

conclusions. Decisions will be rendered for the Board by a single Administrative Judge with the concurrence of the Chairman or Vice Chairman or other designated Administrative Judge, or by a majority among these two and an additional designated member in case of disagreement. In cases where the amount in dispute is \$50,000 or less and in which there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, convert the appeal to a SMALL CLAIMS (EXPEDITED) proceeding and at the conclusion of the hearing, after entertaining such oral arguments as he or she deems appropriate, render on the record oral summary findings of fact, conclusions of law, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a printed copy of such oral decision for record and payment purposes and to establish the date of commencement of the period for filing a motion for reconsideration under § 955.30.

(c) At the request of Respondent, or on its own initiative, the Board may determine whether the amount in dispute and/or the appellant's status make the election of the SMALL CLAIMS (EXPEDITED) procedure or the ACCELERATED procedure inappropriate.

(d) *Motions for Reconsideration in Cases Arising Under § 955.13.* Motions for reconsideration of cases decided under either the SMALL CLAIMS (EXPEDITED) procedure or the ACCELERATED procedure need not be decided within the time periods prescribed by this § 955.13 for the initial decision of the appeal, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this section.

(e) Except as herein modified, the rules of this part 955 otherwise apply in all aspects.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. E7-12491 Filed 6-28-07; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

#### Requirements for Preparation, Adoption, and Submittal of Implementation Plans

##### *CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 50 to 51, revised as of July 1, 2006, in Appendix S to Part 51, on page 483, reinstate paragraph II.A.4(iii) to read as follows:

#### Appendix S to Part 51—Emission Offset Interpretative Ruling

\* \* \* \* \*

II.\* \* \*

A.\* \* \*

4 \* \* \*

(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this ruling whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

\* \* \* \* \*

[FR Doc. 07-55507 Filed 6-28-07; 8:45 am]

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

#### National Emission Standards for Hazardous Air Pollutants for Source Categories

##### *CFR Correction*

In Title 40 of the Code of Federal Regulations, Part 63 (§§ 63.600 to 63.1199), revised as of July 1, 2006, in § 63.1103, paragraph (e)(2), on page 547, in alphabetical order, add the definition of "Organic HAP" to read as follows:

#### § 63.1103 Source category-specific applicability, definitions, and requirements.

\* \* \* \* \*

(e)\* \* \*

(2)\* \* \*

*Organic HAP* means the compounds listed in Table 1 to subpart XX of this part.

\* \* \* \* \*

[FR Doc. 07-55506 Filed 6-28-07; 8:45 am]

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 170

#### Worker Protection Standard

##### *CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 150 to 189, revised as of July 1, 2006, in § 170.112, on page 212, paragraph (a)(1) is corrected to read as follows:

#### § 170.112 Entry restrictions.

(a) \* \* \* (1) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

\* \* \* \* \*

[FR Doc. 07-55508 Filed 6-28-07; 8:45 am]

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2002-0043; FRL-8131-3]

#### Pesticide Tolerance Nomenclature Changes; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document removes duplicate entries in terminology of certain commodity terms listed under 40 CFR part 180, subpart C. EPA is taking this action to establish a uniform listing of commodity terms.

**DATES:** This Final Rule is effective on June 29, 2007.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2002-0043. All documents in the docket are listed in the index for the docket. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Stephen Schaible, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9362; fax number: (703) 305-6920; e-mail address: [schaible.stephen@epa.gov](mailto:schaible.stephen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturer (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.

- Pesticide manufacturer (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Access Electronic Copies of this Document?*

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.regulations.gov>, you may access this "**Federal Register**" document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

**II. Background**

*A. What Action is the Agency Taking?*

In this rule, EPA is removing certain duplicate tolerance entries listed under 40 CFR part 180, subpart C, as follows:

1. In § 180.106, in the table to paragraph (a), EPA is removing one of the two duplicate entries for "Rye, forage."
2. In § 180.111, in the table to paragraph (a)(1), EPA is removing the entry for "Almond, shells" at 50 ppm. A tolerance is established for the appropriate commodity term "Almond, hulls" at 50 ppm.
3. In § 180.121, in the table to paragraph (e), EPA is removing one of the two duplicate entries for "Peach."
4. In § 180.163, in the table to paragraph (a), EPA is removing the entry for "Hay, spearmint" at 25 ppm. A tolerance is established for the appropriate commodity term "Spearmint, tops" at 25 ppm.
5. In § 180.220, in the table to paragraph (a)(1), EPA is removing one of the two duplicate entries for "Wheat, straw."
6. In § 180.213, in the table to paragraph (a)(1), EPA is removing the entry for "Alfalfa" at 15 ppm.

Tolerances are established for the appropriate commodities "Alfalfa, forage" at 15 ppm and "Alfalfa, hay" at 15 ppm.

7. In § 180.213, in the table to paragraph (a)(1) EPA is making the following changes:

i. EPA is removing the entry for "Bermuda grass" at 15 ppm. Tolerances are established for the appropriate commodities "Bermudagrass, forage" at 15 ppm and "Bermudagrass, hay" at 15 ppm.

ii. EPA is also removing the entry for "Grass" at 15 ppm. Tolerances are established for the appropriate commodities "Grass, forage" at 15 ppm and "Grass, hay" at 15 ppm.

8. In § 180.227, in the table to paragraph (a)(1), EPA is making the following changes:

i. EPA is removing the entry for "Corn, forage" at 0.05 ppm. A tolerance is established for the appropriate commodity "Corn, field, forage" at 3.0 ppm.

ii. EPA is also removing the entry for "Corn, stover" at 0.5 ppm. Tolerances are established for the appropriate commodities "Corn, field, stover" at 3.0 ppm and "Corn, pop, stover" at 3.0 ppm.

9. In § 180.253, in the table to paragraph (a), EPA is removing one of the two duplicate entries for "Rye, forage."

10. In § 180.324, in the table to paragraph (a)(1), EPA is removing one of the two duplicate entries for "Corn, field, stover."

11. In § 180.408, in the table to paragraph (a), EPA is removing one of the two duplicate entries for "Peanut, hay;" in the table to paragraph (d) EPA is removing one of two identical entries for "Oat, straw;" and "Wheat, straw."

12. In § 180.462, the table to paragraph (a), EPA is removing the entry for "Corn, forage".

13. In § 180.484, the table to paragraph (a)(1), EPA is removing the entry for "Goat, milk"; "Hog, milk" and "Horse, milk" at 0.05 ppm. A tolerance is established for the appropriate commodity "Milk" at 0.05 ppm.

*B. Why is this Technical Amendment Issued as a Final Rule?*

Section 553 of the Administrative Procedure Act (APA), 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 notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical

amendment final without prior proposal and opportunity for comment. A complete description of the types of changes that are being made has been provided above. EPA has determined that there is no need for public comment on such ministerial changes and thus that there is good cause under 5 U.S.C. 553(b)(B) for dispensing with public comment. While EPA believes that it has correctly identified all instances where these above-listed revisions need to be made, the Agency would appreciate readers notifying EPA of discrepancies, omissions, or technical problems by submitting them to the address or e-mail under **FOR FURTHER INFORMATION CONTACT**. These will be corrected in a future rule.

### III. Statutory and Executive Order Reviews

This final rule makes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations, and it does not otherwise impose or amend any requirements. As such, the Office of Management and Budget (OMB) has determined that a technical amendment is not a "significant regulatory action" subject to review by OMB under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this final 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). The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) 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 impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental organizations. After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action makes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations. This technical amendment will not have any negative economic impact on any entities, including small entities. 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 the FFDCA. For these same reasons, the Agency has determined that this final 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 final 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 final rule.

### IV. 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).

### Lists of Subjects in 40 CFR Part 180

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

Dated: June 15, 2007.

**Debra Edwards,**

*Director, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I, part 180 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. Part 180 is amended as follows:

In Section	In paragraph	Remove the entry
180.111	(a)(1) table	Almonds, shells

In Section	In paragraph	Remove the entry
180.163	(a) table	Hay, spearmint
180.213	(a)(1) table	Alfalfa
180.213	(a)(1) table	Bermuda grass
180.213	(a)(1) table	Grass
180.227	(a)(1) table	Corn, forage
180.227	(a)(1) table	Corn, stover
180.462	(a) table	Corn, forage
180.484	(a)(1) table	Goat, milk
180.484	(a)(1) table	Hog, milk
180.484	(a)(1) table	Horse, milk

**§ 180.106 [Amended]**

■ 3. In § 180.106 the table to paragraph (a)(1), by removing one of the two entries for “Rye, forage.”

**§ 180.121 [Amended]**

■ 4. In § 180.121, the table to paragraph (e), by removing one of the two entries for “Peach.”

**§ 180.220 [Amended]**

■ 5. In § 180.220, the table to paragraph (a)(1), by removing one of the two entries for “Wheat, straw.”

**§ 180.253 [Amended]**

■ 6. In § 180.253, the table to paragraph (a), by removing one of the two entries for “Rye, forage.”

**§ 180.324 [Amended]**

■ 7. In § 180.324, the table to paragraph (a)(1), by removing one of the two entries for “Corn, field, stover.”

**§ 180.408 [Amended]**

■ 8. In § 180.408, the table to paragraph (a), by removing one of the two entries for “Peanut, hay;” and in the table to paragraph (d) by removing one of the two entries for “Oat, straw;” and one of the two entries for “Wheat, straw.”

[FR Doc. E7-12645 Filed 6-28-07; 8:45 a.m.]  
**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 273**

**Standards for Universal Waste Management**

*CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 266 to 299, revised as of July 1, 2006, in § 273.9, on page 463, in alphabetical order, reinstate the definition of “On-site” to read as follows:

**§ 273.9 Definitions.**

\* \* \* \* \*

*On-site* means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

[FR Doc. 07-55505 Filed 6-28-07; 8:45 am]

**BILLING CODE 1505-01-D**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 1816**

**RIN 2700-AD33**

**Award Fee Administrative Changes**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes administrative changes to the NASA FAR Supplement (NFS) to clarify the requirements for award fee evaluation factors and to add a requirement for a documented cost/benefit analysis when an award fee contract is used.

**EFFECTIVE DATE:** This rule is effective June 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Tom O’Toole, NASA, Office of Procurement, Contract Management Division (Suite 5J86); (202) 358-0478; e-mail: [thomas.otoole@nasa.gov](mailto:thomas.otoole@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Government Accountability Office (GAO) report entitled “NASA Procurement: Use of Award Fees for

Achieving Program Outcomes Should Be Improved” (GAO-07-58), dated January 2007, included recommendations for improving NASA award fee policy. The GAO recommended that NASA require cost/benefit analysis documentation when using an award fee contract and also recommended that NASA reemphasize the importance of tying award fee criteria to desired outcomes and limiting the number of evaluation subfactors. NASA agreed with both GAO recommendations, and is revising the NFS accordingly.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This interim rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this final rule. This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS coverage in accordance with 5 U.S.C. 610. Interested parties should cite 5 U.S.C. 601, *et seq.*, in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act (Pub. L. 104-13) is not applicable because the NFS changes do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 1816**

Government procurement.

**Sheryl Goddard,**

*Acting Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR part 1816 is amended as follows:

**PART 1816—TYPES OF CONTRACTS**

■ 1. The authority citation for 48 CFR part 1816 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

■ 2. Revise paragraph (a) of section 1816.405-270 to read as follows:

**1816.405-270 CPAF contracts.**

(a) Use of an award fee incentive shall be approved in writing by the procurement officer. The procurement officer’s approval shall include a discussion of the other types of