

that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**Pratt & Whitney:** Docket No. FAA-2006-23742; Directorate Identifier 2006-NE-39-AD.

#### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by April 3, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Pratt & Whitney (PW) JT9D-74R4E1, -74R4E4, -74R4G2, and -74R4H1 turbofan engines. These engines are

installed on, but not limited to, Boeing 747-200B, -200C, -200F, and -300 airplanes.

#### Unsafe Condition

(d) This AD results from a report of an uncontained failure of the 2nd stage high pressure turbine (HPT) air seal assembly, caused by the air seal assembly brace disengaging from the air seal, due to insufficient cooling air flow. We are issuing this AD to prevent uncontained failure of the 2nd stage HPT air seal assembly, leading to engine in-flight shutdown and damage to the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed at the next HPT module exposure after the effective date of this AD, unless the actions have already been done.

(f) At the next HPT module exposure, perform a visual inspection and a fluorescent penetrant inspection of the 2nd stage HPT air seal assembly part number (P/N) 815097. Use the engine maintenance manual to perform the inspections.

(g) At the next HPT module exposure, remove reduced cooling flow 2nd stage HPT vane assemblies P/Ns 797282, 796972, 800082, 800072, 803182, 803182, 803282, and 822582. Pratt & Whitney Alert Service Bulletin JT9D-7R4-A72-596, dated September 15, 2005, contains information for modifying the reduced cooling flow 2nd stage HPT vane assemblies.

#### Definition

(h) The manufacturer defines an HPT module exposure as removing the 1st stage HPT rotor and 2nd stage HPT rotor from the HPT case.

#### Alternative Methods of Compliance

(i) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(j) Pratt & Whitney Alert Service Bulletin JT9D-7R4-A72-596, dated September 15, 2005, contains information for modifying the reduced cooling flow 2nd stage HPT vane assemblies.

Issued in Burlington, Massachusetts, on January 26, 2007.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[EPA-HQ-OAR-2006-0841; FRL-8275-7]

### Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area

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

**ACTION:** Notice of public hearing.

**SUMMARY:** This action announces the date, time and place for a public hearing on the Proposed Rulemaking entitled "Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area" published on December 27, 2006 (71 FR 77690).

**DATES:** EPA will conduct a public hearing for the December 27, 2006 Proposed Rule on Wednesday, February 21, 2007 from 9 a.m.–12:30 p.m. in the Lake Huron conference room of the Metcalfe Federal Building in Chicago, Illinois. If needed, testimony will resume from 1 p.m. until 4:30 p.m. in the Lake Erie conference room.

The comment period on the December 27, 2006 Proposed Rule will extend until March 23, 2007.

**ADDRESSES:** The public hearing will be held at EPA Region 5's Conference and Training Center, located on the 12th floor of the Metcalfe Federal Building at 77 W. Jackson Boulevard, Chicago, IL. Additional directions and visitor information can be found at: <http://www.epa.gov/region5/visitor/index.htm>.

**FOR FURTHER INFORMATION CONTACT:** Kurt Gustafson, Transportation and Regional Programs Division (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460. Telephone: (202) 343-9219. E-mail: [gustafson.kurt@epa.gov](mailto:gustafson.kurt@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information on this matter, please refer to EPA's December 27, 2006 **Federal Register** Notice of Proposed Rulemaking at 71 FR 77690.

Anyone who wants to present testimony about this proposal at the public hearing (see **DATES**) should, if possible, notify the contact person listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposal at least seven days prior to the day of the hearing. The contact person should be given an estimate of the time required for the presentation of testimony. A sign-up sheet will be available at the registration table the morning of the

hearing for scheduling those who have not notified the EPA contact earlier. This testimony will be scheduled on a first-come, first-served basis to follow the previously scheduled testimony.

EPA requests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing at least one week before the scheduled hearing date. Such advance copies would give EPA staff adequate time to review the materials before the hearing. Advance copies should be submitted to the EPA contact person listed in this proposal. The official records of the hearing will be kept open until the close of the comment period to allow submission of rebuttal and supplementary testimony.

Materials relevant to this notice, including the regulatory language, are contained in the Public Docket ID No EPA-HQ-OAR-2006-0841. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

The hearing will be conducted informally, and technical rules of evidence will not apply. A written transcript of the hearing will be placed in the docket for review. Anyone who desires to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding.

Dated: January 26, 2007.

**Margo Tsigotis Oge,**

*Director, Office of Transportation and Air Quality.*

[FR Doc. E7-1726 Filed 2-1-07; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the American Eel as Threatened or Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (USFWS), announce our 12-month finding on a petition to list, under the Endangered Species Act of 1973, (Act) as amended, the American eel (*Anguilla rostrata*) as a threatened or endangered species throughout its range. After a thorough review of all available scientific and commercial information, we find that listing the American eel as either threatened or endangered is not warranted at this time. We ask the public to continue to submit to us any new information that becomes available concerning the status of or threats to the species. This information will help us to monitor and encourage the ongoing conservation of this species.

**DATES:** The finding in this document was made on February 2, 2007.

**ADDRESSES:** Data, information, comments, or questions regarding this finding should be sent by postal mail to Martin Miller, Chief, Division of Endangered Species, Region 5, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589; by facsimile to 413-253-8428; or by electronic mail to [AmericanEel@fws.gov](mailto:AmericanEel@fws.gov).

**FOR FURTHER INFORMATION CONTACT:**

Heather Bell, at the street address listed in **ADDRESSES** (telephone 413-253-8645; facsimile 413-253-8428). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:** The complete administrative file for this finding is available for inspection, by appointment and during normal business hours, at the street address listed in **ADDRESSES**. The petition finding, the status review for American eel, related **Federal Register** notices, and other pertinent information, may be obtained online at <http://www.fws.gov/northeast/ameel/>.

### Background

Section 4(b)(3)(B) of the Act, as amended (16 U.S.C. 1531 et seq.), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information that listing may be warranted, we conduct a status review and make a finding within 12 months of the date of receipt of the petition (hereafter referred to as a 12-month finding) on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether any species is threatened or endangered, and expeditious progress is being made to add or remove qualified species from the Lists of Endangered and Threatened Wildlife and Plants.

On May 27, 2004, the Atlantic States Marine Fisheries Commission (ASMFC), concerned about extreme declines in the Saint Lawrence River/Lake Ontario (SLR/LO) portion of the species' range, requested that the USFWS and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) conduct a status review of the American eel. The ASMFC also requested an evaluation of the appropriateness of a Distinct Population Segment (DPS) listing under the Act for the SLR/LO and Lake Champlain/Richelieu River portion of the American eel population, as well as an evaluation of the entire Atlantic coast American eel population (see Finding for definition of DPS) (ASMFC 2004a, p. 1). The USFWS responded to this request on September 24, 2004; our response stated that we had conducted a preliminary review regarding the potential DPS as described by the ASMFC, and determined that the American eel was not likely to meet the discreteness element of the policy requirements due to lack of population subdivision (further analysis is provided under Finding). Rather, the USFWS agreed to conduct a rangewide status review of the American eel in coordination with NMFS and ASMFC (USFWS 2004, p. 1).

On November 18, 2004, the USFWS and the NMFS received a petition, dated November 12, 2004, from Timothy A. Watts and Douglas H. Watts, requesting that the USFWS and NMFS list the American eel as an endangered species under the Act. The petitioners cited destruction and modification of habitat, overutilization, inadequacy of existing regulatory mechanisms, and other