

Federal regulations at 40 CFR 123.62(b)(2). EPA received no comments in response to the public notice.

As part of EPA's obligation under the Endangered Species Act, EPA prepared a biological evaluation to determine if approval of the revised Regulations Governing the Control of Water Pollution will adversely affect threatened and endangered species and their critical habitat in Delaware. The biological evaluation found that EPA's approval would not adversely affect threatened or endangered species. EPA shared this evaluation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Services and they concurred with EPA's finding on October 9, 2003 and November 7, 2003, respectively.

#### **Regulatory Flexibility Act Based on General Counsel Opinion 78-7 (April 18, 1978)**

EPA has long considered a determination to approve or deny a State NPDES program submittal to constitute an adjudication because an "approval," within the meaning of the APA, constitutes a "license," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a Federal agency proposes or promulgates a rule under Section 553 of the Administrative Procedure Act (APA), after being required by that section or any other law to publish a general notice of proposed rulemaking, the Agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule. Even if this approval of revisions to Delaware's NPDES program were a rule subject to the RFA, the Agency would certify that approval of the State's revised NPDES program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program merely recognizes that the necessary elements of an NPDES program have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify

that this approval, even if a rule, would not have a significant economic impact on a substantial number of small entities.

*Notice of Decision:* I hereby provide public notice of the Agency's approval, pursuant to 40 CFR 123.62, of the State of Delaware's revisions to its Regulations Governing the Control of Water Pollution, as consistent with the requirements of the Clean Water Act NPDES Program.

Dated: February 15, 2007.

**William T. Wisniewski,**

*Acting Regional Administrator, Region 3.*

[FR Doc. E7-4643 Filed 3-13-07; 8:45 am]

**BILLING CODE 6560-50-P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

##### **Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority**

March 5, 2007.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments May 14, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by

this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395-6466, or via fax at 202-395-5167, or via the Internet at [Allison\\_E.Zaleski@omb.eop.gov](mailto:Allison_E.Zaleski@omb.eop.gov) and to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov), Federal Communications Commission (FCC), Room 1-B441, 445 12th Street, SW., Washington, DC 20554. To submit your comments by e-mail send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov). If you would like to obtain or view a copy of this information collection after the 60 day comment period, you may do so by visiting the FCC PRA Web page at: <http://www.fcc.gov/omd/prs>.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection(s) send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Judith B. Herman at 202-418-0214.

##### **SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060-1062.

*Title:* Schools and Libraries Universal Service Support Mechanism—Notification of Equipment Transfers.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

*Number of Respondents:* 100 respondents; 100 responses.

*Estimated Time Per Response:* 1 hour.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits.

*Total Annual Burden:* 100 hours.

*Annual Cost Burden:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* The Commission does not request that respondents submit confidential information to the Commission. If the Commission does request respondents to submit information that they believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459.

*Needs and Uses:* This collection will be submitted as an extension after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance. The Commission has adjusted the number of respondents and burden hours to reflect the most current information available. In the event that a participant of the schools and libraries universal service mechanism (also

known as the e-rate program) is permanently or temporarily closed and equipment is transferred, the transferring entity must notify the Administrator of the transfer (third party disclosure requirement). Both the transferring and receiving entities must maintain detailed records (recordkeeping requirement) documenting the transfer and the reason for the transfer for a period of five years.

The purpose of the collection is to promote the goal of preventing waste, fraud, and abuse; we extend that prohibition to all transfers, without regard to whether money or anything of value has been received in return for a period of three years after purchase.

*OMB Control No.:* 3060-0355.

*Title:* Rate-of-Return Reports.

*Form Nos:* FCC Forms 492 and 492-A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 120 respondents; 120 responses.

*Estimated Time Per Response:* 8 hours.

*Frequency of Response:* Annual reporting requirement and recordkeeping requirement.

*Obligation to Respond:* Mandatory.

*Total Annual Burden:* 960 hours.

*Annual Cost Burden:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* There is no need for confidentiality. All of the data collected is available for public inspection.

*Needs and Uses:* This collection will be submitted as an extension after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance. The Commission has adjusted the number of respondents and burden hours to reflect the most current information available.

FCC Form 492 is filed by each local exchange carrier (LEC) or group of carriers who file individual access tariffs or who are not subject to Sections 61.41 through 61.49 of the Commission's rules. Each LEC, or group of affiliated carriers subject to the previously stated sections, file FCC Form 492A. Both forms are filed annually. The reports contain rate-of-return information and are needed to enable the Commission to fulfill its regulatory responsibilities.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

March 2, 2007.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 14, 2007. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395-6466, or via fax at 202-395-5167 or via Internet at [Allison\\_E\\_Zaleski@omb.eop.gov](mailto:Allison_E_Zaleski@omb.eop.gov) and to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov), Federal Communications Commission, Room 1-B441, 445 12th Street, SW., Washington, DC 20554 or an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov). If you would like to obtain or view a copy of this information collection after the 60-day comment period, you may do so by visiting the FCC PRA Web page at: <http://www.fcc.gov/omd/pr>.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the

information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1003.

*Title:* Communications Providers Emergency Contact Information.

*Form No.:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit, not-for-profit institutions, Federal, and state, local or tribal government.

*Number of Respondents:* 5,000 respondents for initial contact information; 300 respondents for critical information input.

*Estimated Time Per Response:* 0.1 hours for initial contact information; 0.5 hours for initial input of critical information; and 0.1 hours for daily updates of critical information.

*Frequency of Response:* On occasion and annual reporting requirements. Annual requirement is for initial contact information. For critical information, the information is requested on a daily basis during a declared emergency. Assuming two emergencies are declared during the year, the information is updated daily until the emergency ends, on average about 20 days.

*Obligation to Respond:* Voluntary, and as necessary

*Total Annual Burden:* 500 hour for initial contact information; 1,500 hour for critical information input = 2,000 total annual burden hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests respondents to submit information that they believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will submit this revised information collection to OMB after this 60-day comment period to obtain the full three year clearance from them.

This collection as currently approved by OMB is needed to be able to reach emergency contact personnel at key telecommunications providers (such as wireline, wireless, broadcast, cable and satellite entities) during an emergency to assess the status of their facilities and network(s), and to determine appropriate agency response. The Commission's staff through the agency collected this emergency contact information via telephone.