on indexes with nontraditional weighting techniques to the market, encourage innovation in index construction, reduce costs to issuers and other market participants, and promote competition.

The Commission believes that these goals may be furthered without compromising investor protection. The Commission notes that the numerical criteria in Commentary .01 to NYSE Arca Equities Rule 5.2(j)(3) addressing concentration, diversity, and liquidity of an underlying index's components would continue to apply. For example, the generic listing standards for domestic indexes will continue to require, without limitation, that the most heavily weighted component stock of an index not exceed 30% of the weight of the index, and the five most heavily weighted component stocks of an index not exceed 65% of the weight of the index,[12] and that an index include a minimum of 13 component stocks.[13] In addition, component stocks that in the aggregate account for at least 90% of the weight of the index must have a market value of at least $75 million and minimum monthly trading volume of at least 250,000 shares for each of the last six months.[14] Therefore, the Commission believes that indexes underlying ICUs will continue to be sufficiently broad-based in scope to minimize potential manipulation. Additionally, ICUs and their underlying indexes would continue to be subject to all other requirements of NYSE Arca Equities Rule 5.2(j)(3).

The Commission believes that accelerating approval of the proposed rule change would enable the Exchange and issuers to immediately benefit from the expected efficiencies resultant from this proposed rule change without delay while at the same time still ensuring adequate protection for investors and the public in general. The Commission notes that NYSE Arca's proposal substantively tracks a recently approved rule change by the American Stock Exchange LLC [15] and raises no new regulatory issues. Thus, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,[16] to grant accelerated approval of the proposed rule change, as amended, prior to the thirtieth day after the notice is published for comment in the **Federal Register**.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (SR–NYSEArca–2007–14) be, and is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–6085 Filed 4–2–07; 8:45 am]

BILLING CODE 8010–01–P

[12] *See* Commentary .01(a)(3) to NYSE Arca Equities Rule 5.2(j)(3).

[13] *See* Commentary .01(a)(4) to NYSE Arca Equities Rule 5.2(j)(3).

[14] *See* Commentary .01(a)(1) and (2) to NYSE Arca Rule 5.2(j)(3).

[15] *See* Securities Exchange Act Release No. 55544 (March 27, 2007). The New York Stock Exchange LLC has also proposed a parallel rule change, which the Commission is approving concurrently with this one. *See* Securities Exchange Act Release No. 55545 (March 27, 2007).

[16] 15 U.S.C. 78s(b)(2).

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5739]

Additional Designation of Entity Pursuant to Executive Order 13382

AGENCY: Department of State.

ACTION: Designation of the Defense Industries Organization Under Executive Order 13382.

SUMMARY: Pursuant to the authority in section 1(ii) of Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'', the Assistant Secretary of State, acting under the authorities delegated to him by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, has determined that an Iranian entity, the Defense Industries Organization (''DIO''), has engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery.

DATES: The designation by the Secretary of State of the entity identified in this notice pursuant to Executive Order 13382 is effective on March 30, 2007.

FOR FURTHER INFORMATION CONTACT: Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, *tel.:* 202/647–7895.

Background

On June 28, 2005, the President, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, and person whose property and interests in property are blocked pursuant to the Order.

On March 28, 2007, the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, designated a person whose property and interests in property are blocked pursuant to Executive Order 13382.

Information on the additional designee is as follows:

1. Defense Industries Organization (a.k.a. Defence Industries Organisation; a.k.a. DIO; a.k.a. Saseman Sanaje Defa;

a.k.a. Sazemane Sanaye Defa; a.k.a. ''Sasadja''), P.O. Box 19585–777, Pasdaran Street, Entrance of Babaie Highway, Permanent Expo of Defence Industries Organization, Tehran, Iran [NPWMD].

Dated: March 28, 2007.

John C. Rood,

Assistant Secretary, International Security and Nonproliferation, Department of State.

[FR Doc. E7–6152 Filed 4–2–07; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2007–27758]

Known Icing Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of draft letter of interpretation.

SUMMARY: This draft letter of interpretation addresses a request by the Aircraft Owners and Pilots Association (AOPA) that the FAA rescind a letter of interpretation dated June 6, 2006 regarding ''known icing conditions''. Because of the controversy surrounding this issue, the FAA is publishing a draft of its response to seek public comment.

DATES: Send your comments on or before May 3, 2007.

ADDRESSES: You may send comments, identified by docket number, using any of the following methods:

1. *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.

2. *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590–0001.

3. *Facsimile:* (202) 493–2251.

4. *Hand delivery:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide.

FOR FURTHER INFORMATION CONTACT: Bruce Glendening, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Ave., Washington, DC 20591; telephone (202) 267–3073.

SUPPLEMENTARY INFORMATION: On November 17, 2006, Luis Gutierrez, Director of Regulatory and Certification Policy for AOPA, requested the FAA's Office of the Chief Counsel rescind a letter of interpretation issued by the FAA's Office of the Regional Counsel, Eastern Region, regarding flight in known icing conditions. The letter of interpretation, dated June 6, 2006, responded to a request by Robert Miller that the FAA clarify when ''known ice'' exists for purposes of enforcement action.

The FAA recognizes that the term ''known icing condition'', the term addressed in the June 2006 letter of interpretation, could be misconstrued. Based on one's interpretation of the term, the FAA's prohibitions against flying into known icing conditions under certain circumstances could either have the effect of placing severe constraints on when individuals in aircraft without deicing equipment could fly or allowing these individuals to fly in conditions where there is a real risk of ice accretion with no means of removing the ice. Because the FAA has been asked to rescind the June 6, 2006 letter of interpretation, we have decided to publish a draft of our response in the **Federal Register** and seek comment on it. Based upon comments received in the docket, the FAA may decide to reevaluate its position on known icing conditions. The text of the draft response is as follows:

Luis M. Gutierrez, Director, Regulatory and Certification Policy, Aircraft Owners and Pilots Association, 421 Aviation Way, Frederick, MD 21701–4798.

Re: Legal Interpretation of Known Icing Conditions

Dear Mr. Gutierrez:

In a letter dated November 21, 2006, to the FAA Chief Counsel's Office, you requested the rescission of a letter of interpretation regarding flight in known icing conditions, issued by this office on June 6, 2006. The Chief Counsel's Office has referred your letter to us for response. After considering the points you and other stakeholders have raised, we are replacing our June 6 letter through the issuance of this revision.

Our letter of June 6, 2006, responded to a request by Robert J. Miller for a legal interpretation of ''known ice'' as it relates to flight operations. We construed the request as seeking clarification of the meaning of ''known icing conditions'' as that term appears in the Airplane Flight Manuals (AFM) or Pilot Operating Handbooks for many general aviation aircraft. That is also the term addressed in legal proceedings involving violations of FAA safety regulations that relate to in-flight icing. The NTSB has held that known icing conditions exist when a pilot knows or reasonably should know of weather reports in which icing conditions are reported or forecast.[1]

While various FAA regulations contain limitations on flight in known icing conditions, the regulatory provision that most commonly affects general aviation operators in this respect applies the term only indirectly. 14 CFR 91.9 precludes pilots from operating contrary to the operating limitations in their aircraft's approved AFM. The operating limitations identify whether the aircraft is equipped to operate in known icing conditions and may prohibit or restrict such flights for many general aviation aircraft. 14 CFR 91.103 requires pilots to become familiar with all available information concerning their flights before undertaking them.

Permutations on the type, combination, and strength of meteorological elements that signify or negate the presence of known icing conditions are too numerous to describe exhaustively in this letter. Any assessment of known icing conditions is necessarily fact-specific. However, the NTSB's decisionmaking reflects the common understanding that the formation of structural ice requires two elements: visible moisture and an aircraft surface temperature at or below zero degrees Celsius. Even in the presence of these elements, there are many variables that influence whether ice will actually form on and adhere to an aircraft. The size of the water droplets, the shape of the airfoil, or the speed of the aircraft, among other factors, can make a critical difference in the initiation and growth of structural ice.

Whether a pilot has operated into known icing conditions contrary to any limitation will depend upon the information available to the pilot, and his or her proper analysis of that information in connection with the particular operation (e.g., route of flight, altitude, time of flight, airspeed, and aircraft performance characteristics), in evaluating the risk of encountering known icing conditions. The FAA, your own association, and other aviation- or weather-oriented organizations offer considerable information on the phenomenon of aircraft icing. Pilots are encouraged to use this information for a greater appreciation of the risks that flying in potential icing conditions can present. Likewise, a variety of sources

[1] *See e.g., Administrator* v. *Boger,* N.T.S.B. Order No. EA–4525 (Feb. 14, 1997); *Administrator* v. *Groszer,* NTSB Order No. EA–3770 (Jan. 5, 1993); *Administrator* v. *Bowen,* 2 N.T.S.B. 940, 943 (1974).