

(27) Then proceed generally south-southeast, followed by straight west along the Napa and Solano Counties boundary line; continue straight west, crossing over the Cuttings Wharf Quadrangle map, to its intersection with the east shoreline of Sonoma Creek slough, which coincides with the Highway 37 bridge on the Solano County side of the creek, T4N/R5W, on the Sears Point Quadrangle.

(28) Then proceed generally southeast along the north and east shorelines of San Pablo Bay, also known as the San Pablo Bay National Wildlife Refuge, crossing over the Cuttings Wharf Quadrangle map, to its intersection with the Breakwater line, located within the Vallejo City boundaries and 0.7 mile west-southwest of the beacon, T3N/R4W, on the Mare Island Quadrangle.

(29) Then proceed 1.2 miles straight south-southwest to its intersection with the San Pablo Bay shoreline at BM 14, west of Davis Point, T3N/R4W, on the Mare Island Quadrangle.

(30) Then proceed generally south along the contiguous eastern shorelines of San Pablo Bay and San Francisco Bay, crossing over the Richmond and San Quentin Quadrangle maps, to its intersection with the San Francisco/Oakland Bay Bridge on the Oakland West Quadrangle.

\* \* \* \* \*

Dated: November 28, 2006.

**John J. Manfreda,**

*Administrator.*

[FR Doc. E6-20504 Filed 12-4-06; 8:45 am]

BILLING CODE 4810-31-P

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Parts 40, 41, 44, and 45

[Notice No. 69; Re: Notice No. 65]

RIN 1513-AB34

#### Tax Classification of Cigars and Cigarettes

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** In response to an industry member request, the Alcohol and Tobacco Tax and Trade Bureau extends the comment period for Notice No. 65, Tax Classification of Cigars and Cigarettes, a notice of proposed rulemaking published in the **Federal Register** on October 25, 2006, for an additional 90 days.

**DATES:** Written comments on Notice No. 65 must now be received on or before March 26, 2007.

**ADDRESSES:** You may send comments to any of the following addresses—

- Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Attn: Notice No. 65, P.O. Box 14412, Washington, DC 20044-4412.

- 202-927-8525 (facsimile).
- [nprm@ttb.gov](mailto:nprm@ttb.gov) (e-mail).
- [http://www.ttb.gov/regulations\\_laws/all\\_rulemaking.shtml](http://www.ttb.gov/regulations_laws/all_rulemaking.shtml).

An online comment form is posted with this notice on our Web site.

- <http://www.regulations.gov>. Federal e-rulemaking portal; follow instructions for submitting comments.

You may view copies of this extension notice, Notice No. 65, and any comments we receive by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. To make an appointment, call 202-927-2400. You may also access copies of this extension notice, Notice No. 65, and the related comments online at [http://www.ttb.gov/regulations\\_laws/all\\_rulemaking.shtml](http://www.ttb.gov/regulations_laws/all_rulemaking.shtml).

**FOR FURTHER INFORMATION CONTACT:**

Linda Wade Chapman, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200-E, Washington, DC 20220; telephone 202-927-8210; or e-mail [Linda.Chapman@ttb.gov](mailto:Linda.Chapman@ttb.gov).

**SUPPLEMENTARY INFORMATION:** On October 25, 2006, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published Notice No. 65, Tax Classification of Cigars and Cigarettes, in the **Federal Register** (71 FR 62506). In that notice of proposed rulemaking, TTB requested public comment on proposed amendments to our regulations regarding the classification of cigars and cigarettes for Federal excise tax purposes. As originally published, the comment period for Notice No. 65, was scheduled to close on December 26, 2006.

After publication of Notice No. 65, TTB received a request from the Cigar Association of America, Inc. (CAA) to extend the comment period for Notice No. 65 for 90 days beyond the December 26, 2006, closing date. In its letter to TTB, CAA lists three reasons for the extension request. First, CAA notes that Notice No. 65 raises numerous complex and important issues relating to the tax classification of cigars and cigarettes and the proposed method for measuring total reducing sugars. Second, CAA states that it requires additional time to coordinate with its domestic and foreign members to consider the impact of the

proposed regulatory changes on the industry and to evaluate the analytical method TTB used to measure total reducing sugars. Third, CAA notes that the December 26, 2006, deadline for comments falls over two major holidays, which will hinder its ability to collect data and comments from its members.

In response to this request, TTB extends the comment period for Notice No. 65 for an additional 90 days. Therefore, comments on Notice No. 65 are now due on or before March 26, 2007.

Dated: November 21, 2006.

**John J. Manfreda,**

*Administrator.*

[FR Doc. E6-20506 Filed 12-4-06; 8:45 am]

BILLING CODE 4810-31-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 70

[EPA-R07-OAR-2006-0900; FRL-8250-6]

#### Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) and operating permits program revision submitted by the State of Missouri to update the ambient air quality standards, sampling methods, definitions, and common reference methods and tables. The update also includes references to implement the 8-hour ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards that were finalized on July 18, 1997.

**DATES:** Comments on this proposed action must be received in writing by January 4, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2006-0900 by one of the following methods:

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

2. *E-mail:* [algie-eakin.amy@epa.gov](mailto:algie-eakin.amy@epa.gov).

3. *Mail:* Amy Algie-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. *Hand Delivery or Courier.* Deliver your comments to: Amy Algie-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas

66101. 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 a.m. to 4:30 p.m., excluding legal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Amy Algoe-Eakin at (913) 551-7942, or by e-mail at [algoe-eakin.amy@epa.gov](mailto:algoe-eakin.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is approving the state's SIP and operating permits program revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: November 21, 2006.

**John B. Askew,**

*Regional Administrator, Region 7.*

[FR Doc. E6-20445 Filed 12-4-06; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA 2006-25453]

**Federal Motor Vehicle Safety Standards; Occupant Crash Protection**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies a petition for rulemaking requesting that the agency amend Federal Motor Vehicle Safety Standard No. 208, "Occupant crash protection," to include belted test dummies in the rear seats of the dynamic crash tests, and to include a cargo test for occupant protection.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may contact Christopher Wiacek, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-4801, Facsimile: (202) 366-4329.

For legal issues, you may contact Edward Glancy, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-5263, Facsimile: (202) 366-3820.

**SUPPLEMENTARY INFORMATION:**

**I. The Petition**

On August 12, 2004, the agency received a petition from Larry E. Coben of the law firm Coben & Associates, and Alan Cantor of the consulting firm ARCCA, Inc. requesting two safety amendments to Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection." First, the petitioners requested an amendment to include belted test dummies in the rear seats of the dynamic crash tests. Second, the petitioners requested that the agency adopt an unrestrained cargo test, as defined by the United Nations under Economic Commission for Europe (ECE) Regulation 17, "Uniform provisions concerning the approval of vehicles with regard to the seats, their anchorages and any head restraints." In support of their position, the petitioners submitted test data to the agency on August 24, 2004.

**A. Part 1—Rear Seat Occupant Protection**

The first aspect of the petition requested amending the existing FMVSS No. 208 frontal barrier crash tests (or an equivalent sled test) to include new performance requirements for an assortment of belted test dummies positioned in rear seats. The petitioners recommended selecting amongst the 95th percentile male, 50th percentile male, 5th percentile female, and 6-year-old child dummy sizes, and adopting FMVSS No. 208 injury criteria for the head, neck, chest and femurs. They also recommended adopting a new method of assessing abdominal injury risk. The

petitioners noted that FMVSS No. 209, "Seat belt assemblies," FMVSS No. 210, "Seat belt assembly anchorages," and the equipment provisions of FMVSS No. 208 do not have dynamic performance requirements for rear seat restraints. The petitioners further stated that applying the same injury criteria to instrumented rear seat dummies that are applied to front seat dummies in frontal crashes is warranted, and would not cause any undue expense.

**B. Part 2—Unrestrained Cargo Test**

The second aspect of the petition requested that the agency amend FMVSS No. 208 to include an unrestrained cargo test, as specified in the European seat standard, ECE 17, and to adopt the pass/fail criteria employed in that standard. The petitioner noted that ECE 17 was adopted to ensure that vehicles maintain sufficient strength to protect occupants from displaced luggage that may be thrown into the back of vehicle seats in a frontal impact. The petitioners noted that FMVSS No. 208 (or any other standard) does not account for cargo that is regularly placed in the luggage/storage areas of passenger cars, vans, sport utility vehicles, and applicable trucks. The petitioners stated that the use of unrestrained cargo in FMVSS No. 208 tests would provide an assessment of the passive barrier that lies between the cargo compartment and rear seat occupants.

**II. Discussion of Part 1—Rear Seat Occupant Protection**

**A. Data From Petitioner**

On August 24, 2004, the petitioners provided frontal impact crash test data using a 1995 model year Hyundai Scoupe in conjunction with their petition.<sup>1</sup> Frontal impact crash tests were conducted at both 48 km/h and 64 km/h with a 5th percentile female Hybrid III dummy placed in the left rear seating position, restrained by a lap/shoulder belt. According to the petitioners' data, the dummy experienced injury measurements in excess of the maximum head injury measurements applicable under FMVSS No. 208 in both tests. Additionally, the dummy's chest acceleration measurement exceeded the criterion in the 48 km/h test and was nearly exceeded in the 64 km/h test. Examination of the films revealed that the 5th percentile female dummy's head contacted the dummy's knees in the 48 km/h test, and contacted the front driver seat back and later its own knees in the

<sup>1</sup> For the crash data, see the docket for this notice.