

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2007-16 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2007-16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2007-16 and should be submitted on or before July 10, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-11720 Filed 6-18-07; 8:45 am]

**BILLING CODE 8010-01-P**

**UNITED STATES SENTENCING COMMISSION**

**Sentencing Guidelines for United States Courts**

**AGENCY:** United States Sentencing Commission.

**ACTION:** Request for public comment on the membership of a standing victims advisory group; requests to be considered for initial membership; and proposed amendment to the Sentencing Commission's Rules of Practice and Procedure.

**SUMMARY:** After considering the request of the Judicial Conference of the United States regarding the formation of a victims advisory group, the United States Sentencing Commission has decided to establish a standing victims advisory group pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. The purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide the Commission its views on the Commission's activities as they relate to victims of crime; (3) to disseminate information regarding sentencing issues to organizations represented by the advisory group and to other victims of crime and victims advocacy groups, as appropriate; and (4) to perform any other functions related to victims of crime as the Commission requests. The Commission anticipates that the victims advisory group will consist of not more than 9 members, each of whom may

serve not more than two consecutive 3-year terms. The Commission also anticipates establishing a charter for the victims advisory group to govern the group's activities.

The Commission hereby requests comment on the potential membership of the victims advisory group. The Commission also invites any person or group who has knowledge, expertise, or experience in the area of federal crime victimization to apply to become a member of the advisory group. Requests to be considered for the initial membership of the victims advisory group must be received by the Commission not later than July 30, 2007. Applications may be sent to Michael Courlander at the address listed below.

The Commission also hereby gives notice of a proposed amendment to its Rules of Practice and Procedure, at Rule 5.4, to include the victims advisory group as a standing advisory group of the Commission.

**DATES:** Public comment should be received not later than July 30, 2007.

**ADDRESSES:** Send comments to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2-500, South Lobby, Washington, DC 20002-8002, Attention: Public Affairs-Amendment of Rules Comment.

**FOR FURTHER INFORMATION CONTACT:** Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

**SUPPLEMENTARY INFORMATION:** Section 995(a)(1) of title 28, United States Code, authorizes the Commission to establish general policies and promulgate rules and regulations as necessary for the Commission to carry out the purposes of the Sentencing Reform Act of 1984. The Commission originally adopted the Rules of Practice and Procedure in July 1997 and most recently amended the Rules in November 2001. A new amendment is now proposed. In accordance with Rule 1.2 of its Rules of Practice and Procedure, the Commission hereby invites the public to provide comment on the proposed amendment. In response to a request from the Judicial Conference of the United States, the Commission has decided to establish a standing advisory group related to the impact of the federal sentencing guidelines on victims. The Commission requests comment on the potential membership of such advisory group and invites any person or group who has knowledge, expertise, or experience in the area of federal crime victimization to request consideration for initial membership to the advisory group.

<sup>7</sup> 17 CFR 200.30-3(a)(12).

**Authority:** 28 U.S.C. 994(a), (o), (p); USSC Rules of Practice and Procedure 1.2, 5.2.

**Ricardo H. Hinojosa,**  
*Chair.*

1. Amendment:

Rule 5.4 of the Rules of Practice and Procedure of the United States Sentencing Commission is amended by striking “and the Probation Officers Advisory Group” and inserting “, the Probation Officers Advisory Group, and the Victims Advisory Group”.

[FR Doc. E7-11804 Filed 6-18-07; 8:45 am]

**BILLING CODE 2211-01-P**

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before August 20, 2007.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gail Hepler, Chief 7a Loan Policy Branch, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., Suite 8300, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Gail Hepler, Chief 7a Loan Policy Branch, Office of Financial Assistance, 202-205-7530 [gail.hepler@sba.gov](mailto:gail.hepler@sba.gov). Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* “SBA Express and Patriot Express Information Collection.”

*Description of Respondents:* SBA Express and Patriot Express Lenders.

*Form Nos:* 1919, 1920SX, A, B, C, 2237, 2238.

*Annual Responses:* 2,240.

*Annual Burden:* 91,660.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

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**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### American Public Transportation Association

[Docket Number FRA-2007-28306]

The American Public Transportation Association (APTA), on behalf its member railroads, seeks a permanent waiver of compliance from certain provisions of the *Passenger Equipment Safety Standards* of 49 CFR part 238. Specifically, the APTA requests to change the time interval requirements of 49 CFR 238.309, *Periodic brake equipment maintenance*, for all locomotives equipped with 26-L-type brake systems and air dryers by extending the testing interval to 4 years (1,472 days).

In 1981, FRA granted a test waiver (H-80-7) to eight railroads, permitting them to exceed the annual and biennial testing requirements of 49 CFR sections 229.27 and 229.29, in order to conduct a study of the safe service life and reliability of the locomotive brake components. On January 29, 1985, FRA expanded the waiver to permit all railroads to inspect the 26-L-type brake equipment on a triennial basis. In the 1990's, Canadian Pacific Railway (CP) and the Canadian National Railway (CN) petitioned FRA to allow them to operate locomotives into the United States that received periodic attention every 4 years. The requests were based on a decision by Transport Canada to institute a 4-year inspection program following a thorough test program in Canada. In November 2000, FRA granted conditional waivers to both CN and CP, extending the testing interval to 4 years for Canadian-based locomotives equipped with 26-L-type brake systems and air dryers. The waiver also requires all air brake filtering devices to be changed annually and the air compressor to be overhauled not less than every 6 years. In December, 2005, FRA granted the Association of American Railroads a similar waiver request to allow freight locomotives

operating in the U.S. with 26-L-type brakes and functioning air dryers to operate up to 4 years (1,472 days) between periodic air brake attention.

APTA did not see any rational basis for permitting freight locomotives with 26-L-type brakes and air dryers to operate 4 years between inspections, while subjecting passenger locomotives with the same brake systems and air dryers to a 3-year inspection interval. APTA makes this conclusion based on the fact that FRA has permitted this practice without any accidents caused by the malfunctioning of a 26-L-type brake system. Accordingly, APTA requests that the inspection interval be extended to 4 years (1,472 days) for passenger locomotives equipped with 26-L-type brake systems and air dryers, and for cab cars equipped with 26-L-type brakes only when operated with locomotives with functional air dryers.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2007-28306) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act