

693-9441 (facsimile). This notice is available on the Internet at <http://www.msha.gov/REGSINFO.HTM>.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA issued an Emergency Temporary Standard (ETS) on May 22, 2007, (72 FR 28796), and extended the comment period to September 17, 2007. MSHA is seeking additional public comment on the Report. The Report summarizes the preliminary results of a study performed under contract (MSHA NO 1A-AR 6000012) for MSHA's Technical Support Directorate

(Technical Support) by the U.S. Army Corps of Engineers (USACE). The USACE conducted research and testing from August 2006 to April 2007. The USACE provided a draft of the Report of their findings to Technical Support in May of 2007. The Report details the USACE's efforts to mathematically model the methane explosion at the Sago Mine and potentially establish the seal overpressures. The Report was not finalized.

MSHA is expressly limiting comments to those which address the Report as it relates to the regulatory provisions in the ETS. The Report is

available on the Internet at: <http://www.msha.gov/CFDSagoReport.pdf>. This notice allows commenters sufficient time to review the Report and submit comments. All comments and other appropriate data must be received by midnight, January 18, 2008, Eastern Standard Time.

II. Public Hearing

In addition to accepting written comments, MSHA will hold a public hearing on the Report. The hearing will begin at 9 a.m. and will end after the last speaker speaks, on the following date and location:

Date	Location	Phone
January 15, 2008 ..	Mine Safety and Health Administration, 1100 Wilson Blvd., 25th Floor, Conference Room, Arlington, Virginia 22209.	202-693-9440

Requests to speak should be made at least 5 days prior to the hearing date. Requests to speak may be made by telephone (202-693-9440), facsimile (202-693-9441), or mail (MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939). Any unallocated time at the end of the hearing will be made available to persons making same-day requests to speak.

The hearing will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations to the hearing panel. Speakers will be assigned in the order in which their requests are received. Speakers and attendees may present written information or other articles to the MSHA panel for inclusion in the rulemaking record.

The hearing will be conducted in an informal manner. Formal rules of evidence and cross examination will not apply. The presiding official may limit presentations and exclude irrelevant or unduly repetitious material and questions to ensure the orderly progress of the hearing. The hearing panelists may ask questions of speakers. Speakers and other attendees may present written information to the MSHA panel for inclusion in the rulemaking record.

MSHA will make the transcript available and will also post the transcript of the hearing on MSHA's Web site at <http://www.msha.gov>, and include it in the rulemaking record.

MSHA will accept comments and data for the record from any interested party, including those not presenting oral statements at the hearing.

Dated: December 17, 2007.

Richard E. Stickler,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 07-6128 Filed 12-17-07; 2:31 pm]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD-2007-OS-0117; RIN 0790-AH70]

32 CFR Part 57

Provision of Early Intervention and Special Education Services to Eligible DoD Dependents

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense (DoD) school systems [DoD Dependents Schools (DoDDS) and the Defense Dependents Elementary and Secondary Schools (DDESS)] are required by law to provide services and safeguards to children with disabilities consistent with the "Individuals With Disabilities Education Act" (IDEA). This will bring the DoDDS and DDESS under a single rule codified at 32 CFR part 57. The rule integrates previous DoD policy memoranda.

DATES: *Effective Date:* This rule is effective December 19, 2007.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca Posante, 703-602-4949 x114.

SUPPLEMENTARY INFORMATION: On June 10, 2004 (69 FR 32662), the Department of Defense published an interim final rule. No comments were received. The final rule had not been published sooner

due to legal constraints. This rule adopts the rule as published.

See 20 U.S.C. 927(c) (concerning DoDDS) and 10 U.S.C. 2164(f) (concerning DDESS). This final rule updates and amends the DoD implementation of the IDEA within the DoD school systems, as follows: Requires the DoD Education Activity to report annually on the rate special education students (a) participate in system-wide or alternative testing, (b) are disciplined, (c) are suspended, or (d) are expelled; and requires the DoD Education Activity to compare these rates with students who are not disabled; clarifies requirements for three year re-evaluation of special education students; requires individualized education programs (IEPs) to consider special circumstances in the IEP; strengthens the requirement for the school system notice to parents about change of placement or refusal for change of placement; strengthens the protections for students with a disability when facing disciplinary action that might result in suspension or expulsion; requires the schools to provide special education in an interim alternative educational setting for special education students who have been suspended or expelled from school; strengthens requirements for documenting behavioral intervention when disciplining special education students; clarifies the students who must be treated as students with a disability when considering disciplinary action that may result in suspension or expulsion; allows the use of paraprofessionals and assistants (e.g., Certified Occupational Therapy Assistants, Physical Therapy Assistants) to assist in the provision of early

intervention services and special education; requires the schools to advise students of their rights one year prior to the age of majority; sets the age of majority for students in the DoDDS as 18, and for students in the DDESS as the age of majority for the State in which the DDESS is located; consolidates the former National Advisory Panel and the Domestic Advisory Panel into one and requires the majority of advisory panel members be persons with disabilities or the parents of children with disabilities.

Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 32 CFR part 57 is not a significant regulatory action. The rule does not:

- (1) Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule pertains only to the provision of special education and early intervention by Department of Defense entities not by any other entity.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Federalism (Executive Order 13132)

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 57

Education of individuals with disabilities, Elementary and secondary education, Government employees, Military personnel.

PART 57—PROVISION OF EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES TO ELIGIBLE DOD DEPENDENTS

■ Accordingly, the interim rule revising 32 CFR part 57 published at 69 FR 32662 on June 10, 2004, is adopted as a final rule without change.

Dated: December 11, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD-2007-OS-0041; RIN 0790-AI21]

32 CFR Part 285

DoD Freedom of Information Act (FOIA) Program

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense is updating current policies and procedures reflecting the DoD FOIA Program as prescribed by Executive Order 13392. The changes will ensure appropriate agency disclosure of information and offer consistency with the goals of section 552 of title 5, United States Code.

DATES: *Effective Date:* This rule is effective December 19, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. James Hogan, 703-696-4495.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, "Regulatory Planning and Review"

On June 15, 2007, the Department of Defense published a proposed rule (72 FR 33180). No comments were received.

It has been certified that 32 CFR part 285 does not:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Section 202, Pub. L. 104-4, "Unfunded Mandates Reform Act"

It has been certified that 32 CFR part 285 does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that 32 CFR part 285 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that 32 CFR part 285 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, "Federalism"

It has been certified that 32 CFR part 285 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 285

Freedom of information.

Accordingly, 32 CFR part 285 is revised as follows.

PART 285—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Sec

285.1 Purpose.