	376653-43-9	Pegvisomantum	218620-50-9
Ceftobiprolum	209467-52-7	Peliglitazarum	331744-64-0
Celecoxibum	169590-42-5	Pelitinibum	257933-82-7
Certolizumabum pegolum	428863-50-7	Pelitrexolum	446022-33-9
Cethromycinum	205110-48-1	Pemaglitazarum	496050-39-6
Cetilistatum	282526-98-1	Peramivirum	229614-55-5
Cetuximabum	205923-56-4	Perflexanum	355-42-0
Cilengitidum	188968-51-6	Perflisobutanum	354-92-7
Cilomilastum	153259-65-5	Perflubrodecum	307-43-7
Ciluprevirum	300832-84-2	Perflubutanum	355-25-9
Cimicoxibum	265114-23-6	Perflutrenum	76-19-7
Cinacalcetum	226256-56-0	Pertuzumabum	380610-27-5
Cintredekinum besudotoxum	372075-36-0	Perzinfotelum	144912-63-0
Cipemastatum	190648-49-8	Pexelizumabum	219685-93-5
Cipralisantum	213027-19-1	Piboserodum	152811-62-6
Clamikalantum	158751-64-5	Pibrozelesinum	1545889-68-6
Clazosentanum	180384-56-9	Piclozotanum	182415-09-4
Clofarabinum	123318-82-1	Picoplatinum	181630-15-9
Coluracetamum	135463-81-9	Pimecrolimusum	137071-32-0
Conivaptanum	210101-16-9	Pinokalantum	149759-26-2
Corifollitropinum alfa	195962-23-3	Pipendoxifenum	198480-55-6
Cridanimodum	38609-97-1	Pitavastatinum	147511-69-1
Crobenetinum	(none)	Pitrakinrum	(none)
Dabigatranum	211914-51-1	Pixantronum	144510-96-3
Dabigatranum etexilatum	211915-06-9	Plerixafor	110078-46-1
Dabuzalgronum	219311-44-1	Plevitrexedum	153537-73-6
Dacinostatum	404951-53-7	Plitidepsin	137219-37-5

Product	CAS No.	Product	CAS No.
Daglutrilum	182821-27-8	Ponazurilum	69004-04-2
Dalbavancinum	171500-79-1	Posaconazolum	171228-49-2
Dapiclermine	444069-80-1	Posizolidum	252260-02-9
Dapivirinum	244767-67-7	Pradefovir	625095-60-5
Darbepoetinum alfa	209810-58-2	Pradofloxacinum	195532-12-8
Darbufelonum	139226-28-1	Pralatrexatum	146464-95-1
Darunavirum	206361-99-1	Pralnacasanum	192755-52-5
Darusentanum	171714-84-4	Prasugrelum	150322-43-3
Dasantafilum	569351-91-3	Pratosartanum	153804-05-8
Davasaicinum	147497-64-1	Prazarelixum	134457-28-6
Daxalipramum	189940-24-7	Prinomastatum	192329-42-3
Deferasiroxum	201530-41-8	Pritumumabum	499212-74-7
Deferitrinum	239101-33-8	Protamine sulfate	9009-65-8
Defoslimodum	171092-39-0	Pruvanserinum	443144-26-1
Degarelixum	214766-78-6	Pumafentrinum	207993-12-2
Deligoparinum natricum	9041-08-1	Pumosetragum	153062-94-3
Delmitidum	287096-87-1	Radafaxinum	192374-14-4
Deluceminum	186495-49-8	Radequinil	219846-31-8
Denufosolum	211448-85-0	Radoterminum	575458-75-2
Depelestatum	506433-25-6	Rafabegronum	244081-42-3
Depreotidum	161982-62-3	Ragaglitazarum	222834-30-2
Deracoxibum	169590-41-4	Ralfinamidum	133865-88-0
Dersalazinum	188913-58-8	Ramelteonum	196597-26-9
Desloratadinum	100643-71-8	Ranibizumabum	347396-82-1
Desmoteplasum	145137-38-8	Ranirestatum	147254-64-6
Desvenlafaxinum	93413-62-8	Ranpimasum	196488-72-9
Detiviciclovirum	220984-26-9	Rasburicasum	134774-45-1
Deutolperisonum	474641-19-5	Ravuconazolum	182760-06-1
Dexbudesonidum	51372-29-3	Raxibacumabum	565451-13-0
Dexlansoprazole	138530-94-6	Razaxabanum	218298-21-6
Dexmethylphenidatum	40431-64-9	Rebimastatum	259188-38-0
Dextioproninum	29335-92-0	Regadenosonum	313348-27-5
Dextofisopamum	82059-50-5	Reglitazarum	170861-63-9
Dianicline	292634-27-6	Relcovaptanum	150375-75-0
Diboteriminum alfa	246539-15-1	Reparixinum	266359-83-5
Diflomotecanum	220997-97-7	Repiferminum	219527-63-6
Diquafosolum	59985-21-6	Repinotanum	144980-29-0
Dirlotapidum	481658-94-0	Resequinilum	219846-31-8
Disermolidum	127943-53-7	Resiquimodum	144875-48-9
Disufentonum natricum	168021-79-2	Reslizumabum	241473-69-8
Dofequidarum	129716-58-1	Retapamulinum	224452-66-8
Donitriptanum	170912-52-4	Revaprazanum	199463-33-7
Doramapimodum	285983-48-4	Rilpivirinum	500287-72-9
Doranidazolum	149838-23-3	Rimacalib	215174-50-8
Doripenemum	148016-81-3	Rimeporidum	187870-78-6
Doxercalciferolum	54573-75-0	Rimonabantum	168273-06-1
Drotrecoginum alfa (activatum)	98530-76-8	Risarestatum	79714-31-1
Ecalcidenum	150337-94-3	Ritobegronum	255734-04-4
Ecallantide	460738-38-9	Rivanicline	15585-43-0
Ecopipamum	112108-01-7	Rivaroxabanum	366789-02-8
Ecopladibum	381683-92-7	Rivenprost	256382-08-8
Ecraprostum	136892-64-3	Rivoglitazonum	185428-18-6
Ecromeximabum	292819-64-8	Robenacoxibum	220991-32-2
Eculizumabum	219685-50-4	Rofecoxibum	162011-90-7
Edaglitazonum	213411-83-7	Rostafuroxinum	156722-18-8
Edifolgidum	328538-04-1	Rostaporfinum	284041-10-7
Edodekinum alfa	187348-17-0	Rosuvastatinum	287714-14-4
Edonentanum	210891-04-6	Rotigotinum	99755-59-6
Edotecarinum	174402-32-5	Rovelizumabum	197099-66-4
Edotreotidum	204318-14-9	Rubitecanum	91421-42-0
Edratidum	433922-67-9	Ruboxistaurinum	169939-94-0
Edronocainum	190258-12-9	Rupintrivirum	223537-30-2

Product	CAS No.	Product	CAS No.
Efalizumabum	214745-43-4	Ruplizumabum	220651-94-5
Efaproxiralum	131179-95-8	Sabarubicinum	211100-13-9
Efipladibum	381683-94-9	Sabiporidum	324758-66-9
Eflucimibum	202340-45-2	Safinamidum	133865-89-1
Eganoprostum	63266-93-3	Sarakalimum	148430-28-8
Eglumetadum	176199-48-7	Sardomozidum	149400-88-4
Elarofibanum	198958-88-2	Sarizotanum	177975-08-5
Elomotecanum	220998-10-7	Satavaptan	185913-78-4
Elsilimomabum	468715-71-1	Satraplatinum	129580-63-8
Elvucitabinum	181785-84-2	Saxagliptinum	361442-04-8
Elzasonanum	361343-19-3	Segesteronum	7690-08-6
Embeconazolum	329744-44-7	Selamectinum	165108-07-6
Emfilerminum	159075-60-2	Seletracetam	357336-74-4
Emivirinum	149950-60-7	Seliciclibum	186692-46-6
Emodepsidum	155030-63-0	Selodenosonum	110299-05-3
Emtricitabinum	143491-57-0	Semapimodum	352513-83-8
Enecadinum	259525-01-4	Semaxanibum	194413-58-6
Enfuvirtidum	159519-65-0	Semparatidum	154906-40-8
Eniporidum	176644-21-6	Senazodanum	98326-32-0
Enrasentanum	167256-08-8	Sibenadetum	154189-40-9
Entecavirum	142217-69-4	Sibrotuzumabum	216669-97-5
Enzastaurinum	170364-57-5	Silodosinum	160970-54-7
Epafipasum	208576-22-1	Siplizumabum	288392-69-8
Epitumomabum cituxetanum	263547-71-3	Sipoglitazar	342026-92-0
Epitumomabum	263547-71-3	Siramesinum	147817-50-3
Eplivanserinum	130579-75-8	Sitamaquinum	57695-04-2
Epoetinum zeta	604802-70-2	Sitaxentanum	184036-34-8
Epoetinum delta	261356-80-3	Soblidotinum	149606-27-9
Epratuzumabum	205923-57-5	Solabegronum	252920-94-8
Eptapironum	179756-85-5	Solifenacinum	242478-37-1
Eptaplatinum	146665-77-2	Solimastatum	(none)
Eptoterminum alfa	129805-33-0	Soneclosanum	3380-30-1
Eritoranum	185955-34-4	Sonepiprazolum	170858-33-0
Erlizumabum	211323-03-4	Sorafenibum	284461-73-0
Erlotinibum	183321-74-6	Soraprazanum	261944-46-1
Ertapenemum	153832-46-3	Squalaminum	148717-90-2
Ertiprotafibum	251303-04-5	Stannsoporfinum	106344-20-1
Ertumaxomab	509077-99-0	Sufugolixum	308831-61-0
Escitalopramum	128196-01-0	Sugammadexum	343306-71-8
Esketaminum	33643-46-8	Sulamserodum	(none)
Eslicarbazepinum	104746-04-5	Sumanirolum	179386-43-7
Esmirtazapine	61337-87-9	Sunitinib	557795-19-4
Esomeprazolum	119141-88-7	Surinabant	288104-79-0
Esonarimodum	101973-77-7	Tabimorelinum	193079-69-5
Esoxybutyninum	119618-22-3	Tacapenemum	193811-33-5
Eszopiclonum	138729-47-2	Tacedinalinum	112522-64-2
Etalocibum	161172-51-6	Tadalafilum	171596-29-5
Etanerceptum	185243-69-0	Tadekinigum alfa	220712-29-8
Etravirinum	269055-15-4	Tafenoquinum	106635-80-7
Etilevodopum	37178-37-3	Tafluposidum	179067-42-6
Etipredonil dicloacetas	199331-40-3	Tafluprostum	209860-87-7
Etoricoxibum	202409-33-4	Talabostatum	149682-77-9
Etriciguatum	402595-29-3	Talactoferrinum alfa	308240-58-6
Eufauserasum	(none)	Talaglumetadum	441765-98-6
Evemimicinum	109545-84-8	Talampanelum	161832-65-1
Everolimusum	159351-69-6	Talaporfinum	110230-98-3
Exenatidum	141758-74-9	Talibegronum	146376-58-1
Exatecanum alideximerum	(none)	Talizumabum	380610-22-0
Exatecanum	171335-80-1	Talnetantum	174636-32-9
Exbivirumabum	569658-80-6	Taltobulinum	228266-40-8
Exisulindum	59973-80-7	Tanaprogetum	304853-42-7
Ezetimibum	163222-33-1	Tandutinibum	387867-13-2

Product	CAS No.	Product	CAS No.
Ezlopitantum	147116-64-1	Taneptacoginum alfa	465540-87-8
Fadolmidinum	189353-31-9	Tanogitranum	637328-69-9
Falnidamolum	196612-93-8	Tanomastatum	179545-77-8
Fampronilum	134183-95-2	Tapentadolum	175591-23-8
Fanapanelum	161605-73-8	Taplitumomabum paptoxum	235428-87-2
Fandosentanum	221241-63-0	Taprizosinum	210538-44-6
Farampatorum	211735-76-1	Tariquidarum	206873-63-4
Farglitazarum	196808-45-4	Tasidotin	192658-64-3
Febuxostatum	144060-53-7	Tasquinimod	254964-60-8
Feloprentanum	204267-33-4	Tebaniclinum	198283-73-7
Fesoterodinum	286930-03-8	Tebipenemum pivoxilum	161715-24-8
Fidexabanum	183305-24-0	Tecadenosonum	204512-90-3
Fiduxosinum	208993-54-8	Tecalcetum	148717-54-8
Figopitantum	(none)	Tecastemizolum	75970-99-9
Finafloxacinum	209342-40-5	Technetium (99mtc) fanolesomabum	225239-31-6
Fingolimodum	162359-55-9	Technetium (99mtc) nitridocadum	131608-78-1
Finrozolum	160146-17-8	Teduglutidum	287714-30-1
Fipamezolum	150586-58-6	Tefibazumabum	521079-87-8
Firocoxibum	189954-96-9	Tegaserodum	145158-71-0
Fispemifenum	341524-89-8	Teglicarum	250694-07-6
Flindokalnerum	187523-35-9	Telavanicinum	372151-71-8
Fluoresceinum lisicolum	140616-46-2	Telberminum	205887-54-3
Fondaparinuxum natricum	114870-03-0	Telbivudinum	3424-98-4
Fontolizumabum	326859-36-3	Telithromycinum	173838-31-8
Forodesinum	209799-67-7	Temserolimusum	162635-04-3
Fosamprenavirum	226700-79-4	Tenatoprazolum	113712-98-4
Fosfluconazolum	194798-83-9	Tenecteplasum	191588-94-0
Fosfluridine tidoxil	174638-15-4	Teneliximabum	299423-37-3
Fosfructosum	488-69-7	Tenivastatinum	121009-77-6
Fosvesetum	193901-91-6	Tenofovirum	147127-20-6
Frakefamidum	188196-22-7	Teriflunomidum	108605-62-5
Freselestatum	208848-19-5	Terutroban	165538-40-9
Gadodenteratum	544697-52-1	Tesaglitazarum	251565-85-2
Gadofosvesetum	193901-90-5	Tesetaxel	333754-36-2
Gadomelitolum	227622-74-4	Tesmilifenum	98774-23-3
Galarubicinum	140637-86-1	Tesofensinum	195875-84-4
Galiximabum	357613-77-5	Tetomilastum	145739-56-6
Galsulfasum	552858-79-4	Tetraxetanum	60239-18-1
Ganstigminum	(none)	Tezacitabinum	130306-02-4
Gantacurium chloridum	213998-46-0	Tezosentanum	180384-57-0
Gantofibanum	183547-57-1	Thrombomodulinum alfa	120313-91-9
Garenoxacinum	194804-75-6	Ticalopridum	202590-69-0
Gamocestimum	246861-96-1	Tidembersatum	175013-73-7
Gavilimomabum	244096-20-6	Tifenazoxidum	279215-43-9
Gefitinibum	184475-35-2	Tifuvirtidum	251562-00-2
Gemcabenum	183293-82-5	Tigecyclinum	220620-09-7
Gemifloxacinum	204519-64-2	Tilmacoxibum	180200-68-4
Gemopatrilatum	160135-92-2	Timcodarum	179033-51-3
Gemtuzumabum	220578-59-6	Tipifarnibum	192185-72-1
Gimatecanum	292618-32-7	Tiplimotidum	178823-49-9
Gimeracilum	103766-25-2	Tipranavirum	174484-41-4
Glucarpidasum	9074-87-7	Tisocalcitatum	156965-06-9
Golimumabum	476181-75-5	Tiviciclovirum	103024-93-7
Hemoglobinum raffimerum	197462-97-8	Tocilizumabum	375823-41-9
Hemoglobinum glutamerum	(none)	Tocladesinum	41941-56-4
Hormonum parathyroidum	345663-45-8	Tofimilastum	185954-27-2
Iboctadekinum	479198-61-3	Tolevamerum	28210-41-5
Ibritumomabum tiuxetanum	206181-63-7	Tolvaptanum	150683-30-0
Ibrolipimum	133208-93-2	Tomeglovirum	233254-24-5
Icaridinum	119515-38-7	Tonabersatum	175013-84-0
Iclaprimum	192314-93-5	Topilutamidum	260980-89-0
Icofungipenum	198022-65-0	Toplxantronum	156090-18-5

Product	CAS No.	Product	CAS No.
Icomucretum	54845-95-3	Toralizumabum	252662-47-8
Icrocaptidum	169543-49-1	Torapselum	204658-47-9
Idraparinuxum	149920-56-9	Torcetrapibum	262352-17-0
Idremcinalum	110480-13-2	Torcitabinum	40093-94-5
Idronoxilum	81267-65-4	Tosagestinum	110072-15-6
Idursulfasum	50936-59-9	Tositumomabum	192391-48-3
Iferanserinum	58754-46-4	Trabectedinum	114899-77-3
Iguratimodum	123663-49-0	Travoprostum	157283-68-6
Ilaprazolum	172152-36-2	Traxoprodilum	134234-12-1
Ilodecakinum	149824-15-7	Trecetilidum	180918-68-7
Imatinibum	152459-95-5	Treprostinilum	81846-19-7
Imidafenacinum	170105-16-5	Tretazicar	21919-05-1
Imiglitazarum	250601-04-8	Tridolgosirum	72741-87-8
Implitapidum	177469-96-4	Triplatinum tetranitras	172903-00-3
Indacaterolum	312753-06-3	Trodusqueminum	186139-09-3
Indibulinum	204205-90-3	Troxacitabinum	145918-75-8
Indiplonum	325715-02-4	Tulathromycinum A	217500-96-4
Indisulamum	165668-41-7	Tulathromycinum B	280755-12-6
Inecalcitolum	163217-09-2	Udenafil	268203-93-6
Ingliforibum	186392-65-4	Ulifloxacinum	112984-60-8
Inotuzumabum ozogamicinum	635715-01-4	Uliprisnilum	159811-51-5
Insulinum glulisinum	207748-29-6	Upidosinum	152735-23-4
Insulinum detemirum	169148-63-4	Urtoxazumabum	502496-16-4
Iosimenolum	181872-90-2	Valategrast	220847-86-9
Ipravacainum	166181-63-1	Valdecoxibum	181695-72-7
Irampanelum	206260-33-5	Valomaciclovirum	195157-34-7
Irofulvenum	158440-71-2	Valopicitabine	640281-90-9
Iroxanadinum	276690-58-5	Valrocemidum	92262-58-3
Isalmadolum	269079-62-1	Valrubicinum	56124-62-0
Isatoribinum	122970-40-5	Valtorcitabinum	380886-95-3
Isegananum	257277-05-7	Vandetanibum	443913-73-3
Ismomultinum alfa	457913-93-8	Vangatalcitum	12539-23-0
Ispinesibum	336113-53-2	Vapaliximabum	336801-86-6
Ispronicline	252870-53-4	Vardenafilum	224785-90-4
Istaroxime	203737-93-3	Vareniclinum	249296-44-4
Istradefyllinum	155270-99-8	Varespladibum	172732-68-2
Itriglumidum	201605-51-8	Vatalanibum	212141-54-3
Iturelixumum	112568-12-4	Vepalimomabum	195158-85-1
Ixabepilonum	219989-84-1	Vestipitantum	334476-46-9
Izonsteridum	176975-26-1	Vilazodonum	163521-12-8
Labetuzumabum	219649-07-7	Vildagliptinum	274901-16-5
Labradimilum	159768-75-9	Visilizumabum	219716-33-3
Lacosamidum	175481-36-4	Vofopitantum	168266-90-8
Ladirubicinum	171047-47-5	Volociximab	558480-40-3
Ladostigilum	209394-27-4	Volpristinum	21102-49-8
Lanicemlnum	153322-05-5	Xidecaflurum	207916-33-4
Lanimostimum	117276-75-2	Ximelagatranum	192939-46-1
Lanlquidarum	197509-46-9	Yttrium (90y) tacatuzumabum	476413-07-7
Lapatinibum	231277-92-2	Yttrium (90Y) tacatuzumab tetraxetan	476413-07-7
Lapisteridum	142139-60-4	Zabofloxacin	219680-11-2
Laquinimodum	248281-84-7	Zalutumumab	667901-13-5
Laronidasum	210589-09-6	Zanapezilum	142852-50-4
Lasofoxifenum	180916-16-9	Zanolimumabum	652153-01-0
Latidectinum (component A3)	371918-51-3	Zelandopamum	139233-53-7
Latidectinum (component A4)	371918-44-4	Ziralimumabum	(none)
Leconotidum	247207-64-3	Zonampanelum	210245-80-0
Lecozotan	434283-16-6	Zoniporidum	241800-98-6
Lemalesomabum	250242-54-7	Zosuquidarum	167354-41-8
Lemuteporfinum	215808-49-4	Zoticasonum	(none)
Lenalidomidum	191732-72-6		

2. Table 2 of the Appendix is modified by adding the following chemical or INN derivative names in alphabetical order:

acefurate	dicyclohexylamine	medoxomil
aceglumate	diftitox	merpentan
aceponate	disoproxil	mertansine
acetofenide	N,N-dimethyl-â-alanine	methonitrate
acibutate	ecamate	metiodide
alfoscerate	enbutate	mucate
alideximer	ethylbromide	pegol
4-aminosallcylate	etilsulfate	pentexil
anisatil	ferrous	poliglumex
arbamel	furetonide	raffimer
argine	gadolinium	septahydrate
aritox	gamolenate	sesquihydrate
aspart	glargine	sesquioleate
aspartate	gluisine	soproxil
benetonide	glutamer	stinoprate
R-camphorsulfonate	guacil	succinil
R-camphorsulfonate	guanidine	sudotox
S-camphorsulfonate	hemisuccinate	suleptanate
S-camphorsulfonate	heptahydrate	sulfoxylate
cilexetil	hexacetonide	tafenatox
cituxetan	hydrogen	d-tartaric Acid
clofibrol	2-(4-hydroxybenzoyl)benzoate	d-tartrate
crosfumaril	hydroxynaphthoate	l-tartrate
cyclamate	iodine-131	tetraxetan
cyclohexylamine	lisetil	tidoxil
daloxate	lisicol	tiuxetan
daropate	lispro	tocoferil
defalan	lutetium	trioleate
detemir	lysine	tristearate
dicibate	mafenatox	undecylate

3. Table 3 of the Appendix is modified by adding the following product names, in alphabetical order, in the "Product" column and their CAS numbers in the "CAS Number" column:

Product name	CAS Number
1,2-Bis[2-[2-(2-methoxyethoxy)ethoxy]ethoxy]-4,5-dinitrobenzene	165254-21-7
2,2'-[(3,4-diethyl-1H-pyrrole-2,5-diyl)bis(methylene)] bis[4-methyl-5-[(phenylmethoxy)carbonyl]-1H-pyrrole-3-propanoic acid], dimethyl ester	149365-59-3
5,5'-[(3,4-diethyl-1H-pyrrole-2,5-diyl)bis(methylene)]bis[4-(3-hydroxypropyl)-3-methyl-1H-pyrrole-2-carboxaldehyde]	149365-62-8
6-[(E)-2-[4-(4-fluorophenyl)-2,6-diisopropyl-5-(methoxymethyl)-3-pyridinyl]ethenyl]-4-hydroxytetrahydro-2H-pyran-2-one	158878-46-7
(2E)-3-[4-(4-fluorophenyl)-2,6-diisopropyl-5-(methoxymethyl)-3-pyridinyl]-2-propenal	177964-68-0
N-formylhexopyranosylamine	65293-32-5
1-deoxy-1-(formylamino)hexitol	89182-60-5
N-(3-acetyl-4-(2-oxiranylmethoxy)phenyl]butanamide	28197-66-2
rel-(3R,5S,6E)-7-[4-(4-fluorophenyl)-2,6-diisopropyl-5-(methoxymethyl)pyridin-3-yl]-3,5-dihydroxyhept-6-enoic acid	159813-78-2

Product name	CAS Number
(2R,3R,4R,5S)-2-(hydroxymethyl)-3,4,5-piperidonetriol	19130-96-2
rel-(3R,5R)-3-{(E)-2-[4-(4-fluorophenyl)-2,6-diisopropyl-5-(methoxymethyl)pyridin-3-yl]vinyl}-5-hydroxycyclohexanone	158878-47-8
1-[4-(benzyloxy)phenyl]-1-propanone	4495-66-3
1-[4-(Benzyloxy)phenyl]]-2-[(1-methyl-3-phenylpropyl)amino]-1-propanone	96072-82-1
(tert-Butoxycarbonyl)methyl 2-[1-[(4-chlorophenyl)carbonyl]-5-methoxy-2-methylindol-3-yl]acetate	75302-98-6
2-methoxyethyl(2E)-2-acetyl-3-(3-nitrophenyl)-2-propenoate	39562-22-6
ethyl(2E)-2-acetyl-3-(3-nitrophenyl)-2-propenoate	39562-16-8
Methyl (2E)-2-acetyl-3-(2-nitrophenyl)-2-propenoate	39562-27-1
4-Chlorophenyl 4-(methylsulfanyl)phenyl ether	225652-11-9
(R)-3H-Pyrazolo[4,3-c]pyridin-3-one, 2,3a,4,5,6,7-hexahydro-2-methyl-3a-(phenylmethyl)-, L-tartaric acid salt	193274-37-2
7-Methoxy-6-(3-morpholinopropoxy)-3,4-dihydroquinazolin-4-one	199327-61-2
(2S)-1-{(2S)-2-[(methoxycarbonyl)amino]-3-methylbutanoyl}tetrahydro-1H-pyrrole-2-carboxylic acid	181827-47-4
N-(tert-Butyl)-hydroxylamine acetate	253605-31-1
(S)-1-[(S)-2-(4-methoxybenzamido)-3-methylbutyryl]-N-[(S)-2-methyl-1-(trifluoroacetyl)propyl]pyrrolidine-2-carboxamide	171964-73-1
3-[(4S)-5-oxo-2-(trifluoromethyl)-1,4,5,6,7,8-hexahydro-4-quinolinyl]benzonitrile	172649-40-0
tert-Butyl 2-[(4R,6S)-6-(hydroxymethyl)-2,2-dimethyl-1,3-dioxan-4-yl] acetate	124655-09-0
Methyl 4-(4-fluorophenyl)-6-isopropyl-2-[methyl(methylsulfonyl)amino]pyrimidine-5-carboxylate	160009-37-0
4-[[(3-{[(2,2-dimethylpropanoyl)oxy]methyl}-2,7-dimethyl-4-oxo-3,4-dihydroquinazolin-6-yl)methyl](prop-2-ynyl)amino}-2-fluorobenzoic acid	140373-09-7
{1S-Benzyl-2R-hydroxy-3-[isobutyl-(4-nitrobenzenesulfonyl)amino]propyl}-carbamic acid tetrahydro-furan-3S-yl ester	160231-69-6
N-[(2R,3S)-3-amino-2-hydroxy-4-phenylbutyl]-N-Isobutyl-4-nitrobenzenesulfonamide hydrochloride	244634-31-9
(2R)-2-aminopropan-1-ol	35320-23-1
1-(3,5-difluorophenyl)propan-1-one	135306-45-5
Diethylphosphoryl-(Z)-2-(2-aminothiazol-4-yl)-2-(tert-butoxycarbonyl-Isopropoxy)iminoacetate	179258-52-7
N-(2-Benzoyl-phenyl)-L-tyrosine methyl ester	196810-09-0
Bis(N-methyl-N-phenylhydrazine) sulfate	618-26-8
4-Hydroxy-2-oxo-1,2,5,6-tetrahydropyridine-3-carboxylic acid methyl ester sodium salt	198213-15-9
1-{[(6R,7R)-7-amino-2-carboxy-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-en-3-yl]methyl}pyridinium iodide	100988-63-4
(4S,5R,6R)-5-Acetylamino-4-azido-6-(1S,2R,3-triacetoxypropyl)-5,6-dihydro-4H-pyran-2-carboxylic acid methyl ester hydrate	130525-58-5
2-(5-Methyl-2-phenyl-oxazol-4-yl)ethanol	103788-65-4
[4-(methylthio)phenyl]acetic acid	16188-55-9
tert-Butyl (diethoxyphosphoryl)acetate	27784-76-5
4,6-Difluoroindan-1-one	162548-73-4
(2-oxo-1-phenylpyrrolidin-3-yl)(triphenyl)phosphonium bromide	148776-18-5
2-acetamido-2-deoxy-, beta-D-Mannopyranose	7772-94-3
2-Bromo-4'-hydroxy-3'-(hydroxymethyl)acetophenone	62932-94-9
[4-(methylsulfonyl)phenyl]acetic acid	90536-66-6
Dihydroxyacetic acid, 2S-isopropyl-5R-methyl-1R-cyclohexyl ester	111969-64-3
(4-Hydrazinophenyl)-N-methylmethanesulfonamide hydrochloride	88933-16-8
1-(2,4-Difluorophenyl)-2-(1H-1,2,4-triazol-1-yl)-1-ethanone	86404-63-9
(2RS,3SR)-3-(6-chloro-5-fluoro-4-pyrimidinyl)-2-(2,4-difluorophenyl)-1-(1H-1,2,4-triazol-1-yl)-2-butanol hydrochloride	188416-20-8
2-Ethoxy-5-(4-ethyl-1-piperazinylsulfonyl)nicotinic acid	247582-73-6
(25S)-25-cyclohexyl-5-O-demethyl-25-de(1-methylpropyl)-22,23-dihydroavermectin A_{1a}	142680-85-1
(25S)-25-cyclohexyl-5-demethoxy-25-de(1-methylpropyl)-22,23-dihydro-5-oxoavermectin A_{1a}	220119-16-4
4-Chloro-6-ethyl-5-fluoropyrimidine	137234-74-3
4-(1-Bromoethyl)-6-chloro-5-fluoropyrimidine	188416-28-6
(S)-2-{1-[2,3-Dihydrobenzofuran-5-yl)ethyl]-3-pyrrolidinyl}-2,2-diphenylacetonitrile	252317-48-9
N-methyl-4-nitro-N-[2-(4-nitrophenoxy)ethyl]phenethylamine	115287-37-1

Product name	CAS Number
4-Amino-N-[2-(4-aminophenoxy)ethyl]-N-methylphenylethylamine	115256-13-8
(R)-1-Acetyl-3-(1-methyl-2-pyrrolidinylmethyl)-5-[(E)-2-(phenylsulfonyl)vinyl]-1H-indole	188113-71-5
(R)-3-(1-Methyl-2-pyrrolidinylmethyl)-5-[(E)-2-(phenylsulfonyl)vinyl]-1-Indole	180637-89-2
4-[2-Ethoxy-5-(4-methyl-1-piperazinylsulfonyl)benzamido]-1-3-propyl-1H-pyrazole-5-carboxamide	200575-15-1
[2R-(2R*,3S*,4R*,5R*,8R*,10R*,11R*,12S*,13S*,14R*)]-, 13-[(2,6-dideoxy-3-C-methyl-3-O-methyl-alpha-L-ribo-hexopyranosyl)oxy]-2-ethyl-3,4,10-trihydroxy-3,5,8,10,12,14-hexamethyl-11-[[3,4,6-trideoxy-3-(dimethylamino)-beta-D-xylo-hexopyranosyl]oxy]-1-Oxa-6-azacyclopentadecan-15-one	76801-85-9
2-Quinoxalinecarboxaldehyde 1,4-dioxide dimethyl acetal	32065-66-0
6,6-Dibromopenicillanic acid, 1,1-dioxide	76646-91-8
Carbamic acid 2-(2-chlorophenyl)-2-hydroxyethyl ester	194085-75-1
7-[2-(2-Amino-5-chloro-thiazol-4-yl)-2-hydroxyiminoacetylamino]-3-[3-(2-amino-ethylsulfanylmethyl)pyridin-4-ylsulfanyl]-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid	189448-35-9
(2,6-Dimethylphenoxy)acetic acid	13335-71-2
N'-((1S)-1-[[(2,5-Dioxopyrrolidin-1-yl)oxy]carbonyl}-2-methylpropyl)-N-methyl-N-[(2-isopropyl-1,3-thiazol-4-yl)methyl]urea	224631-15-6
(2S)-3-Methyl-2-(2-oxotetrahydropyrimidin-1(2H)-yl)butanoic acid	192725-50-1
5-Methoxy-2H-chromen-2-one	51559-36-5
3,4-di(1H-indol-3-yl)-1-methyl-1H-pyrrole-2,5-dione	113963-68-1
(2R)-1-{4-[(1aR,10bS)-1,1-difluoro-1,1a,6,10b-tetrahydrodibenzo[a,e]cyclopropa[c]cycloheptен-6-yl]-1-piperazinyl}-3-(5-quinolinyloxy)-2-propanol trihydrochloride	167465-36-3
(3S)-3-{2-[(Methylsulfonyl)oxy]ethoxy}-4-(trityloxy)butyl methanesulfonate	170277-77-7
6-(Benzyloxy)-3-bromo-2-(4-methoxyphenyl)-1-benzothiophene, 1-oxide	182133-09-1
(7S)-7-Methyl-5-(4-nitrophenyl)-7,8-dihydro-5H-[1,3]dioxolo[4,5-g]isochromene	196303-01-2
Blood-coagulation factor XIVa	42617-41-4
4-[2-(1-piperidinyl)ethoxy]benzoyl chloride hydrochloride in the form of a solution in 1,2-dichloroethane	84449-81-0
N-(4-Amino-1-benzyl-3-hydroxy-5-phenyl-pentyl)-3-methyl-2-(2-oxo-tetrahydro-pyrimidin-1-yl)-butyramide; compound with 5-oxo-pyrrolidine-2-carboxylic acid	192726-06-0
(3Z)-4-(Aminomethyl)-3-pyrrolidinone O-methyloxime dihydrochloride	197143-35-4
[(2S)-7-iodo-4-methyl-3-oxo-2,3,4,5-tetrahydro-1H-1,4-benzodiazepin-2-yl]acetic acid	210288-67-8
{(2S)-4-methyl-7-[2-(methyloxy)-2-oxoethyl]-3-oxo-2,3,4,5-tetrahydro-1H-1,4-benzodiazepin-2-yl}acetic acid	193077-87-1
1-[3-(cyclopentyloxy)-4-(methyloxy)phenyl]-4-oxocyclohexanecarbonitrile	152630-47-2
Dimethyl 4-cyano-4-[3-(cyclopentyloxy)-4-(methyloxy)phenyl]heptanedioate	152630-48-3
2-[(Carboxyacetyl)amino]benzoic acid	53947-84-5
2-(4-Oxopentyl)-1H-isoindole-1,3(2H)-dione	3197-25-9
4-Methyl-2,6-bis(methyloxy)-5-{[3-(trifluoromethyl)phenyl]oxy}-8-quinolinamine	106635-86-3
4-Methyl-2,6-bis(methyloxy)-8-nitro-5-{[3-(trifluoromethyl)phenyl]oxy}quinoline	189746-15-4
5-Chloro-4-methyl-2,6-bis(methyloxy)-8-nitroquinoline	189746-21-2
5-Chloro-4-methyl-2,6-bis(methyloxy)quinoline	189746-19-8
4-Methyl-2,6-bis(methyloxy)quinoline	6340-55-2
4-Methyl-6-(methyloxy)-2(1H)-quinolinone	5342-23-4
Methyl (1S,2S)-1-(1,3-benzodioxol-5-yl)-3-[2-hydroxy-4-(methyloxy)phenyl]-5-(propyloxy)-2,3-dihydro-1H-indene-2-carboxylate	167256-05-5
Methyl (1S,2S)-1-(1,3-benzodioxol-5-yl)-3-{4-(methyloxy)-2-[(phenylmethyl)oxy]phenyl}-5-(propyloxy)-2,3-dihydro-1H-Indene-2-carboxylate	191106-49-7
[2-Bromo-5-(propyloxy)phenyl][2-hydroxy-4-(methyloxy)phenyl]methanone	190965-45-8
(R)-(-)-alpha-(p-Chlorophenyl)-4-(p-fluorobenzyl)-1-piperidineethanol	127293-57-6
(R)-(-)-alpha-(p-Chlorophenyl)-4-(p-fluorobenzyl)-1-piperidineethanol HCl salt	178460-82-7
1-[2-(4-phenylphenyl)ethyl]-4-[3-(trifluoromethyl)phenyl]-1,2,5,6-tetrahydropyridine, hydrochloride	188396-54-5
N-(1-(2-[2-(3,4-difluorophenyl)-4-(phenylcarbonyl)morpholin-2-yl]ethyl)-4-phenyl(4-piperidyl))(dimethylamino)carboxamide, hydrochloride	181640-09-5
1-ethyl-9-methoxy-2,3,5,6,7-pentahydropyridino[2,1-a]beta-carbolin-4-one	244080-24-8

Product name	CAS Number
N-[(1-{[2-(diethylamino)ethyl]amino}-8-methoxy-10-oxobenzo[e]benzo[2,3-beta]thiin-4-yl)methyl]carboxamide	155990-20-8
2-(2-{N-[4-(4-chloro-2,5-dimethoxyphenyl)-5-(2-cyclohexylethyl)(1,3-thiazol-2-yl)]carbamoyl}-5,7-dimethylindolinyl)acetic acid, potassium salt	221671-63-2
[3-(2-amino-1-hydroxyethyl)-4-fluorophenyl](methylsulfonyl)amine	137431-02-8
3-(2-amino-1-hydroxyethyl)-4-methoxybenzenesulfonamide	189814-01-5
3-(Methoxymethyl)-7-(4,4,4-trifluorobutoxy)-4,5,10,3a-tetrahydro-3H,3aH-1,3-oxazolidino[3,4-a]quinolin-1-one	176773-87-8
(5S)-5-(Methoxymethyl)-3-[6-(4,4,4-trifluorobutoxy)benzo[d]isoxazol-3-yl]-1,3-oxazolidin-2-one	185835-97-6
N-(3,4-dichlorophenyl)-N-[3-(indan-2-ylmethylamino)propyl]-2-5,6,7,8-tetrahydronaphthylcarboxamide	170361-49-6
7,8-Dihydro-6-oxa-1,8a-diazaacenaphthylene-2-carboxylic acid 8-methyl-8-aza-bicyclo[3.2.1]oct-3-yl ester	223570-85-2
N-[((2R)-1,4-diazabicyclo[2.2.2]oct-2-yl)methyl](8-amino-7-chloro(2H,3H-benzo[e]1,4-dioxan-5-yl))carboxamide	186348-69-6
5-(8-amino-7-chloro(2H,3H-benzo[e]1,4-dioxan-5-yl))-3-[1-(2-phenylethyl)(4-piperidyl)]-1,3,4-oxadiazolin-2-one	191023-43-5
2-{7-fluoro-2-oxo-4-[2-(4-thiopheno[3,2-c]pyridin-4-ylpiperazinyl)ethyl]hydroquinolyl}acetamide	189003-92-7
6-Fluoro-9-methyl-2-phenyl-4-(pyrrolidinylcarbonyl)-2-hydro-beta-carbolin-1-one	205881-86-3
2-({3-[5-(6-methoxynaphthyl)(1,3-dioxan-2-yl)]propyl}methylamino)-N-methylacetamide	192201-93-7
N-1-(tert-butoxycarbonyl)-N-2-[4-(pyridin-2-yl)benzyl]hydrazine	198904-85-7
N-(tert-butoxycarbonyl)-2(S)-amino-1-phenyl-2(R)-3,4-epoxybutane	98760-08-8
N-methoxycarbonyl-L-tert-leucine	162537-11-3
N-1-(tert-butoxycarbonyl)-N-2-[2(S)-hydroxy-3(S)-(tert-butoxycarbonyl)-4-phenylbutyl]-N-2-[4-(pyridin-2-yl)benzyl]hydrazine	198904-86-8
Cephalosporin D dicyclohexylamine salt	54122-50-8
(R*,S*)-(+/-)-{(4-phenylbutyl)[1-(propionyloxy)isobutoxy]phosphinyl}acetic acid	123599-82-6
1,4-Dithia-7-azaspiro[4.4]nonane-8-carboxylic acid, hydrobromide	75776-79-3
3-Methylpyridine-2-carboxylic acid	4021-07-2
5-(4-fluorophenyl)-5-oxopentanoic acid	149437-76-3
4-{[(4-fluorophenyl)imino]methyl}phenol	3382-63-6
(4S)-3-[(5R)-5-(4-fluorophenyl)-5-hydroxypentanoyl]-4-phenyl-1,3-oxazolidin-2-one	189028-95-3
5-Bromotryptophan	6548-09-0
Tert-Butyl(6-{2-[4-(4-fluorophenyl)-6-isopropyl-2-[methyl(methanesulfonyl)amino]pyrimidin-5-yl]vinyl}(4R,6S)-2,2-dimethyl[1,3]dioxan-4-yl) acetate	289042-12-2
(3R)-N-methyl-3-phenyl-3-[4-(trifluoromethyl)phenoxy]-1-propanamine hydrochloride	114247-09-5
methyl (2R)-2-amino-3-(1H-indol-3-yl)propanoate hydrochloride	14907-27-8
Sodium ({3-[amino(oxo)acetyl]-1-benzyl-2-ethyl-1H-indol-4-yl}oxy)acetate	172733-42-5
2-Amino-bicyclo[3.1.0]hexane-2,6-dicarboxylic acid; hydrate	209216-09-1
tert-Butyl (4S)-4-ethyl-4,6-dihydroxy-3,10-dioxo-3,4,8,10-tetrahydro-1H-pyrano[3,4-f]indolizine-7-carboxylate	183434-04-0
(4S)-4,11-diethyl-4,9-dihydroxy-1H-pyrano[3',4':6,7]indolizino[1,2-b]quinoline-3,14(4H,12H)-dione	86639-52-3
(3alphaR, 4R, 5R, 6aalphaS)-5-Hydroxy-4-[(3R)-3-hydroxy-5-phenylpentyl]hexahydro-2H-cyclopenta[b]furan-2-one	145667-75-0
1-Benzyl-4H-imidazo[4,5,1-ij]quinolin-2(1H)-one	227025-33-4
(5R,6R)-1-benzyl-5-hydroxy-6-(methylamino)-5,6-dihydro-4H-imidazo[4,5,1-ij]quinolin-2(1H)-one	269731-84-2
3-{(2S,3S)-2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)amino]-4-phenylbutanoyl}-5,5-dimethyl-N-(2-methylbenzyl)-1,3-thiazolidine-4-carboxamide	186538-00-1
(2S)-3-chloropropane-1,2-diol	60827-45-4
Methyl (2R)-3-{2-[(5R)-3-(4-cyanophenyl)(4,5-dihydroisoxazol-5-yl)]acetylamino}-2-(butoxycarbonylamino)propanoate	188016-51-5
3-((1R)-1-phenylethyl)(4S)-6-chloro-4-(2-cyclopropylethynyl)-4-(trifluoromethyl)-1,3,4-trihydroquinazolin-2-one	247565-04-4
4-((1E)-2-cyclopropylvinyl)(4S)-6-chloro-4-(trifluoromethyl)-1,3,4-trihydroquinazolin-2-one	214287-99-7

Product name	CAS Number
4-amino-1-[(2R,5S)-2,5-dihydro-5-(hydroxymethyl)-2-furanyl]-5-fluoro-2-(1H)-pyrimidone.	134379-77-4
(4S)-6-chloro-4-(2-cyclopropylethynyl)-4-(trifluoromethyl)-1,3,4-trihydroquinazolin-2-one	214287-88-4
2-(Benzyloxymethyl)-4-isopropyl-1H-imidazole	178982-67-7
5-[3,5-dichlorophenyl)thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol	178981-89-0
2-(2-chloro-4-iodophenylamino)-N-(cyclopropylmethoxy)-3,4-difluorobenzamide	212631-79-3
6-(2-(4-(4-fluorobenzyl)piperidin-1-yl)ethylsulfinyl)benzo[d]oxazol-2(3H)-one	253450-09-8
tert-butyl (2-((4,5-dihydro-5-oxo-1,2,4-oxadiazol-3-yl)methyl)cyclohexyl)methylcarbamate	227626-65-5
3-((2-(aminomethyl)cyclohexyl)methyl)-1,2,4-oxadiazol-5(4H)-one	227625-35-6
3,4'-Dichloro-2'-[(5-chloro-2-pyridyl)carbamoyl]-6'-methoxy-4-[(2-methylamino-1H-imidazol-1-yl)methyl]thiophene-2-carboxanilide	229336-92-9
(1aR,10bS)-1,1-difluoro-1,1,1a,6,10b-tetrahydrodibenzo[a,e]cyclopropa[c]cycloheptен-6-ol	167155-76-2
(2S)-2-({3[(tert-butoxycarbonyl)amino]-2,2-dimethylpropanoyl}oxy)-4-methylpentanoic acid	186193-10-2
(3S,10R,16S)-10-(3-Chloro-4-methoxybenzyl)-3-isobutyl-6,6-dimethyl-16-{(1S)-1-[(2R,3R)-3-phenyloxiranyl]ethyl}-1,4,dioxa-8,11,diazacyclohexadec-13-ene-2,5,9,12-tetrone	204990-60-3
3-Amino-2-pyrazinecarboxylic acid	5424-01-1
Methyl 3-amino-2-pyrazinecarboxylate	16298-03-6
2,4(3H,8H)-Pteridinedione	487-21-8
1-(2,3-Dichloro-4-hydroxyphenyl)-1-butanone	2350-46-1
[(4-Butanoyl-2,3-dichlorophenyl)oxy]acetic acid	1217-67-0
(1R)-1-Hydroxy-1-(3-hydroxyphenyl)-2-propanone	82499-20-5
N-[2-Chloro-3-(dimethylamino)-2-propenylidene]-N-methylmethanaminium hexafluorophosphate	249561-98-6
1-(6-Methyl-3-pyridinyl)-2-[4-(methylsulfonyl)phenyl]ethanone	221615-75-4
3-[[(4S)-4-Sulfanyl-L-prolyl]amino]benzoic acid monohydrochloride	219909-83-8
(1R)-1-[3,5-Bis(trifluoromethyl)phenyl]ethanol	127852-28-2
(1R)-1-[3,5-Bis(trifluoromethyl)phenyl]ethanol as a solution in acetonitrile	127852-28-2
4-(1H-1,2,4-Triazol-1-ylmethyl)phenylamine	119192-10-8
2-[5-(1H-1,2,4-Triazol-1-ylmethyl)-1H-indol-3-yl]ethanol	160194-39-8
2-Bromo-1-[4-(methylsulfonyl)phenyl]ethanone	50413-24-6
4-(4-Chloro-1,2,5-thiadiazol-3-yl)morpholine	30165-96-9
4-(4-Chloro-1,2,5-thiadiazol-3-yl)morpholine as a solution in toluene	30165-96-9
[(5S)-3-(1,1-Dimethylethyl)-2-phenyl-1,3-oxazolidin-5-yl]methanol	194861-99-9
N-(Butylsulfonyl)-O-[4-(4-pyridinyl)butyl]-L-tyrosine	149490-61-9
N-(Butylsulfonyl)-L-tyrosine	149490-60-8
Mixture of sennoside A and B	517-43-1
Mixture of sennoside A and B calcium salts	52730-36-6
Mixture of sennoside A and B calcium salts	52730-37-7
(2-Mercapto-4-methyl-thiazol-5-yl)acetic acid	34272-64-5
2,4-Dichloro-5-methanesulfonylbenzoic acid	2736-23-4
1-[[(6R,7R)-7-[(Z)-2-(5-Amino-1,2,4-thiadiazol-3-yl)-2-(methoxyimino)acetylamino]-2-carboxylat-8-oxo-5-thia-l-azabicyclo[4.2.0]oct-2-en-3-yl]methyl]imidazo[1,2-b]pyridazin-4-ium monohydrochloride	197897-11-3
Diphenylmethyl (6R,7R)-3-methylsulfonyloxy-8-oxo-7-phenylacetylamino-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate	92096-37-2
Diphenymethyl (6R,7R)-7-amino-3-methanesulfonyloxy-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate monohydrochloride	127111-98-2
Diphenylmethyl (6R,7R)-7-[(Z)-2-(2-tert-butoxycarbonylaminothiazol-4-yl)-2-(triphenylmethyloxyimino)acetamido]-8-oxo-3-(1H-1,2,3-triazol-4-yl)thiomethylthio-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate	140128-37-6
N-alpha-9-Fluorenylmethoxycarbonyl-L-alanine	35661-39-3
N-alpha-Fluorenylmethoxycarbonyl-N-beta-trityl-L-asparagine	132388-59-1
N-alpha-Fluorenylmethoxycarbonyl-L-leucine	35661-60-0
N-alpha-9-Fluorenylmethoxycarbonyl-L-aspartic acid beta-t-butyl ester	71989-14-5
N-alpha-9-Fluorenylmethoxycarbonyl-L-glutamic acid gamma-t-butyl ester	71989-18-9

Product name	CAS Number
N-alpha-9-Fluoroenylmethoxycarbonyl-N-gamma-trityl-L-glutamine	132327-80-1
N-alpha-9-Fluorenylmethoxycarbonyl-L-glutamine	71989-20-3
N-alpha-9-Fluoroenylmethoxycarbonyl-N-im-trityl-L-histidine	109425-51-6
N-alpha-9-Fluorenylmethoxycarbonyl-L-isoleucine	71989-23-6
N-alpha-9-Fluorenylmethoxycarbonyl-N-alpha-t-butyloxycarbonyl-L-lysine	71989-26-9
Dithiothreitol	3483-12-3
L-Glutamine, N-acetyl-O-(1,1-dimethylethyl)-L-tyrosyl-O-(1,1-dimethylethyl)-L-threonyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-L-isoleucyl-1-(triphenylmethyl)-L-histidyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-L-isoleucyl-L-.alpha.-glutamyl-L-.alpha.-glutamyl-O-(1,1-dimethylethyl)-L-seryl-N-trityl-L-glutaminyl-N-trityl-L-asparaginyl-N-trityl-L-glutaminyl-, 10,11-bis(1,1-dimethylethyl) ester	244191-88-6
L-Leucine, N-[(9H-fluoren-9-ylmethoxy)carbonyl]-L-.alpha.-glutamyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-N-trityl-L-asparaginyl-L- .alpha.-glutamyl-N-trityl-L-glutaminyl-L-.alpha.-glutamyl-L-leucyl-L-leucyl-L-.alpha.-glutamyl-, 1,4,6,9-tetrakis(1,1-dimethylethyl) ester	244191-94-4
L-Tryptophan, N-[(9H-fluoren-9-ylmethoxy)carbonyl]-L-.alpha.-aspartyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-L-alanyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-N-trityl-L-asparaginyl-1-[(1,1-dimethylethoxy)carbonyl]-, 1-(1,1-dimethylethyl) ester	244191-96-6
L-Phenylalaninamide, L-.alpha.-aspartyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-L-alanyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-N-trityl-L-asparaginyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-, 1,1-dimethylethyl ester	244191-95-5
L-Phenylalaninamide, N-[(9H-fluoren-9-ylmethoxy)carbonyl]-L-.alpha.-glutamyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-N-trityl-L-asparaginyl-L-.alpha.-glutamyl-N-trityl-L-glutaminyl-L-.alpha.-glutamyl-L-leucyl-L-leucyl-L-.alpha.-glutamyl-L-leucyl-L-.alpha.-aspartyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-L-alanyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-N-trityl-L-asparaginyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-, pentakis(1,1-dimethylethyl) ester	244244-29-9
L-Phenylalaninamide, L-.alpha.-glutamyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-N-trityl-L-asparaginyl-L-.alpha.-glutamyl-N-trityl-L-glutaminyl-L-.alpha.-glutamyl-L-leucyl-L-leucyl-L-.alpha.-glutamyl-L-leucyl-L-.alpha.-aspartyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-L-alanyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-N-trityl-L-asparaginyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-, pentakis(1,1-dimethylethyl) ester, monohydrochloride	244244-31-3
L-Phenylalaninamide, N-acetyl-O-(1,1-dimethylethyl)-L-tyrosyl-O-(1,1-dimethylethyl)-L-threonyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-L-isoleucyl-1-trityl-L-histidyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-L-isoleucyl-L-.alpha.-glutamyl-L-.alpha.-glutamyl-O-(1,1-dimethylethyl)-L-seryl-N-trityl-L-glutaminyl-N-trityl-L-asparaginyl-N-trityl-L-glutaminyl-L-glutaminyl-L-.alpha.-glutamyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-N-trityl-L-asparaginyl-L-.alpha.-glutamyl-N-trityl-L-glutaminyl-L-.alpha.-glutamyl-L-leucyl-L-leucyl-L-.alpha.-glutamyl-L-leucyl-L-.alpha.-aspartyl-N6-[(1,1-dimethylethoxy)carbonyl]-L-lysyl-1-[(1,1-methylethoxy)carbonyl]-L-tryptophyl-L-alanyl-O-(1,1-dimethylethyl)-L-seryl-L-leucyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-N- trityl-L-asparaginyl-1-[(1,1-dimethylethoxy)carbonyl]-L-tryptophyl-, heptakis(1,1-dimethylethyl) ester	244244-26-6
N-alpha-Fluorenylmethoxycarbonyl-O-t-butyl-L-serine	71989-33-8
N-alpha-Fluorenylmethoxycarbonyl-O-t-butyl-L-threonine	71989-35-0
N-alpha-Fluorenylmethoxycarbonyl-N-in-t-butyloxycarbonyl-L-tryptophan	143824-78-6
N-alpha-Fluorenylmethoxycarbonyl-O-t-butyl-L-tyrosine	71989-38-3
L-Phenylalanine amide	65864-22-4
N-Hydroxy-7-azabenzotriazole	39968-33-7
3,5,9-trioxa-4-phosphaheptacosan-1-aminium,4-hydroxy-7-methoxy-N,N,N-trimethyl-, inner salt, 4-oxide, (R)-	77286-66-9
9, 11, 15-trioxa-6-aza-10-phosphatritriacont-24-enoic acid, 10-hydroxy-5, 16-dioxo-13-[[(9Z)-1-oxo-9-octadecenyl]oxy]-,10-oxide, (13R,24Z-	228706-30-7
3,5,9-Trioxa-4-phosphaheptacos-18-en-1-aminium, 4-hydroxy-N,N,N-trimethyl-10-oxo-7-[[(9Z)-1-oxo-9-octadecenyl]oxy]-,inner salt, 4-oxide, (7R,18Z)-	4235-95-4

Product name	CAS Number
(2R,3S)-2-[(1R)-1-[3,5-bis(trifluoromethyl)phenyl]ethoxy]-3-(4-fluorophenyl)morpholine hydrochloride	171482-05-6
2-Hydroxy-4-(phenylmethyl)-3-morpholinone	287930-73-8
(2R)-2-[[(1R)-1-[3,5-Bis(trifluoromethyl)phenyl]ethyl]oxy]-4-(phenylmethyl)-3-morpholinone	287930-75-0
(1S)-1-[3-[(E)-2-(7-Chloro-2-quinolinyl)ethenyl]phenyl]-3-[2-(1-hydroxy-1-methylethyl)phenyl]-1-propanol	287930-77-2
Methyl 2-[(3S)-3-[3-[(E)-2-(7-chloro-2-quinolinyl)ethenyl]phenyl]-3-hydroxypropyl]benzoate monohydrate	287930-78-3
5-[(2,4-Dioxo-1,3-thiazolidin-5-yl)methyl]-2-(methyloxy)-N-[[4-(trifluoromethyl)phenyl]methyl]benzamide	213252-19-8
[(1S,4R)-4-Aminocyclopent-2-en-1-yl]methanol hydrochloride	168960-19-8
(4-Phenylbutyl)-phosphinic acid	86552-32-1
4-Cyclohexyl-pyrrolidine-2-carboxylic acid	103201-78-1
2-Methyl-2-phenyl-propionic acid ethyl ester	2901-13-5
1H-Pyrrolizine-1,7-dicarboxylic acid, 2,3-dihydro-, 1-methyl ester	92992-17-1
6,6-Dimethyl-2(E)-Hepten-4-yn-1-ol	173200-56-1
5-amino-2,4,6-triiodo-3-(N-2-hydroxyethyl) carbamoyl benzoic acid	22871-58-5
(R)-2-Benzyloxycarbonylamino-3-phenylsulfanylpropionic acid methyl ester	153277-33-9
(1S,5R,6S)-5-(1-Ethylpropoxy)-7-oxabicyclo[4.1.0]hept-3-ene-3-carboxylic acid ethyl ester	204254-96-6
(3R,4S,5R)-5-Azido-3-(1-ethylpropoxy)-4-hydroxy-cyclohex-1-enecarboxylic acid ethyl ester	204254-98-8
(1R,5R,6R)-5-(1-Ethylpropoxy)-7-aza-bicyclo[4.1.0]hept-3-ene-3-carboxylic acid ethyl ester	204255-02-7
(3R,4R,5S)-4-Acetylamino-5-azido-3-(1-ethylpropoxy)cyclohex-1-enecarboxylic acid ethyl ester	204255-06-1
(2S)-hydroxy(phenyl)ethanoic acid compound with (1S)-3-(dimethylamino)-1-(2-thienyl)-1-propanol (1:1)	287737-72-8
(2S-3R)-4-Dimethylamino-3-methyl-1,2-diphenylbutan-2-ol in the form of a solution in toluene	38345-66-3
Benzyl (1S,2R)-1-carbamoyl-2-hydroxypropylcarbamate	49705-98-8
Methanesulfonic acid 2-benzyloxycarbonylamino-2-carbamoyl-1-methyl-ethyl ester	80082-51-5
1-Butanaminium, N,N,N-tributyl-, salt with (2S-trans)-2-methyl-4-oxo- 3 -[(phenylmethoxy)carbonyl]amino]-1-azetidinesulfonic acid (1:1)	80082-62-8
(2S,3S)-3-amino-2-methyl-4-oxoazetidine-1-sulfonic acid	80082-65-1
Potassium 3-[2-(2-formylaminothiazol-4-yl)-2-oxoacetylamino]-2-methyl-4-oxoazetidine-1-sulfonate	88023-65-8
(2S,4S)-4-phenylpyrrolidine-2-carboxylic acid	96314-26-0
1-Bromo-2-methyl propyl propionate	158894-67-8
1-Benzoyl-4-hydroxy-pyrrolidine-2-carboxylic acid	31560-19-7
1-Benzoyl-4-hydroxy-pyrrolidine-2-carboxylic acid methyl ester	31560-20-0
(Cis)-1-Benzoyl-4-[(4-methysulfonyl)oxy]-L-proline	120807-02-5
(R)-5-(1,3,6,2-dioxazaborocan-2-yl)-1-methyl-2-tritylisoindoline	223595-20-8
Ethyl 7-bromo-1-cyclopropyl-8-(difluoromethoxy)-1,4-dihydro-4-oxoquinoline-3-carboxylate	194805-07-7
Ethyl 1-cyclopropyl-8-(difluoromethoxy)-1,4-dihydro-7-((1R)-1-methyl-2-tritylisoIndolin-5-yl)-4-oxoquinoline-3-carboxylate	194804-45-0
4-(Nitroxy)butyl (2S)-2-(6-methoxy-2-naphthyl)propanoate	163133-43-5
5-(3-Chloropropyl)-3-methylisoxazole	130800-76-9
Phenol, 2, 2'-[(4-hydroxyphenyl)methylene]bis[4-[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]-	235106-62-4
4-Amino-5-chloro-2-methoxy-N-(3-methoxy-piperidin-4-yl)-benzamide	221180-26-3
(2-Chlorophenyl)acetic acid	2444-36-2
(2R)-2-(2-chlorophenyl)-2-hydroxyethanoic acid	52950-18-2
2-thienylacetonitrile	20893-30-5
2,2-Dimethylpropionyloxymethyl(6R,7R)-7-[(2z)-[2-[[2)-[[(1,1-dimethylethoxy)carbonyl]amino]-4-thiazolyl](methoxyimino)acethyl]amino]-8-oxo-5-thia-1-azabicyclo[4.2.0]octa-2-ene-2-carboxylate	135790-89-5
(6R,7R)-7-Amino-8-oxo-5-thia-1-azabicyclo[4.2.0]octa-2-ene-2-carboxylic acid	36923-17-8
Diphenylmethyl(2S,5R)-6,6-dibromo-3,3-dimethyl-7-oxo-4-thia-1-[3.2.0]heptane-2-carboxylate 4-oxide	113891-01-3
1-(2,3-Dichlorophenyl) piperazine	119532-26-2
2-(2S,3R)-2-(1S)-2-[(4-Chlorophenyl)sulfanyl]-1-methyl-2-oxoethyl-3-[(1S)-1-hydroxyethyl]-4-oxoazetanylacetic acid	105318-28-3
3-(Methylphenylamino)-2-propenal	14189-82-3
N,N'-Bis(phenylmethyl)-1,2-ethanediamine diacetate	140-28-3

Product name	CAS Number
5,6,7,8-Tetrahydroquinoline	10500-57-9
O-[(2Z)-2-(2-Amino-1,3-thiazol-4-yl)-2-(methoxyimino)ethanoyl] 0,0-diethyl thiophosphate	162208-27-7
Sodium (2R)-cyclohexa-1,4-dien-1-yl {[(1E)-1-(methoxycarbonyl)prop-1-enyl]amino}acetate	26774-89-0
(2R)-2-Amino-2-phenylacetamide	6485-67-2
{[(6-Ethyl-4,5-dioxohexahydropyridazin-3-yl)carbonyl]amino}(4-hydroxyphenyl)acetic acid	62893-24-7
N-[2-Fluoro-5-({3-[(E)-2-pyridin-2-ylvinyl]-1H-indazol-6-yl}amino)phenyl]-1,3-dimethyl-1H-pyrazole-5-carboxamide	319460-94-1
N-Methyl-2-({3-[(E)-2-pyridin-2-yvinyl]-1H-indazol-6-yl}thio)benzamide	319460-85-0
8-Fluoro-2-{4-[(methylamino)methyl]phenyl}-1,3,4,5-tetrahydro-6H-azepino[5,4,3-cd]indol-6-one	283173-50-2
2-Oxo-bicyclo[3.1.0]hexane-6-carboxylic acid ethyl ester	134176-18-4
4-[2-(2-amino-4-oxo-4,7-dihydro-3H-pyrroio[2,3-d]pyrimidin-5-yl)ethyi]benzoic acid	137281-39-1
(3S)-3-{2-[(Methylsulfonyl)oxy]ethoxy}-4-(trityloxy)butyl methanesulfonate in the form of a solution in N,N-dimethyl-Formamide	170277-77-7 & 68-12-2
8,10-Dioxospiro[bicyclo[3.1.0]hexane-2,5'-imidazolidine]-6-carboxylic acid	186462-71-5
3-(Methylamino)-1-phenyl-1-propanol	42142-52-9
4-[2-(1-piperidinyl)ethoxy]benzoyl chloride hydrochloride	84449-81-0
(2S)-2-[(S)-(2-ethoxyphenoxy)(phenyl)methyl]morpholine	98819-76-2
(1S,4R)-4-Hydroxycyclopent-2-en-1-yl acetate	60176-77-4
(2R,3S,5S)-5-(4-(Benzoylamino)-2-oxo-1(2H)-pyrimidinyi)-2-{[bis(4-methoxyphenyl)(phenyl)methoxy]methyl}tetrahydrofuranyl 2-cyanoethyl diisopropylamidophosphite	102212-98-6
(2R,3S,5S)-2-{[bis(4-methoxyphenyl)(phenyl)methoxy]methyl}-5-[2-(isobutyrylamino)-6-oxo-1,6-dihydro-9H-purin-9-yl]tetrahydrofuranyi 2-cyanoethyldiisopropylamidophosphite	93183-15-4
(2R,3S,5S)-2-{[bis(4-methoxyphenyl)(phenyl)methoxy]methyl}-5-(5-methyl-2,4-dioxo-3,4-dihydro-1(2H)-pyrimidinyl)tetrahydrofuranyl 2-cyanoethyldiisopropylamidophosphite	98796-51-1
(2R,3S,5S)-5-[6-(Benzoylamino)-9H-purin-9-yl]-2-{[bis(4-methoxyphenyl)(phenyl)methoxy]methyl}tetrahydrofuranyl 2-cyanoethyldiisopropylamidophosphite	98796-53-3
(±)-N-[1-Cyano-2-(4-hydroxyphenyl)-1-methylethyl]acetamide	31915-40-9
2-Pyrimidinecarbonitrile	14080-23-0
Dimethyl (o-methoxyphenoxy)malonate	(none)
1-(4-Fluorobenzyl)-2-chlorobenzimidazole hydrochloride	84946-20-3
4-Amino-1-carbethoxypiperidine	58859-46-4
1-(4-chlorophenyl)cyclobutanecarbonitrile	28049-61-8
(1R)-1-[1-(4-chlorophenyi)cyclobutyl]-3-methylbutan-1-amine with (2S,3S)-2,3-dihydroxysuccinic acid	259729-93-6
3-Ethyl 5-methyl 2-[(2-aminoethoxy)methyl]-4-(2-chlorophenyl)-6-methyl-1,4-dihydropyridine-3,5-dicarboxylate	103129-82-4
(2S)-Cyclohexyl(hydroxy)phenylacetic acid	20585-34-6
Cyclohexyl(hydroxy)phenylacetic acid	4335-77-7
1,3-Benzenedimethanol, 1-[[(1,1-dimethylethyl)amino]methyl]-4-(phenylmethoxy)-	56796-66-8
4-[(1R)-2-(tert-Butylamino)-1-hydroxyethyl]-2-(hydroxymethyl)phenol hydrochloride	50293-90-8
(1R)-2-(tert-butylamino)-1-[4-(benzyloxy)-3-(hydroxymethyl)phenyl]ethanol	174607-68-2
1-[4-(Benzyloxy)-3-nitrophenyl]-2-bromoethanone	43229-01-2
(2S)-hydroxy(phenyl)acetic acid compound with (1R)-2-(4-methoxyphenyl)-1-methylethylamine (1:1)	188690-84-8
N1-{4-[4-(4-hydroxyphenyl)piperazino]phenyl}-1-[(1S,2S)-1-ethyl-2-methyl-3-phenoxypropyl]-1-hydrazinecarboxamide	345217-02-9
1-[1-(4-Chlorophenyl)cyclobutyl]-3-methylbutan-1-amine	84467-54-9
(1S)-1-[1-(4-Chlorophenyl)cyclobutyl]-3-methylbutan-1-amine with (2S,3S)-2,3-dihydroxysuccinic acid	389056-74-0
6-(5-Chloropyridin-2-yl)-5H-pyrrolo[3,4-b]pyrazine-5,7(6H)-dione	43200-82-4
6-(5-Chloropyridin-2-yi)-7-oxo-6,7-dihydro-5H-pyrrolo[3,4-b]pyrazin-5-yl piperazine-1-carboxylate	59878-63-6
N-[(2R,3S)-3-amino-2-hydroxy-4-phenylbutyl]-N-(2-methylpropyl)-4-aminobenzenesulfonamide	169280-56-2
3,10-Dibromo-8-chloro-5,6-dihydro-5H-benzo[5,6]cyclohepta[1,2-b]pyridine	272107-22-9
1-[2-[(tert-Butoxycarbonyl)piperidin-4-yl]acetyl]-4-mesyloxypiperidine	440634-25-3
4-(2-Piperidinoethoxy)benzaldehyde	26815-04-3
2',4'-Dihydroxy-2-(4-hydroxyphenyl)acetophenone	17720-60-4

Product name	CAS Number
1-[2-hydroxy-4-[(tetrahydro-2H-pyran-2-yl)oxy]phenyl]-2-[4-[(tetrahydro-2H-pyran-2-yl)oxy]phenyl]ethanone	130064-21-0
2-(Dimethylamino)-2-phenylbutan-1-ol	58997-87-8
2,3-Dimethyl-4-nitropyridine 1-oxide	37699-43-7
5-(chloromethyl)-1,2-dihydro-3H-1,2,4-triazol-3-one	252742-72-6
(2R,3R)-2-[(Benzoyloxy)methyl]-4,4-difluoro-5-oxotetrahydrofuranyl benzoate	122111-01-7
(2-Butyl-1H-imidazol-5-yl)methanol	68283-19-2
Thiophene-2-carboxaldehyde	98-03-3
2-Iodo-3,4-dimethoxy-6-nitrobenzonitrile	192869-10-6
6-Amino-2-iodo-3,4-dimethoxybenzonitrile	192869-24-2
N-(1,2,3,4-Tetrahydro-5-isoquinolyl)methanesulfonamide hydrochloride	210538-75-3
4-Amino-5-ethyl-1-(2-methoxyethyl)-1H-pyrazole-3-carboxamide	334828-10-3
N-[3-Carbamoyl-5-ethyl-1-(2-methoxyethyl)-1H-pyrazol-4-yl]-2-ethoxy-5-(4-ethyl-1-piperazinylsulfonyl)nicotinamide	334828-19-2
1-{6-Ethoxy-5-[3-ethyl-6,7-dihydro-2-(2-methoxyethyl)-7-oxo-2H-pyrazolo[4,3-d]pyrimidin-5-yl]-3-pyridylsulfonyl}-4-ethylpiperazine	334826-98-1
1-{6-Ethoxy-5-[3-ethyl-6,7-dihydro-2-(2-methoxyethyl)-7-oxo-2H-pyrazolo[4,3-d]pyrimidin-5-yl]-3-pyridylsulfonyl}-4-ethylpiperazine benzenesulfonate	334827-99-5
2-[4-(Methylthio)phenoxy]benzaldehyde	364323-64-8
N,N-Dimethyl-2-[4-(methylthio)phenoxy]benzylamine hydrochloride	289717-37-9
3-[(Dimethylamino)methyl]-4-[4-(methylthio)phenoxy]benzenesulfonamide	364321-71-1
3-[(Dimethylamino)methyl]-4-[4-(methylthio)phenoxy]benzenesulfonamide (R,R)-tartrate	364323-49-9
Ethyl (S)-3-[(4,4-difluorocyclohexyl)carboxamido]-3-phenylpropanoate	376348-76-4
(S)-4,4-Difluoro-N-(3-hydroxy-1-phenylpropyl)cyclohexanecarboxamide	376348-77-5
(S)-4,4-Difluoro-N-(3-oxo-1-phenylpropyl)cyclohexanecarboxamide	376348-78-6
7,11-Methano-5H-cyclodeca [3,4]benz[1,2-b]oxet-5-one,12beta-(acetyloxy)-12-(benzoyloxy)-1,2alpha,3,4,4alpha,6,9,10,11,12,12alpha,12beta-dodecahydro-9-11-trihydroxy-4alpha,8,13,13-tetramethyl-4-[(triethylsilyl)oxy]-, (2alphaR,4S,4alphaS,6R,9S,11S,12S,12alphaR,12betaS)-	115437-18-8
7,11-Methano-5H-cyclodeca [3,4]benz[1,2-beta]oxet-5-one,6,12beta-bis(acetyloxy)-12-(benzoyloxy)-1,2alpha,3,4,4alpha,6,9,10,11,12,12alpha,12beta-dodecahydro-9-11-dihydroxy-4alpha,8,13,13-tetramethyl-4-[(triethylsilyl)oxy]-, (2alphaR,4S,4alphaS,6R,9S,11S,12S,12alphaR,12betaS)-	115437-21-3
Benzenepropanoic acid,.beta,-(benzoylamino)-.alpha.-(1-methoxy-1-methylethoxy)-(2alphaR,4S,4alphaS,6R,9S,11S,12S,12alphaR,12betaS)-6,12-beta-bis(acetyloxy)-12-(benzoyloxy)-2alpha,3,4,4alpha,5,6,9,10,11,12,12-alpha,12beta-dodecahydro-11-hydroxy-4alpha,8,13,13-tetramethyl-5-oxo-4-[(triethylsilyl)oxy]-7,11-methano-1H-cyclodeca[3,4]benz[1,2-b]oxet-9-yl ester (.alpha.R.beta.S)-	149107-93-7
(3R, 4S)-rel-3-(Acetyloxy)-4-phenyl-2-azetidinone	133066-59-8
1-Benzoyl-3-(1-methoxy-1-methyl-ethoxy)-4-phenyl-azetidin-2-one	149107-92-6
D-Glucopyranose, 2,3,4,6-tetrakis-O-(phenylmethyl)	6564-72-3
Carbonic acid, 4-[(5R,5aR,8aR,9S)-5,5a,6,8,8a,9-hexahydro-6-oxo-9-[[2,3,4,6-tetrakis-O-(phenylmethyl)-.beta.-D-glucopyranosyl]oxy]furo[3',4':6,7]naphtho[2,3-d]-1,3-dioxol-5-yl]-2,6-dimethoxyphenyl phenylmethyl ester	270071-40-4
Uridine, 2'-bromo-2'-deoxy-5-methyl-, 3',5'-diacetate	110483-43-7
(S)-4-Benzyloxycarbonylamino-2-hydroxybutyric acid	40371-50-4
tert-Butyl (2S)-2-(hydroxymethyl)pyrrolidine-1-carboxylate	69610-40-8
1-(6-Amino-3,5-difluoropyridin-2-yl)-8-chloro-6-fluoro-7-(3-hydroxyazetidin-1-yl)-4-oxo-1,4-dihydroquinoline-3-carboxylic acid	189279-58-1
4-[(3-aminopyridin-2-yl)amino]phenol	78750-68-2
(2R,3R,4S)-4-(1,3-Benzodioxol-5-yl)-3-(ethoxycarbonyl)-2-(4-methoxyphenyl)pyrrolidinium (2S)-hydroxy(phenyl)acetate	195708-14-6
2-(4-Fluorophenyl)-4-(3-hydroxy-3-methylbutoxy)-5-[4-(methylsulfonyl)phenyl]pyridazin-3(2H)-one	221030-56-4
4'-Chloro-1,1'-biphenyl-4-carbaldehyde	80565-30-6
Ethyl 2-(3-formyl-4-isobutoxyphenyl)-4-methyl-1,3-thiazole-5-carboxylate	161798-03-4
Methyl N-[(benzyloxy)carbonyl]-L-valyl-D-isoleucylthreonyl-L-norvalinate	653574-13-1
L-Isoleucyl-L-arginyl-N-ethyl-L-prolinamide dihydrochloride	442526-89-8

Product name	CAS Number
N-Acetyl-N-methyl-glycyl-glycyl-L-valyl-D-isoleucyl-L-threonyl-L-norvalyl-L-isoleucyl-L-arginyl-N-ethyl-L-prolinamide acetate	251579-55-2
(+)-(S)-1-Phenyl-1,2,3,4-tetrahydroisoquinoline	118864-75-8
exo-8-Benzyl-3-(3-isopropyl-5-methyl-4H-1,2,4-triazol-4-yl)-8-azabicyclo[3.2.1]octane	423165-13-3
(Z)-5-[4-[2-(5-Ethyl-2-pyridyl)ethoxy]benzylidene]-2,4-thiazolidinedione	136401-69-9
(1S,2S,3R,4S,7R,9S,10S,12R,15S)-4,12-bis(acetyloxy)-15-({(2R,3S)-3-(benzoylamino)-2-[(4Z,7Z,10Z,13Z,16Z,19Z)-docosa-4,7,10,13,16,19-hexaenoyloxy]-3-phenylpropanoyl}oxy)-1,9-dihydroxy-10,14,17,17-tetramethyl-11-oxo-6-oxatetracyclo[11.3.1.03,10.04,7]heptadec-13-en-2-yl benzoate	199796-52-6
8-chloro-5-[(4Z,7Z,10Z,13Z,16Z,19Z)-docosa-4,7,10,13,16,19-hexaenoyl]-11-(4-methylpiperazin-1-yl)-5H-dibenzo[b,e][1,4]diazepine	225916-82-5
(6R,7R)-7-Amino-3-chloro-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid	53994-69-7
1,3,4-Thiadiazole-2-thiol	18686-82-3
6-chloro-4-(2-ethyl-1,3-dioxolan-2-yl)-2-methoxypyridin-3-yl]methanol	183433-66-1
Spiro[17H-cyclopenta[a]phenanthrene-17,2'(5'H)-furan], pregna-4,9(11)-diene-7,21-dicarboxylic acid deriv.	95716-70-4
1-(4,5-Dinitro-10-aza-tricyclo[6.3.1.0^{2,7}]dodeca-2(7),3,5-trien-10-yl)-2,2,2-trifluoro-ethanone	230615-59-5
tert-Butyl (S)-1,2,3,4-tetrahydro-3-isoquinolinecarboxylate tosylate	79276-06-5
1-((1R,3R,5R)-2,6-dioxa-bicyclo[3.2.0]heptan-3-yl)-5-methylpyrimidine-2,4(1H,3H)-dione	7481-90-5
[S-(R*,S*)]-[[2-Methyl-1-(1-oxopropoxy)propoxy](4-phenylbutyl)phosphinyl]acetic acid, cinchonidine (1:1) salt	467430-13-3
(2R,4alphaR,7R,8S,8alphaR)-7,8-bis(benzyloxy)hexahydro-2-methylpyrano[3,2-d][1,3]dioxin-6-ol	471863-88-4
9-(7,8-Bis-benzyloxy-2-methyl-hexahydropyrano[3,2-d][1,3]dioxin-6-yloxy)- 5-(4-hydroxy-3,5-dimethoxyphenyl)-5,8,8alpha,9-tetrahydro-5alphaH-furo[3',4':6,7]naphtho[2,3-d][1,3]dioxol-6-one	473799-30-3
(R)-2-(2-amino-5-chlorophenyl)-4-cyclopropyl-1,1,1-trifluorobut-3-yn-2-ol, monohydrochloride salt	214353-17-0
1-(2-amino-5-chlorophenyl)-2,2,2-trifluoroethane-1,1-diol, methane sulfonic acid salt (1:1.5)	467426-34-2
(3R)-3-Aminopentanenitrile, monomethanesulfonate	474645-97-1
(2-Ethyl-6-trifluoromethyl-1,2,3,4-tetrahydro-quinolin-4-yl)-carbamic acid methyl ester	474645-93-7
1-{2-[4-(2-Bromo-6-methoxy-3,4-dihydro-naphthalen-1-yl)-phenoxy]ethyl}pyrrolidine	180915-95-1
1-{2-[4-(6-Methoxy-3,4-dihydronaphthalen-1-yl)phenoxy]ethyl}pyrrolidine	180915-94-0
4,4-Difluorocyclohexylcarboxylic acid	122665-97-8
N-(3-acetylphenyl)-N-methyl-acetamide	325715-13-7
(3-Amino-1H-pyrazol-4-yl)-2-thienylmethanone	96219-87-3
10-Azatricyclo[6.3.1.0^{2,7}]dodeca-2,4,6-triene, hydrochloride	230615-52-8
N-(3-methoxy-5-methylpyrazin-2-yl)-2-(4-[1,3,4-oxadiazol-2-yl]phenyl)pyridine-3-sulfonamide	186497-07-4
1-Cyclopentyl-3-ethyl-1,4,5,6-tetrahydropyrazolo[3,4-c]pyridin-7-one	162142-14-5
1-Cyclopentyl-3-ethyl-6-(4-methoxybenzyl)-1,4,5,6-tetrahydropyrazolo[3,4-c]pyridin-7-one, p-toluenesulfonate	303752-13-8
3-(4-Trifluoromethylphenylamino)pentanoic acid amide	667937-05-5
(1R,5R)-2-(3-Benzyl-7-oxo-4-thia-2,6-diaza-bicyclo[3.2.0]hept-2-en-6-yl)-3-methyl -but-2-enoic acid 4-nitrobenzyl ester	192049-49-3
(2S)-Tetrahydrofuran-2-carboxylic acid	87392-07-2
(6R,7R)-7-Amino-8-oxo-3-((2S)-tetrahydrofuran-2-yl)-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid 4-nitrobenzyl ester hydrochloride	655233-39-9
N-Formyl-L-leucine (1S,3Z,6Z)-1-[[(2S,3S)-3-hexyl-4-oxo-2-oxetamyl]methyl]-3,6-dodecadienyl ester	96829-59-3
(5R)-5-Ethyl-1,4,5,8-tetrahydro-5-hydroxyoxepino[3,4-c]pyridine-3,9-dione	221054-70-2
4-[2-(5-methyl-2-phenyl-4-oxazolyl)ethoxybenzo[b]thiophene-7-carboxaldehyde	475480-88-7
2-(5-Methyl-2-phenyl-4-oxazolyl)ethyl methanesulfonate	227029-27-8
4-[5-(4-Fluorophenyl)-3-(trifluoromethyl)-1H-pyrazol-1-yl]benzenesulfonamide	170569- 88-7
(4S)-4-(3,4-Dichlorophenyl)-3,4-dihydronaphthalen-1(2H)-one	124379-29-9
6-(5-Chloropyridin-2-yl)-7-hydroxy-6,7-dihydro-5H-pyrrolo[3,4-b]pyrazin-5-one	43200-81-3
5-Thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 7-amino-3-ethenyl-8-oxo-, (6R-trans)	79349-82-9
(6R,7R)-7-amino-8-oxo-3-[(1H-1,2,3-triazol-4-ylthio)methyl]-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid	37539-03-0
(6R,7S)-7-(2-Bromo-acetylamino)-7-methoxy-3-(1-methyl-1H-tetrazol-5-ylsulfanylmethyl)-8-oxo-5-thia-1-aza-bicyclo[4.2.0]oct-2-ene-2-carboxylic acid benzhydryl ester	70035-75-5

Product name	CAS Number
7-[(bromoacetyl)amino]-7-methoxy-3-[[(1-methyl-1H-tetrazol-5-yl)thio]-methyl]-8-oxo-5-thia-1-azabicyclo[4,2,0]oct-2-ene-2-carboxylic acid	61807-78-1
(6R,7R)-7-amino-3-[[(1-methyl-1H-tetrazol-5-yl)thio]methyl)-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid hydrochloride	68350-02-7
(6R,7R)-7-amino-8-oxo-3-[2-(1,3,4-thiadiazol-2-ylthio)ethyl]-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid	24209-43-6
(2-amino-1,3-thiazol-4-yl)acetic acid	29676-71-9
1-[2-(dimethylamino)ethyl]-1,4-dihydro-5H-tetrazole-5-thione	61607-68-9
tert-Butyl (7E)-4-ethoxy-10,10-dimethyl-6-oxo-7-(2-amino-1,3-thiazol-4-yl)-3,5,9-trioxa-8-aza-4-phosphaundec-7-en-11-oate 4-sulfide	162208-28-8
4-Chloromethyl-5-methyl-1,3-dioxol-2-one	80841-78-7
Ethyl 1-methyl-5-nitro-1H-indole-2-carboxylate	71056-57-0
Ethyl 1-methyl-5-[4'-(trifluoromethyl)[1,1'-biphenyl]-2-carboxamido]-1H-indole-2-carboxylate	481659-93-2
1-Methyl-5-[4'-(trifluoromethyl)[1,1'-biphenyl]-2-carboxamido]-1H-indole-2-carboxylic acid potassium salt	481659-96-5
tert-Butyl (S)-2-[benzyl(methyl)amino]-2-oxo-1-phenylethylcarbamate hydrochloride	481659-97-6
3-(2-Bromopropionyl)-4,4-dimethyl-1,3-oxazolan-2-one	114341-88-7
2-Pentenedioic acid, 2-[2-[[(phenylmethoxy)carbonyl]amino]-4-thiazolyl]-, 5-(3-methyl-2-butenyl) ester	115065-79-7
4-Thia-2,6-diazabicyclo[3.2.0]hept-2-ene-6-acetic acid, alpha-(1-methylethenyl)-7-oxo-3-(phenylmethyl)-, diphenylmethyl ester	63457-21-6
1-aminopyridazin-1-ium hexafluorophosphate	346412-97-3
1-[4-(Ethyloxy)phenyl]-2-[4-(methylsulfonyl)phenyl]ethanone	346413-00-1
2-[4-(Ethyloxy)phenyl]-3-[4-(methylsulfonyl)phenyl]pyrazolo[1,5-b]pyridazine	221148-46-5
6-Iodo-4(1H)-quinazolinone	16064-08-7
3-Chloro-4-[[(3-fluorophenyl)methyl]oxy}aniline	202197-26-0
N-(3-Chloro-4-{[(3-fluorophenyl)methyl]oxy}phenyl)-6-iodo-4-quinazolinamine	231278-20-9
(5-Formyl-2-furanyl)boronic acid	27329-70-0
[2-(Methylsulfonyl)ethyl]amine hydrochloride	104458-24-4
2-oxo-2-phenylethyl acetate	2243-35-8
(1S)-1-phenyl-1-propanamine	3789-59-1
(3R,4S,5R)-3,4,5-Trihydroxy-1-cyclohexene-1-carboxylic acid	138-59-0
5-Deoxy-D-ribofuranose triacetate	37076-71-4
(R)-(-)-1-Azabicyclo[2.2.2]octan-3-ol	25333-42-0
RS-3-(Dimethylamino)-1-(2-thienyl)-1-propanol	13636-02-7
N-Methyl-3-oxo-3-(2-thienyl)propenamine	663603-70-1
(S)-3-Methylamino-1-(2-thienyl)-1-propanol	116539-55-0
(S)-N-Methyl-3-(1-naphthalenyloxy)-2-thiophenepropanamine phosphoric acid salt	164015-32-1
(Z)-N-[2-(Diethylamino)ethyl]-5-[(5-fluoro-2-oxo-1,2-dihydro-3H-indol-3-ylidene)methyl]-2,4-dimethyl-IH-pyrrole-3-carboxamide (S)-2-hydroxysuccinate	341031- 54-7
(1R,5S)-2-(hydroxymethyl)-5-(dimethyl(phenyl)silyl)cyclopent-2-enecarboxylic acid, compound with (1R,2R)-2-amino-1-(4-nitrophenyl)-1,3-propanediol (1:1)	649761-22-8
6-(Benzyloxy)-9H-purin-2-amine	19916-73-5
(1S,2S,3S,5S)-5-(2-amino-6-(benzyloxy)-9H-purin-9-yl)-2-((benzyloxy)methyl)-1-(hydroxymethyl)-3-(dimethyl(phenyl)silyl)cyclopentanol	649761-23-9
2-Amino-9-((1S,3R,4S)-3-((benzyloxy)methyl)-4-(dimethyl(phenyl)silyl)-2-methylenecyclopentyl)-1H-purin-6(9H)-one	649761-24-0
Ethynylcyclopropane	6746-94-7
(alphaR,betaS)-beta-methyl-alpha-phenyl-1-pyrrolidineethanol hydrochloride	210558-66-0
4-(2-(5-methyl-2-phenyloxazol-4-yl)ethoxy)benzaldehyde	103788-59-6
4-Methoxyphenyl chloroformate	7693-41-6
Methyl 2-(4-(2-(5-methyl-2-phenyloxazol-4-yl)ethoxy)benzylamino)acetate, hydrochloride salt	649761-25-1
(Z)-3-Cyano-5-methylhex-3-enoic acid tert-butylamine salt	604784-44-3
1-[(1S,2S)-2-(benzyloxy)-1-ethylpropyl]-N-{4-[4-(4-{[(3R,5R)-5-(2,4-difluorophenyl)-5-(1H-1,2,4-triazol-1-ylmethyl)tetrahydrofuran-3-yl]methoxy}phenyl)piperazin-1-yl]phenyl}hydrazinecarboxamide	345217-03-0

Product name	CAS Number
2-Methoxy-1-[4-trifluoromethyl)phenyl]-ethanone	26771-69-7
1-[(1R)-2-methoxymethyl-1-[4-(trifluoromethyl)phenyl]ethyl]-2(S)-methylpiperazine, (2S,3S)-2,3-dihydroxybutanedioate (1:1) salt	612494-10-7
1-[(4,6-Dimethyl-5-pyrimidinyl)carbonyl]-4-piperidinone	612543-01-8
1-[(4,6-Dimethyl-5-pyrimidinyl)carbonyl]-4-{4-[2-methoxy-1-[R]-[4-(trifluoromethyl)phenyl]ethyl]-3(S)-methyl-1-piperazinyl}-4-methylpiperidine, 2(Z)-butenedioate (1:1)	599179-03-0
2-(2-Furanyl)-7-[2-[4-[4-(2-methoxyethoxy]phenyl]-1-piperazinyl]ethyl]-7H-pyrazolo[4,3-e][1,2,4]triazolo[1,5-c]pyrimidin-5-amine	377727-87-2
7-[(3*R*)-3-amino-1-oxo-4-(2,4,5-trifluorophenyl)butyl]-5,6,7,8-tetrahydro-3-(trifluoromethyl)-1,2,4-triazolo[4,3-a]pyrazine phosphate (1:1) monohydrate	654671-77-9
Glycine, N-[2-[5-(aminoiminomethyl)-2-hydroxyphenoxy]-6-[3-(4,5-dihydro-1-methyl-1H-imidazol-2-yl)phenoxy]-3,5-difluoro-4-pyridinyl]-N-methyl-, dihydrochloride	213839-64-6
2(3H)-Benzoxazolone, 6-[[2-[4-(phenylmethyl)-1-piperidinyl]ethyl]sulfinyl]-	253450-12-3
Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy) methyl]-1H-imidazol-1-yl] methyl]- ethanedioate (1:2)	280129-82-0
DNA, d(P-thio) (C-T-A-G-A-T-T-T-C-C-C-G-C-G), tridecasodium salt	362543-73-5
DNA d(P-thio) (G-A-T-C-C-G-C-G-G-G-A-A-A-T) , tridecasodium salt	744239-10-9
(+)-(3S,4S)-1-(Aminomethyl)-3,4-dimethylcyclopentaneacetic acid	223445-75-8
(4R)-3-[(2S,3S)-2-Hydroxy-3-(3-hydroxy-2-methyl-benzoylamino)-4-phenyl-butyryl]-5,5-dimethyl-thiazolidine-4-carboxylic acid allylamide	478410-84-3
(2S,3S)-3-Amino-2-hydroxy-4-phenyl-butyric acid	62023-62-5
Benzenethiol, 3-methoxy-	15570-12-4
Ethanone, 2-chloro-1-(4-methoxyphenyl)-	2196-99-8
Phenol, 3-mercapto-	40248-84-8
Sodium Phenylbutyrate	1716-12-7
N-(2-Chloro-6-methylphenyl)-2-[[6-[4-(2-hydroxyethyl)-1-piperazinyl]-2-methyl-4-pyrimidinyl]amino]-5-thiazolecarboxamide	302962-49-8
2-piperidineacetamide, alpha-phenyl-	19395-39-2
(6aR)-5,6,6a,7-tetrahydro-6-methyl-4H-dibenzo[de,g]quinoline-10,11-diol	58-00-4
4'-Bromomethyl-(1,1'-biphenyl)-2-carboxylic acid 1,1-dimethylethylester	114772-40-6
4'-(Bromomethyl)-(1,1´-biphenyl)-2-carbonitrile	114772-54-2
4-Methyl-2-propylbenzimidazole-6-carboxylic acid	152628-03-0
2-Propyl-4-methyl-6-(1-methylbenzimidazole 1,7'-Dimethyl-2'-propyl-1H,3'H-[2,5']bibenzoimidazolyl	152628-02-9
(6R)-5,6-Dihydro-4-hydroxy-6-(1-(2-phenyl)ethyl)-6-propyl-2H-pyran-2-one	221129-55-1
3-Hydroxy-2'-(N-benzyl-N-methylamino)acetophenone Hydrochloride	71786-67-9
2,6-Dichloro-4,8-dipiperidinopyrimido(5,4-d)pyrimidine	7139-02-8
2-(Ethylamino)-5-[2-quinolin-4-yloxy)ethyl]nicotinic acid	
Piperazine, 1-(2-Chloroethyl)-4-(3-(trifluoromethy) phenyl) dihydrochloride	57061-71-9
N-(4-(Methylamino)-3-nitrobenzoyl)-N-2-pyridinyl-ß-alanine-ethylester	429659-01-8
(4-(5-Oxo-4,5-dihydro-1,2,4-oxadiazol-3-yl)-phenylamino)-acetic acid	872728-82-0
11-Ethyl-6-methyl-3-(2-(quinolin-1-oxid-4-yloxy)-ethyl)-4a,6,11, 11a-tetrahydro-pyrido(2,3-b)(1,5)benzodiazepin-5-one (Dihydrate)	(none)
Potassium 5-methyl-1,3,4-oxadiazole-2-carboxylate or oxadiazole K salt	(none)
2-(1-Amino-1-methylethyl)-N-(4-fluorobenzyl)-5-hydroxy-1-methyl-6-oxo-1,6-dihydropyrimidine-4-carboxamide	518048-03-8
N-[(4-Fluorophenyl)methyl]-1,6-dihydro-5-hydroxy-1-methyl-2-[1-methyl-1-[[(5-methyl-1,3,4-oxadiazol-2-yl)carbonyl]amino]ethyl]-6-oxo-4-pyrimidinecarboxamide monopotassium salt or L-612 K salt	518048-05-0
(2S)-2-[(S)-(2-Ethoxyphenoxy)(phenyl)methyl]morpholine compound with butanedioic acid	635724-55-9
N-[(5-{2-[(6S)-2-Amino-4-oxo-3,4,5,6,7,8-hexahydropyrido[2,3-d]pyrimidin-6-yl]ethyl}-4-methylthien-2-yl)carbonyl]-L-glutamic acid	177587-08-5
3-((2-(aminomethyl)cyclohexyl)methyl)-1,2,4-oxadiazol-5(4H)-one hydrochloride	227626-75-7
3,4'-Dichloro-2'-[(5-chloro-2-pyridyl)carbamoyl]-6'-methoxy-4-[(2-methylamino-1H-imidazol-1-yl)methyl]thiophene-2-carboxanilide trifluoroacetate	229340-73-2
(R)-5-(2-Aminopropyl)-2-methoxybenzenesulfonamide	112401-81-2

Product name	CAS Number
2-Methyl-3-[(2S)-pyrrolidin-2-ylmethoxy]pyridine	161417-03-4
N-(2-[(4-Hydroxyphenyl)amino]pyridin-3-yl}-4-methoxybenzenesulfonamide	141430-65-1
2,7-Dichloro-6-methyl-4-[(4-methylpiperidino)methyl]-3-quinolinemethanol	220998-08-3
9-chloro-5-ethyl-1,4,5,13-tetrahydro-5-hydroxy-10-methyl-12-[(4-methylpiperidino)methyl]-3H,15H-oxepino[3',4':6,7]indolizino[1,2-b]quinoline-3,15-dione monohydrochloride	220997-99-9
2-chloro-6,7-difluoro-3-quinolinemethanol	209909-03-5
(S)-alpha-Methoxy-4-[2-(5-methyl-2-phenyl-4-oxazolyl)ethoxy]benzo[b]thiophene-7-propionic acid	475479-34-6
(S)-1-[[[2-(5-Methyl-2-phenyl-4-oxazolyl)ethyl]amino]acetyl]-2-pyrrolidinecarbonitrile	521266-46-6
2-[(1S,2S)-2-(benzyloxy)-1-ethylpropyl]-4-{4-[4-(4-{[(3R,5R)-5-(2,4-difluorophenyl)-5-(1H-1,2,4-triazol-1-ylmethyl)tetrahydrofuran-3-yl]methoxy}phenyl)piperazin-1-yl]phenyl}-2,4-dihydro-3H-1,2,4-triazol-3-one	170985-86-1

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Presidential Documents

Proclamation 8096 of December 29, 2006

To Extend Nondiscriminatory Treatment (Normal Trade Relations Treatment) to the Products of Vietnam

By the President of the United States of America

A Proclamation

1. Vietnam has demonstrated a strong desire to build a friendly and cooperative relationship with the United States and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (the "1974 Act") (19 U.S.C. 2431 *et seq.*).

2. Pursuant to section 4002 of H.R. 6111, signed on December 20, 2006, I hereby determine that chapter 1 of title IV of the 1974 Act (19 U.S.C. 2431–2439) should no longer apply to Vietnam.

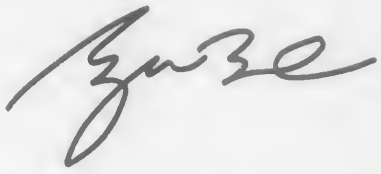
NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 4002 of Public Law 109–432 do proclaim that:

1. Nondiscriminatory treatment (normal trade relations treatment) shall be extended to the products of Vietnam, which shall no longer be subject to chapter 1 of title IV of the 1974 Act.

2. The extension of nondiscriminatory treatment to the products of Vietnam shall be effective as of the date of signature of this proclamation.

3. All provisions of previous proclamations and Executive Orders that are inconsistent with this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.



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Presidential Documents

Proclamation 8097 of December 27, 2006

To Modify the Harmonized Tariff Schedule of the United States, To Adjust Rules of Origin Under the United States-Australia Free Trade Agreement and for Other Purposes

By the President of the United States of America

A Proclamation

1. Section 1205(a) of the Omnibus Trade and Competitiveness Act of 1988 (the "1988 Act") (19 U.S.C. 3005(a)) directs the United States International Trade Commission (the "Commission") to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and periodically to recommend to the President such modifications to the HTS as the Commission considers necessary or appropriate to accomplish the purposes set forth in that subsection. The Commission has recommended modifications to the HTS pursuant to sections 1205(c) and (d) of the 1988 Act (19 U.S.C. 3005(c) and (d)) to conform the HTS to amendments made to the International Convention on the Harmonized Commodity Description and Coding System (the "Convention").

2. Section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act, if he determines that the modifications are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States.

3. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (the "NAFTA") with respect to the United States and, pursuant to section 201 of the North American Free Trade Agreement Implementation Act (the "NAFTA Implementation Act") (19 U.S.C. 3331), the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out articles 302, 305, 307, 308, and 703 and Annexes 302.2, 307.1, 308.1, 308.2, 300–B, 703.2, and 703.3 of the NAFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods of Mexico under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

4. Presidential Proclamation 6763 of December 23, 1994, implemented with respect to the United States the trade agreements resulting from the Uruguay Round of multilateral trade negotiations, including Schedule XX-United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (Schedule XX), that were entered into pursuant to sections 1102(a) and (e) of the 1988 Act (19 U.S.C. 2902(a) and (e)) and approved in section 101(a) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3511(a)).

5. Pursuant to the authority provided in section 111 of the URAA (19 U.S.C. 3521) and sections 1102(a) and (e) of the 1988 Act, Proclamation 6763 included the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out the provisions of Schedule XX. In order to ensure the continuation of such rates of duty for imported goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed, including certain technical or conforming changes within the tariff schedule.

6. Presidential Proclamation 7351 of October 2, 2000, implemented section 211 of the United States-Caribbean Basin Trade Partnership Act (CBTPA) (title II of Public Law 106–200, 114 Stat. 286) in order to provide certain preferential tariff treatment to eligible articles that are the product of any country that the President designates as a "CBTPA beneficiary country" and that the President determines to have satisfied the requirements of section 213(b)(4)(A)(ii) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(b)(4)(A)(ii)). Section 213(b)(3) of the CBERA (19 U.S.C. 2703(b)(3)) provides that the tariff treatment accorded at any time under the CBTPA to any article referred to in section 213(b)(1)(B) through (F) of the CBERA (19 U.S.C. 2703(b)(1)(B) through (F)) that is a CBTPA originating good shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

7. Pursuant to section 213(b) of the CBERA, Proclamation 7351 included the staged reductions in rates of duty that the President determined to be necessary or appropriate to provide such identical tariff treatment to CBTPA originating goods. In order to ensure the continuation of the rates of duty for imported goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

8. Presidential Proclamation 7512 of December 7, 2001, implemented the Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area (JFTA), with respect to the United States and, pursuant to section 101 of the United States-Jordan Free Trade Area Implementation Act (the "JFTA Act") (19 U.S.C. 2112 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out the concessions set forth in Annex 2.1 to the JFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

9. Presidential Proclamation 7747 of December 30, 2003, implemented the United States-Singapore Free Trade Agreement (USSFTA) with respect to the United States and, pursuant to section 201 of the United States-Singapore Free Trade Agreement Implementation Act (the "USSFTA Act") (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 of the USSFTA and the schedule of reductions with respect to the Republic of Singapore set forth in Annex 2B of the USSFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

10. Presidential Proclamation 7746 of December 30, 2003, implemented the United States-Chile Free Trade Agreement (USCFTA) with respect to the

United States and, pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (the "CFTA Act") (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 3.3 (including the schedule of United States duty reductions with respect to originating goods set forth in Annex 3.3 to the USCFTA), 3.7, 3.9, and 3.20(8), (9), (10), and (11) of the USCFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

11. Presidential Proclamation 7857 of December 20, 2004, implemented the United States-Australia Free Trade Agreement (USAFTA) with respect to the United States and, pursuant to section 201 of the United States-Australia Free Trade Agreement Implementation Act (the "USAFTA Act") (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, and 2.6 of the USAFTA and the schedule of reductions with respect to Australia set forth in Annex 2B of the USAFTA.

12. Because the substance of the changes to the Convention will be reflected in slightly differing form in the national tariff schedules of the parties to the USAFTA, the rules of origin set out in Annexes 4A and 5A of that Agreement must be changed to ensure that the tariff and certain other treatment accorded under the USAFTA to originating goods will continue to be provided under the tariff categories that are being modified to reflect the amendments to the Convention. The USAFTA parties have agreed to make these changes.

13. Section 203 of the USAFTA Act provides certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USAFTA. Section 203(o) of the USAFTA Act authorizes the President to proclaim the rules of origin set out in the USAFTA and any subordinate tariff categories necessary to carry out the USAFTA.

14. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to sections 201 and 203 of the USAFTA Act are necessary or appropriate to ensure that the tariff and certain other treatment accorded under the USAFTA will continue to be given to originating goods under tariff categories that are being modified to reflect the amendments to the Convention and to carry out the duty reductions previously proclaimed.

15. Presidential Proclamation 7971 of December 22, 2005, implemented the United States-Morocco Free Trade Agreement (USMFTA) with respect to the United States and, pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (the "USMFTA Act") (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15 of the USMFTA and the schedule of reductions with respect to Morocco set forth in Annex IV of the USMFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

16. Presidential Proclamations 7987 of February 28, 2006, 7991 of March 24, 2006, 7996 of March 31, 2006, and 8034 of June 30, 2006, implemented the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA–DR Agreement) with respect to the United States and, pursuant to section 201 of the Dominican Republic-Central America-United States Implementation Act (the "CAFTA–DR Act") (19 U.S.C. 4031), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and

Annexes 3.3 (including the schedule of the United States duty reductions with respect to originating goods), 3.27, and 3.28. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

17. Presidential Proclamation 8039 of July 27, 2006, implemented the United States-Bahrain Free Trade Agreement (USBFTA) with respect to the United States and, pursuant to section 201 of the United States-Bahrain Free Trade Agreement Implementation Act (the "USBFTA Act") (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and the schedule of reductions with respect to Bahrain set forth in Annex 2–B of the USBFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

18. Section 604 of the Trade Act of 1974, as amended (the "Trade Act") (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts, affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the **Federal Register**.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 1102 and 1206 of the 1988 Act, section 214 of the CBERA, section 201 of the NAFTA Implementation Act, section 111 of the URAA, section 101 of the JFTA Act, section 201 of the USSFTA Act, section 201 of the USCFTA Act, sections 201 and 203 of the USAFTA Act, section 201 of the USMFTA Act, section 201 of the CAFTA–DR Act, section 201 of the USBFTA Act, and section 604 of the Trade Act do proclaim that:

(1) In order to modify the HTS to conform it to the Convention or any amendment thereto recommended for adoption, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing provisions, the HTS is modified as set forth in Annex I of Publication 3898 of the United States International Trade Commission, entitled, "*Modifications to the Harmonized Tariff Schedule of the United States Under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988,*" which is incorporated by reference into this proclamation.

(2) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Mexico under the NAFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section F of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section F of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(3) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for goods under the terms of general note 17 to the HTS that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section

H of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section H of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(4) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Jordan under the JFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section D of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section D of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(5) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Singapore under USSFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in sections J of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section J of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(6) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Chile under USCFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in sections C, K, and L of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in sections C, K, and L of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(7) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Australia under USAFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section A of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section A of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(8) In order to modify the rules of origin under the USAFTA to reflect the modifications to the HTS being made to conform it to the Convention and to make certain conforming changes, general note 28 to the HTS is further modified as provided in Annex III to Publication 3898.

(9) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Morocco under USMFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section E of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section E of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(10) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods under general note 29 to the HTS that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section G of Annex II of Publication 3898, the rate of duty in the HTS set forth

in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section G of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(11) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1-Special subcolumn for originating goods of Bahrain under USBFTA that are classifiable in the provisions modified by Annex I of Publication 3898 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section B of Annex II of Publication 3898, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section B of Annex II shall be deleted and the rate of duty provided in such section inserted in lieu thereof.

(12) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(13)(a) The modifications and technical rectifications to the HTS set forth in Annexes I and III to Publication 3898 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of (i) February 1, 2007, or (ii) the thirtieth day after the date of publication of this proclamation in the **Federal Register**.

(b) The modifications to the HTS set forth in Annex II to Publication 3898 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the respective dates specified in each section of such Annex for the goods described therein.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 07–00004
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Presidential Documents

Proclamation 8098 of December 29, 2006

To Take Certain Actions Under the African Growth and Opportunity Act and the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Section 506A(a)(1) of the Trade Act of 1974, as amended (the "1974 Act")(19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200)(AGOA), authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a "beneficiary sub-Saharan African country" if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the 1974 Act (19 U.S.C. 2462).

2. Section 104 of the AGOA authorizes the President to designate a country listed in section 107 of the AGOA as an "eligible sub-Saharan African country" if the President determines that the country meets certain eligibility requirements.

3. Section 112(b)(3)(B) of the AGOA (19 U.S.C. 3721(b)(3)(B)) provides special rules for certain apparel articles imported from "lesser developed beneficiary sub-Saharan African countries."

4. Pursuant to section 104 of the AGOA and section 506A(a)(1) of the 1974 Act, I have determined that the Republic of Liberia (Liberia) meets the eligibility requirements set forth or referenced therein, and I have decided to designate Liberia as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

5. I further determine that Liberia satisfies the criterion for treatment as a "lesser developed beneficiary sub-Saharan African country" under section 112(b)(3)(B) of the AGOA.

6. Pursuant to sections 501 and 502(a) of the 1974 Act (19 U.S.C. 2461, 2462(a)), the President is authorized to designate countries as beneficiary developing countries and to designate any beneficiary developing country as a least-developed beneficiary developing country, for purposes of the Generalized System of Preferences (GSP) program.

7. Section 502(b)(1)(C) of the 1974 Act (19 U.S.C. 2462(b)(1)(C)) specifies that European Union Member States may not be designated as beneficiary developing countries for purposes of the GSP.

8. Section 507(2) of the 1974 Act (19 U.S.C. 2467(2)) provides that in the case of an association of countries that is a free trade area or customs union, or that is contributing to a comprehensive regional economic integration among its members through appropriate means, the President may provide that members of such an association other than members that are barred from designation under section 502(b) of the 1974 Act (19 U.S.C. 2462(b)) shall be treated as one country for purposes of the GSP.

9. Pursuant to section 502 of the 1974 Act, and taking into account the factors set forth in section 502(c)(19 U.S.C. 2462(c)), I have determined that East Timor should be designated as a beneficiary developing country under the GSP.

10. Pursuant to section 502 of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c), I have also determined that East Timor should be designated as a least-developed beneficiary developing country for purposes of the GSP.

11. In accordance with section 502(b)(1)(C) of the 1974 Act, I have determined that Bulgaria and Romania may no longer be designated as beneficiary developing countries for purposes of the GSP, effective for each of these countries when it becomes a European Union Member State.

12. On June 29, 2005, I determined that currently qualifying members of the South Asian Association for Regional Cooperation (SAARC) should be treated as one country for purposes of the GSP. In Proclamation 7912 of that date, I added SAARC and the currently qualifying countries to general note 4(a) to the Harmonized Tariff Schedule (HTS). Pursuant to section 507(2) of the 1974 Act, I have determined that Afghanistan should be designated as a member of SAARC for purposes of the GSP on the date that it becomes a SAARC member.

13. Section 604 of the 1974 Act (19 U.S.C. 2483), as amended, authorizes the President to embody in the HTS of the United States the substance of relevant provisions of that Act, or other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 104 of the AGOA and title V and section 604 of the 1974 Act (19 U.S.C. 2461–67, 2483), do proclaim that:

(1) Liberia is designated as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries "Republic of Liberia," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2007.

(3) For purposes of section 112(b)(3)(B) of the AGOA, Liberia is a lesser developed beneficiary sub-Saharan African country.

(4) East Timor is designated as a beneficiary developing country for purposes of the GSP.

(5) In order to reflect this designation in the HTS, general note 4(a) to the HTS is modified by adding in alphabetical order "East Timor" to the list entitled, "Independent Countries," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the twentieth day after the date of this proclamation.

(6) East Timor is designated as a least-developed beneficiary developing country for purposes of the GSP.

(7) In order to reflect this designation in the HTS, general note 4(b)(i) is modified by adding in alphabetical order "East Timor," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the sixty-fifth day after the date of this proclamation.

(8) Bulgaria and Romania shall no longer be designated as beneficiary developing countries for purposes of the GSP upon the date that each country becomes a European Union Member State. The United States Trade Representative shall announce each such date in a notice published in the **Federal Register**.

(9) In order to reflect these changes in the HTS, general note 4(a) to the HTS is modified by deleting "Bulgaria" and "Romania" from the list entitled, "Independent Countries," effective for each of these countries with respect to articles entered, or withdrawn from warehouse for consumption, on or

after the day on which that country becomes a European Union Member State.

(10) Afghanistan is designated as a member of the South Asian Association for Regional Cooperation (SAARC) for purposes of the GSP on the date that it becomes a SAARC member. The United States Trade Representative shall announce such date in a notice published in the **Federal Register**.

(11) In order to reflect this determination in the HTS, general note 4(a) to the HTS is modified by adding in alphabetical order "Afghanistan" to the list entitled, "Member Countries of the South Asian Association for Regional Cooperation (SAARC)," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the day on which Afghanistan becomes a SAARC member.

(12) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

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Doxapram; published 1-4-07

Florfenicol; published 1-4-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Onions grown in Idaho and Oregon; comments due by 1-8-07; published 11-7-06 [FR 06-09112]

Perishable Agricultural Commodities Act; implementation:

Electronic data interchange; trust benefit preservation; clarification; comments due by 1-8-07; published 11-8-06 [FR E6-18826]

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Loan and purchase programs:

Sugar Program—

Allocation shortfalls reassignment; comments due by 1-12-07; published 11-13-06 [FR E6-19076]

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Food and Nutrition Service

Child nutrition programs:

National School Lunch Program—

Fluid milk substitutions; comments due by 1-8-07; published 11-9-06 [FR 06-09136]

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Grain Inspection, Packers and Stockyards Administration

Barley protein testing; official fees and tolerances; comments due by 1-8-07; published 11-8-06 [FR E6-18860]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Coastal pelagic species; comments due by 1-8-07; published 12-7-06 [FR E6-20770]

Highly migratory species; comments due by 1-8-07; published 12-7-06 [FR E6-20721]

DEFENSE DEPARTMENT

Defense Acquisition Regulations System

Acquisition regulations:

Contracting methods and contract type; comments due by 1-8-07; published 11-9-06 [FR E6-19034]

Receiving reports for shipments; comments due by 1-8-07; published 11-9-06 [FR E6-19035]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Gasoline distribution bulk terminals, pipeline facilities and gasoline dispensing facilities; comments due by 1-8-07; published 11-9-06 [FR E6-18656]

Air pollution; standards of performance for new stationary sources:

Volatile organic compounds (VOC)—

Synthetic organic chemicals manufacturing industry and petroleum refineries; equipment leaks; comments due by 1-8-07; published 11-7-06 [FR E6-18646]

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Clean Air Act—

Virgin Islands Water and Power Authority; exemption; comments due by 1-12-07; published 12-13-06 [FR E6-21198]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:

Michigan; comments due by 1-8-07; published 12-7-06 [FR E6-20639]

Air quality implementation plans; approval and promulgation; various States:

Delaware; comments due by 1-8-07; published 12-7-06 [FR E6-20650]

South Carolina; comments due by 1-8-07; published 12-7-06 [FR E6-20767]

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Missoula Intercarrier Compensation Reform Plan; comments due by 1-11-07; published 12-6-06 [FR E6-20676]

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Digital television transition; DTV table of allotments; comments due by 1-11-07; published 11-15-06 [FR E6-18897]

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Endangered and threatened species:

Findings on petitions, etc.—

Colorado River cutthroat trout; comments due by 1-8-07; published 11-7-06 [FR E6-18691]

Importation, exportation, and transportation of wildlife:

Bald eagles protection; definition of "disturb"; comments due by 1-11-07; published 12-12-06 [FR E6-21139]

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Production and utilization facilities; domestic licensing:

American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases; incorporation by reference; comments due by 1-10-07; published 10-27-06 [FR E6-18023]

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Municipal securities disclosure; amendments; comments due by 1-8-07; published 12-8-06 [FR E6-20829]

STATE DEPARTMENT

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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Bombardier; comments due by 1-10-07; published 12-11-06 [FR E6-20969]

Cessna; comments due by 1-8-07; published 11-7-06 [FR E6-18659]

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**

In the **List of Public Laws** printed in the *Federal Register* on December 29, 2006, S. 2735, Public Law 109-460, was printed incorrectly. It should read as follows:

S. 2735/P.L. 109–460

To amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes. (Dec. 22, 2006; 120 Stat. 3401)

Last List December 29, 2006

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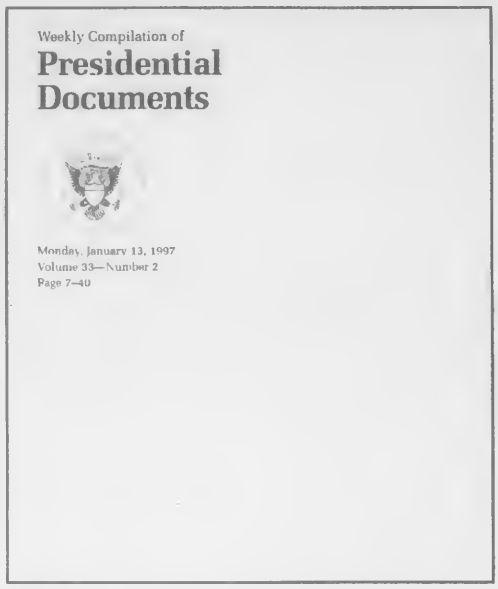

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