

October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCFA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 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

directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCFA. For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, 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.” “Policies that have tribal implications” is defined in the Executive order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VII. 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 this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 17, 2007.

Lois Rossi,
 Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.607 is amended in the table to paragraph (a)(1) by revising the entry for “Vegetable, fruiting group 8” and in the table to paragraph (d) by adding alphabetically commodities to read as follows:

§180.607 Spiromesifen; tolerances for residues.

(a) *General.* (1) * * *

| Commodity | Parts per million |
|------------------------------------|-------------------|
| * * * * * | * * * * * |
| Vegetable, fruiting, group 8 | 0.45 |
| * * * * * | * * * * * |

(d) * * *

| Commodity | Parts per million |
|-------------------|-------------------|
| * * * * * | * * * * * |
| Oat, forage | 0.20 |
| Oat, grain | 0.03 |
| Oat, hay | 0.25 |
| Oat, straw | 0.25 |
| * * * * * | * * * * * |

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 51a

RIN # 0906-AA70

Healthy Tomorrows Partnership for Children Program (HTPC)

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Final rule.

SUMMARY: This Final Rule sets forth the Secretary’s proposal to require HTPC grant recipients to contribute non-Federal matching funds in years 2 through 5 of the project period equal to two times the amount of the Federal Grant Award or such lesser amount

determined by the Secretary for good cause shown.

DATES: This Final Rule is effective January 24, 2007.

FOR FURTHER INFORMATION CONTACT: Jose Belardo, J.D., 301-443-0757.

SUPPLEMENTARY INFORMATION:

Background

Authorized by 42 U.S.C. 701(a)(3), the HTPC is a grant program funded and administered by the Health Resources and Services Administration's (HRSA) Maternal and Child Health Bureau (MCHB). Its purpose is to stimulate innovative community-based programs that employ prevention strategies to promote access to health care for children and their families nationwide by providing grant funds to implement a new or enhance an existing child health initiative. Currently, there are 58 HTPC funded projects. In fiscal year (FY) 2006, 49 projects are continuing grantees and 9 are newly funded.

Since the inception of this grant program in 1989, the HTPC has issued a programmatic requirement in its guidance that grant applicants must demonstrate the capability to meet cost participation goals by securing non-Federal matching funds and/or in-kind resources for the second through fifth years of the project. One of the key goals of this initiative is that funded programs are to be sustainable beyond the 5-year Federal funding period. In 1999, a formal evaluation of the HTPC *The Health Tomorrows Partnership for Children Program in Review: Analysis and Findings of a Descriptive Survey* was completed, and the authors concluded that the required match fosters long-term sustainability and leveraging of community resources. There was a 70 percent sustainability rate for those projects with activities that were sustained after the Federal funding period.

This Final Rule will formally introduce a cost participation component to the HTPC grant program, thus requiring its grantees to contribute non-Federal matching funds and/or in-kind resources in years 2 through 5 of the 5-year project period equal to two times the amount of the Federal Grant Award or such lesser amount determined by the Secretary for good cause shown. The non-Federal matching funds and/or in-kind resources must come from non-Federal funds, including, but not limited to, individuals, corporations, foundations in-kind resources, or State and local agencies. Documentation of matching funds would be required (i.e., specific sources, funding level, in-kind

contributions). Reimbursement for services provided to an individual under a State plan under Title XIX will not be deemed "non-Federal matching funds" for the purposes of this provision.

Public Participation

The public was invited to respond to Notice of Proposed Rulemaking (NPRM), which was published in the **Federal Register** on December 27, 2005 (70 FR 76435-76436). The NPRM provided for a 60-day comment period. We received no comments from the public.

Economic and Regulatory Impact

Executive Order 12866—Regulatory Planning and Review

HRSA has examined the economic implications of this Final Rule as required by Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: having an annual effect on the economy of \$100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues.

HRSA concludes that this Final Rule is a significant regulatory action under the Executive Order since it raises novel legal and policy issues under Section 3(f)(4). HRSA concludes, however, that this Final Rule does not meet the significance threshold of \$100 million effect on the economy in any one year under Section 3(f)(1).

Impact of the New Rule

Inclusion of this rule will greatly enhance grant recipients' ability to achieve the HTPC goal/performance measure of program sustainability beyond the 5-year Federal funding period.

Paperwork Reduction Act of 1995

The Final Rule does not impose any new data collection requirements.

List of Subjects in 42 CFR Part 51a

Grant programs—Handicapped, Health, Health care, Health professions, Maternal and Child Health.

Dated: July 5, 2006.

Elizabeth M. Duke,
Administrator, HRSA.

Approved: October 23, 2006.

Michael O. Leavitt,
Secretary.

Editor's Note: This document was received at the Office of the Federal Register on January 19, 2007.

■ For the reasons set forth in the preamble, HRSA amends 42 CFR part 51a as follows:

PART 51a—PROJECT GRANTS FOR MATERNAL AND CHILD HEALTH

■ 1. The authority citation for part 51a continues to read as follows:

Authority: 42 U.S.C. 1302; 42 U.S.C. 702(a), 702(b)(1)(A) and 706(a)(3).

■ 2. Amend § 51a.8 to add paragraph (c) to read as follows:

§ 51a.8 What other conditions apply to these grants?

* * * * *

(c) Grant recipients of Healthy Tomorrows Partnership for Children Program, a Community Integrated Service System-funded initiative, must contribute non-Federal matching funds in years 2 through 5 of the project period equal to two times the amount of the Federal Grant Award or such lesser amount determined by the Secretary for good cause shown. Reimbursement for services provided to an individual under a State plan under Title XIX will not be deemed "non-Federal matching funds" for the purposes of this provision.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07-61; MB Docket No. 00-53; RM-10479, RM-10770]

Radio Broadcasting Services; Eldorado, Fort Stockton, Mason and Mertzon, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule, denial.

SUMMARY: This document denies a Petition for Reconsideration filed by Bryan A. King, successor to BK Radio, directed to the *Report and Order* in this proceeding. With this action, the proceeding is terminated.