

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
*	*	<p>4. Data Submittals: Ford must submit the data obtained through verification testing at KCAP or as required by other conditions of this rule to EPA Region 7, Air, RCRA and Toxics Division, 901 N. 5th, Kansas City, Kansas, 66208. The quarterly verification data and certification of proper disposal must be submitted annually upon the anniversary of the effective date of this exclusion. Ford must compile, summarize, and maintain at KCAP records of operating conditions and analytical data for a minimum of five years. Ford must make these records available for inspection. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).</p> <p>5. Reopener Language—(a) If, anytime after disposal of the delisted waste, Ford possesses or is otherwise made aware of any data (including but not limited to leachate data or groundwater monitoring data) relevant to the delisted waste at KCAP indicating that any constituent is at a level in the leachate higher than the specified delisting level, or is in the groundwater at a concentration higher than the maximum allowable groundwater concentration in paragraph (e), then Ford must report such data in writing to the Regional Administrator within 10 days of first possessing or being made aware of that data.</p> <p>(b) Based on the information described in paragraph (a) and any other information received from any source, the Regional Administrator will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(c) If the Regional Administrator determines that the reported information does require Agency action, the Regional Administrator will notify Ford in writing of the actions the Regional Administrator believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing Ford with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. Ford shall have 30 days from the date of the Regional Administrator's notice to present the information.</p> <p>(d) If after 30 days Ford presents no further information, the Regional Administrator will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator's determination shall become effective immediately, unless the Regional Administrator provides otherwise.</p>
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[FR Doc. E6-21603 Filed 12-19-06; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-D-7680]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain

management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This proposed rule involves no policies

that have federalism implications under Executive Order 13132.  
*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

**PART 67—[AMENDED]**

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Lee County, Florida, and Incorporated Areas</b>				
Bayshore Creek .....	Approximately 600 feet downstream of Jamestown Circle.	+8 .....	+7	Lee County (Unincorporated Areas).
Bedman Creek/Dog Canal.	At Nalle Grade Road .....	None .....	+23	Lee County (Unincorporated Areas).
	Approximately 700 feet downstream of Palm Beach Boulevard.	+7 .....	+8	
Billy Creek .....	Approximately 2.6 miles upstream of Weir S-D-2.	None .....	+26	Lee County (Unincorporated Areas), City of Fort Myers.
	At upstream side of Veronica Shoemaker Boulevard.	+7 .....	+8	
Caloosahatchee River	Approximately 0.4 mile upstream of Oritz Circle.	None .....	+17	Lee County (Unincorporated Areas), City of Cape Coral, City of Fort Myers.
	At intersection of Cohn Road and Marsh Cove Lane.	+7 .....	+8	
Carrell Canal .....	Approximately 0.4 mile south of intersection of Tarpon Estates Boulevard and Tarpon Estates Court.	+10 .....	+11	City of Fort Myers.
	Approximately 900 feet upstream of confluence with Caloosahatchee River.	None .....	+7	
Chapel Branch Creek	Approximately 375 feet upstream of Evans Avenue.	None .....	+13	Lee County (Unincorporated Areas).
	Approximately 600 feet downstream of Samville Road.	+7 .....	+8	
Charlotte Harbor .....	Approximately 650 feet upstream of Rich Road.	None .....	+20	Lee County (Unincorporated Areas), City of Cape Coral.
	At intersection of Kismet Parkway and Burnt Stove Road.	+7 .....	+6	
Cypress Creek .....	Approximately 0.7 mile west from Old Burnt Stove Road and 48th Terrace intersection (follow Yucca Creek).	+11 .....	+10	Lee County (Unincorporated Areas).
	Approximately 800 feet downstream of North River Road.	+7 .....	+8	
Daughtrey Creek .....	Approximately 3.0 miles upstream of North River Road.	None .....	+18	Lee County (Unincorporated Areas).
	Approximately 0.4 mile downstream of Bayshore Road.	+8 .....	+7	
East Branch .....	Approximately 0.9 mile upstream of Nalle Grade Road.	None .....	+24	Lee County (Unincorporated Areas).
	At downstream side of Bayshore Road .....	+8 .....	+7	
Daughtrey Creek .....	At Nalle Grade Road .....	None .....	+23	Lee County (Unincorporated Areas), City of Cape Coral.
East Branch .....	Approximately 0.2 mile downstream of Pine Island Road.	None .....	+7	
Yellow Fever Creek ...	At upstream side of U.S. 41 Culvert .....	+17 .....	+18	Lee County (Unincorporated Areas), City of Bonita Springs, Town of Fort Myers Beach.
Estero Bay .....	Approximately 0.3 mile west of intersection of Baybridge Boulevard and Bridge Run Court.	+10 .....	+11	
Estero River .....	Approximately 0.5 mile west of intersection of Redfish Street and Spring Creek Drive.	+13 .....	+15	Lee County (Unincorporated Areas).
	Approximately 0.4 mile downstream of South Tamiami Trail.	+10 .....	+11	
Fichter Creek .....	Approximately 0.4 mile upstream of I-75 .....	None .....	+21	Lee County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Caloosahatchee River.	None .....	+7	
	Approximately 50 feet upstream of Fichters Creek Lane.	None .....	+15	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Ford Street Canal .....	At upstream side of Gallee Way .....	None .....	+9	City of Fort Myers.
	Approximately 200 feet downstream of Hanson Street.	None .....	+18	
Gulf of Mexico .....	Approximately 1,000 feet west of the Pelican Pass and Charlotte Harbor Mouth (Cayo Costa Island).	+7 .....	+8	Lee County (Unincorporated Areas), City of Bonita Springs, City of Sanibel, Town of Fort Myers Beach.
	Approximately 500 feet west of intersection of Estero Boulevard and Hickory Boulevard.	+18 .....	+20	
Halfway Creek .....	Approximately 0.6 mile downstream of U.S. Route 41.	+10 .....	+11	Lee County (Unincorporated Areas).
Halls Creek .....	Approximately 100 feet upstream of Railroad River Road.	None .....	+16	Lee County (Unincorporated Areas).
	Approximately 500 feet upstream of North River Road.	None .....	+7	
Hancock Creek .....	Approximately 0.6 mile upstream of North River Road.	None .....	+13	Lee County (Unincorporated Areas), City of Cape Coral.
	Approximately 100 feet upstream of Barrett Road.	None .....	+7	
Hickey Creek .....	Approximately 100 feet upstream of Diplomat Parkway.	None .....	+11	Lee County (Unincorporated Areas).
	Approximately 1,000 feet upstream of Palm Beach Boulevard.	+7 .....	+8	
Hickey Creek .....	At the confluence of Hickey Creek Drainageway.	+9 .....	+10	Lee County (Unincorporated Areas).
	At confluence of Hickey Creek .....	+9 .....	+10	
(upstream of Hickey Creek Drainageway).	Approximately 0.8 mile downstream of Bate-man Road.	+11 .....	+10	
Hickey Creek Drainageway.	At the confluence with Hickey Creek .....	+9 .....	+10	Lee County (Unincorporated Areas).
Kickapoo Creek .....	Approximately 1.1 miles upstream of 17th Street.	None .....	+22	Lee County (Unincorporated Areas).
	At upstream side of Bayshore Road .....	+7 .....	+8	
L-3 Canal .....	Approximately 0.2 mile upstream of Old Bayshore Road.	+12 .....	+8	Lee County (Unincorporated Areas), City of Fort Myers.
	At the confluence with L Canal .....	None .....	+8	
Leitner Creek .....	Approximately 0.4 mile upstream of Fowler Street.	None .....	+14	City of Bonita Springs.
	Approximately 800 feet upstream of Terry Street.	+10 .....	+12	
Manuels Branch .....	Approximately 0.3 mile upstream of I-75 .....	None .....	+14	City of Fort Myers.
	At upstream side of McGregor Boulevard .....	None .....	+7	
Marsh Point Creek .....	Approximately 975 feet upstream of Evans Avenue.	None .....	+12	Lee County (Unincorporated Areas).
	At upstream side of Bayshore Road .....	+10 .....	+7	
Matlacha Pass .....	At upstream side of Tucker Lane .....	+16 .....	+15	Lee County (Unincorporated Areas), City of Cape Coral.
	Approximately 0.5 mile east of intersection of Game Bird Lane and Ficus Tree Lane.	+7 .....	+6	
Mullock Creek .....	Approximately 0.7 mile east of intersection of Tropical Point Drive and Cove Street.	+8 .....	+11	Lee County (Unincorporated Areas).
	Approximately 300 feet downstream of Constitution Circle.	None .....	+10	
Mullock Creek Tributary.	At Oriole Road .....	None .....	+15	Lee County (Unincorporated Areas).
	Approximately 0.2 mile downstream of South Tamiami Trail.	+10 .....	+11	
North Colonial Waterway.	Approximately 150 feet upstream of South Tamiami Trail.	None .....	+13	City of Fort Myers.
	At the confluence with Ten Mile Canal .....	None .....	+17	
Oak Creek .....	Approximately 400 feet upstream of Milan Drive.	None .....	+17	City of Bonita Springs.
	At Imperial Street .....	+10 .....	+11	
Orange River .....	Approximately 1,000 feet upstream of Imperial Street.	+10 .....	+11	Lee County (Unincorporated Areas).
	Approximately 2.5 miles upstream of Palm Beach Boulevard.	+7 .....	+8	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Owl Creek .....	Approximately 2.5 miles upstream of Buckingham Road.	None .....	+17	Lee County (Unincorporated Areas).
	Approximately 1,000 feet downstream of North River Road.	+8 .....	+7	
Palm Creek .....	Approximately 0.2 mile upstream of Shirley Lane.	None .....	+20	Lee County (Unincorporated Areas).
	At downstream side of Bayshore Road .....	+8 .....	+7	
Pine Island Sound .....	Approximately 50 feet downstream of Sharon Drive.	None .....	+22	Lee County (Unincorporated Areas), City of Sanibel.
	Approximately 500 feet west of intersection of State Route 767 and Helen Road.	+7 .....	+6	
Popash Creek .....	At intersection of Seair Lane and Sol Vista Drive on Captiva Island.	+10 .....	+12	Lee County (Unincorporated Areas).
	Approximately 0.3 mile upstream of Bayshore Road.	+8 .....	+7	
Powell Bypass .....	At County boundary .....	+26 .....	+25	Lee County (Unincorporated Areas).
	At Weir Valencia .....	+14 .....	+12	
Powell Creek .....	Approximately 2.0 miles upstream of Mellow Drive.	None .....	+20	Lee County (Unincorporated Areas).
	Approximately 0.3 mile upstream of Brooks Road.	+8 .....	+7	
Powell Creek .....	At Weir Valencia .....	+14 .....	+12	Lee County (Unincorporated Areas).
	At confluence with Powell Creek .....	+11 .....	+7	
Tributary No. 1 .....	Approximately 0.4 mile upstream of the confluence with Powell Creek.	+11 .....	+10	
San Carlos Bay .....	At intersection of Sanibel Boulevard and Bay View Avenue.	+8 .....	+7	Lee County (Unincorporated Areas), City of Cape Coral, City of Sanibel, Town of Fort Myers Beach.
	Approximately 500 feet south of intersection of Punta Rassa Road and McGregor Boulevard.	+17 .....	+20	
Six Mile Cypress .....	At confluence with Ten Mile Canal .....	None .....	+13	Lee County (Unincorporated Areas), City of Fort Myers.
Slough .....	At State Route 82 .....	None .....	+22	
South Branch .....	At confluence with Estero River .....	None .....	+14	Lee County (Unincorporated Areas).
	At upstream side of I-75 .....	None .....	+17	
Spanish Canal .....	At confluence with Spanish Creek .....	None .....	+13	Lee County (Unincorporated Areas).
	Approximately 0.8 mile upstream of confluence with Spanish Creek.	None .....	+18	
Spanish Creek .....	Approximately 900 feet upstream of confluence with Caloosahatchee River.	+7 .....	+8	Lee County (Unincorporated Areas).
	Approximately 0.2 mile upstream of Perimmon Ridge Road.	None .....	+19	
Spring Creek .....	Approximately 500 feet downstream of Railroad.	+10 .....	+11	City of Bonita Springs.
Stricklin Gully .....	Approximately 0.4 mile upstream of Railroad	None .....	+13	Lee County (Unincorporated Areas).
	At confluence with Trout Creek/Curry Lake Canal.	None .....	+13	
Stroud Creek .....	Approximately 1.4 miles upstream of confluence with Trout Creek/Curry Lake Canal.	None .....	+18	Lee County (Unincorporated Areas).
	Approximately 100 feet upstream of Bayshore Road.	+8 .....	+7	
Telegraph Creek .....	Approximately 0.2 mile upstream of St. Paul Road.	None .....	+23	Lee County (Unincorporated Areas).
	Approximately 1,000 feet upstream of confluence with Caloosahatchee River.	+7 .....	+8	
Ten Mile Canal .....	Approximately 1.5 miles upstream of Telegraph Creek Lane.	None .....	+18	Lee County (Unincorporated Areas), City of Fort Myers.
	Approximately 1,500 feet downstream of Briarcliff Road.	+10 .....	+11	
Trout Creek/Curry Lake Canal.	At Hanson Street .....	None .....	+17	Lee County (Unincorporated Areas).
	At downstream side of North River Road .....	+7 .....	+8	
Winkler Canal .....	At County boundary .....	None .....	+23	City of Fort Myers.
	Approximately 700 feet upstream of the confluence with Caloosahatchee River.	None .....	+7	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Yellow Fever Creek ...	Approximately 125 feet upstream of Evans Avenue.	None .....	+14	Lee County (Unincorporated Areas), City of Cape Coral.
	Approximately 1,000 feet downstream of Pine Island Road.	None .....	+7	
	Approximately 0.5 mile upstream of Littleton Road.	None .....	+11	

\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES**

**City of Bonita Springs**

Maps are available for inspection at the City of Bonita Springs Administration Office, 9101 Bonita Beach Road, Bonita Springs, Florida. Send comments to The Honorable Jay Arend, Mayor of the City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, Florida 34135.

**City of Cape Coral**

Maps are available for inspection at the City of Cape Coral Community Development Department, 1015 Cultural Park Boulevard, Cape Coral, Florida. Send comments to The Honorable Eric Feichthaler, Mayor of the City of Cape Coral, P.O. Box 150027, Cape Coral, Florida 33915-0027.

**City of Fort Myers**

Maps are available for inspection at the City of Fort Myers Community Development Department, 1825 Hendry Street, Suite 101, Fort Myers, Florida. Send comments to Mr. Anthony Shoemaker, Fort Myers City Manager, P.O. Box 2217, Fort Myers, Florida 33902.

**Town of Fort Myers Beach**

Maps are available for inspection at the Town of Fort Myers Beach Council Chambers, 2523 Estero Boulevard, Fort Myers Beach, Florida. Send comments to The Honorable Dennis Boback, Mayor of the Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.

**City of Sanibel**

Maps are available for inspection at the Sanibel City Hall, Planning Department, 800 Dunlop Road, Sanibel, Florida. Send comments to The Honorable Carla Johnston, Mayor of the City of Sanibel, 800 Dunlop Road, Sanibel, Florida 33957.

**Lee County (Unincorporated Areas)**

Maps are available for inspection at the Lee County Community Development Department, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida. Send comments to Ms. Tammy Hall, Chairperson for the Lee County Board of Commissioners, P.O. Box 398, Fort Myers, Florida 33902-0398.

**Burke County, North Carolina and Incorporated Areas**

Dye Branch .....	At the confluence with McGalliard Creek .....	None .....	+1,078	Burke County (Unincorporated Areas), Town of Valdese.
	Approximately 655 feet upstream of Praley Street.	None .....	+1,193	
Sandy Run .....	Approximately 1.7 miles upstream of the confluence with Hunting Creek.	None .....	+1,113	Burke County (Unincorporated Areas).
	Approximately 2.4 miles upstream of the confluence with Hunting Creek.	None .....	+1,156	

\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES**

**Burke County (Unincorporated Areas)**

Maps are available for inspection at the Burke County Planning and Development Department, 110 North Green Street, Morganton, North Carolina. Send comments to Mr. Ron Lewis, Burke County Manager, P.O. Box 219, Morganton, North Carolina 28680.

**Town of Valdese**

Maps are available for inspection at the Valdese Town Hall, 121 Faet Street, Valdese, North Carolina. Send comments to The Honorable James Hatley, Mayor of the Town of Valdese, P.O. Box 339, Valdese, North Carolina 28690.

**Catawba County, North Carolina and Incorporated Areas**

Cline Creek Tributary 2.	At the confluence with Cline Creek .....	None .....	+898	Catawba County (Unincorporated Areas), City of Conover.
	Approximately 1,300 feet upstream of I-40 ..	None .....	+911	
Dellinger Creek .....	At the confluence with Elk Shoal Creek .....	+850 .....	+851	Catawba County (Unincorporated Areas).
	Approximately 725 feet upstream of Rest Home Road.	None .....	+960	
Elk Shoal Creek .....	Approximately 2,750 feet upstream of the confluence with Catawba River.	+848 .....	+849	Catawba County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
East Tributary .....	Approximately 2,000 feet upstream of Rest Home Road. At the confluence with McLin Creek .....	+942 .....	+943	Catawba County (Unincorporated Areas), City of Conover.
McLin Creek .....	Approximately 1,000 feet upstream of Keisler Road Southeast.	None .....	+943	
Geitner Branch .....	At the confluence with Henry Fork .....	+887 .....	+982	Catawba County (Unincorporated Areas), City of Hickory.
Long Creek .....	Approximately 1,900 feet upstream of 7th Avenue Southwest. At the confluence with McLin Creek .....	None .....	+890	
Mull Creek .....	Approximately 1,400 feet upstream of Railroad.	None .....	+1,080	Catawba County (Unincorporated Areas), City of Claremont, City of Conover.
	Approximately 1,000 feet upstream of the confluence with Lyle Creek. Approximately 500 feet upstream of 9th Avenue Northeast.	+861 .....	+860	
		None .....	+988	Catawba County (Unincorporated Areas), City of Claremont, City of Conover.
		+820 .....	+819	
		None .....	+1,002	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### Catawba County (Unincorporated Areas)

Maps are available for inspection at the Catawba County Planning and Zoning Department, 100 A Southwest Boulevard, Newton, North Carolina.

Send comments to Mr. Tom Lundy, Catawba County Manager, P.O. Box 389, Catawba, North Carolina 28658.

##### City of Claremont

Maps are available for inspection at the City of Claremont Planning Department, 3288 East Main Street, Claremont, North Carolina.

Send comments to The Honorable Glenn A. Morrison, Mayor of the City of Claremont, 3288 East Main Street, Claremont, North Carolina 28610.

##### City of Conover

Maps are available for inspection at the Conover City Hall, 101 First Street East, Conover, North Carolina.

Send comments to The Honorable Bruce Eckard, Mayor of the City of Conover, P.O. Box 549, Conover, North Carolina 28613.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 13, 2006.

**David I. Maurstad,**

*Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. E6-21681 Filed 12-19-06; 8:45 am]

**BILLING CODE 9110-12-P**

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** NMFS proposes a regulation to require vessels in state and federal fisheries operating in the territorial seas or exclusive economic zone of the United States that are identified through the annual determination process specified in the rule to take observers upon NMFS request. NMFS proposes this measure to learn more about sea turtle interactions with fishing operations, to evaluate existing measures to reduce sea turtle takes, and to determine whether additional measures to address sea turtle takes may be necessary. NMFS will pay the direct costs of the observer. NMFS also proposes to extend the number of days from 30 to 180 that the agency may place observers in response to an appropriate determination by the Assistant Administrator under its existing regulations.

**DATES:** Written comments must be received on or before February 20, 2007.

**ADDRESSES:** Comments on this proposed rule and requests for copies of the Environmental Assessment and Regulatory Impact Review (EA/RIR) should be addressed to the Chief, Marine Mammal and Turtle Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Tanya Dobrzynski, (301) 713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Purpose

Under the Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531 *et seq.*, NMFS is authorized to implement programs to conserve marine life listed as endangered or threatened.

All sea turtles that occur in U.S. waters are listed as either endangered or

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 222 and 223

[061107292-6292-01;110306A]

RIN 0648-AU81

#### Sea Turtle Conservation; Observer Requirement for Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and