

asking the public to consider their previous comments in light of these studies, particularly those related to the proposed work practice standards. EPA intends to consider these studies, and public comment received as a result of this document, in the development of the final Renovation, Repair, and Painting Program rule. In particular, EPA requests comment on the proposed methods of containment, cleaning, and cleaning verification in light of the information contained in these studies. In addition, the Agency is interested in comments on whether certain practices should require additional protective measures or should be prohibited based on the study findings. Comments should be submitted to the docket for the proposed rule (EPA-HQ-OPPT-2005-0049) and must be received on or before April 16, 2007.

#### List of Subjects 40 CFR Part 745

Environmental protection, Infants and children, Health and safety, Housing renovation, Lead, Lead-based paint.

Dated: March 12, 2007.

**James B. Gulliford,**

*Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 28 and 52

[FAR Case 2006-013; Docket 2007-0001;  
Sequence 3]

RIN 9000-AK71

#### Federal Acquisition Regulation; FAR Case 2006-013, List of Approved Attorneys, Abstracters, and Title Companies

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

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

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to update the procedures for the

acceptance of a bond with a security interest in real property.

**DATES:** Interested parties should submit written comments to the FAR Secretariat on or before May 15, 2007 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2006-013 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR Case 2006-001) and click on the "Submit" button. Please include any personal and/or business information inside the document. You may also search for any document by clicking on the "Advanced search/document search" tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

- Fax: 202-501-4067.

- Mail: General Services

Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAR case 2006-013 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Jerry Olson, Procurement Analyst, at (202) 501-3221 for clarification of content.

For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAR case 2006-013.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

FAR Subpart 28.2, Sureties and other Security for Bonds, includes policies which require agencies to obtain adequate security for bonds when bonds are used with a contract for supplies or services (including construction). A corporate or individual surety is an acceptable form of security for a bond. Whenever a surety secures a bond with interest in real property, FAR 28.203-3 requires that the surety provide evidence of title in the form of a certificate of title prepared by a title insurance company that has been approved by the Department of Justice

(DOJ). DOJ maintained a list of the approved title companies that could prepare the certificate of title on the "List of Approved Attorneys, Abstracters, and Title Companies." DOJ has revised its procedures and no longer maintains a list of approved title insurance companies. Instead, DOJ has developed a guide for the preparation of evidence of title, Title Standards 2001 (Standards). The Standards address the various types of title evidence that may be acceptable considering local practice, reliability, security, economy and other factors. The Standards also address the qualification requirements for preparers of title evidence.

The FAR rule proposes to revise the types of acceptable title evidence and the qualification requirements for preparers of title evidence consistent with the Standards. The types of acceptable title evidence and the required qualifications are located in Section 2 of the Standards.

In addition, FAR 28.203-3(d) requires sureties to execute a lien if a surety pledges real estate on Standard Form 28, Affidavit of Individual Surety. The lien must be recorded in the local recorder's office. When multiple parties jointly own the real estate, the lien must be signed by each owner of the property to be valid. The FAR currently does not clearly specify that all owners of the property must sign the lien. The proposed rule clarifies that all property owners are required to sign the lien when a surety pledges real estate as collateral.

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 rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the incidence of use of bonds secured by interest in real property is very low. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Parts 28 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2006-013), in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the proposed changes to the FAR 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 Parts 28 and 52**

Government procurement.

Dated: March 7, 2007

**Ralph De Stefano**

Director, Contract Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 28 and 52 as set forth below:

1. The authority citation for 48 CFR parts 28 and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 28—BONDS AND INSURANCE**

2. Amend section 28.203-3 by revising paragraphs (a)(1) and paragraph (d) introductory text to read as follows:

**28.203-3 Acceptance of real property.**

(a) \* \* \*

(1) Evidence of title that is consistent with the requirements of Section 2 of the United States Department of Justice Title Standard 2001 at [http://www.fws.gov/realty/doj\\_2001.pdf](http://www.fws.gov/realty/doj_2001.pdf). Depending on the value of the property, contracting officers should consider requesting assistance from the agency-designated legal counsel to determine if the evidence of title is adequate.

\* \* \* \* \*

(d) The following format, or any document substantially the same, shall be signed by all owners of the property and used by the surety and recorded in the local recorder's office when a surety pledges real estate on Standard Form 28, Affidavit of Individual Surety.

\* \* \* \* \*

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

3. Amend section 52.228-11 by revising the date of the clause and the first sentence in paragraph (b)(2)(i) of the clause to read as follows:

**52.228-11 Pledges of Assets.**

\* \* \* \* \*

**PLEDGES OF ASSETS (DATE)**

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(b) \* \* \*

(2) \* \* \*

(i) Evidence of title that is consistent with the requirements of Section 2 of the United States Department of Justice Title Standard

2001 at [http://www.fws.gov/realty/doj\\_2001.pdf](http://www.fws.gov/realty/doj_2001.pdf) \* \* \* .

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[FR Doc. 07-1182 Filed 3-15-07; 8:45 am]

BILLING CODE 6820-EP-S

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AU75****Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Peck's Cave Amphipod, Comal Springs Dryopid Beetle, and Comal Springs Riffle Beetle**

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

**ACTION:** Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed designation of critical habitat for the Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), and Comal Springs riffle beetle (*Heterelmis comalensis*) (Comal springs invertebrates, or CSI) under the Endangered Species Act of 1973, as amended (Act), and the availability of the draft economic analysis of the proposed designation of critical habitat. The draft economic analysis forecasts future impacts associated with conservation efforts in areas proposed as critical habitat to be \$23.3 million over the next 20 years under scenario 1 (scenario description described in Background), or \$152 million under scenario 2 in undiscounted dollars (annualized dollars are estimated at \$1.2 million under scenario 1 and \$7.6 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 3 percent discount rate are estimated to be \$17.1 million over the next 20 years under Scenario 1, or \$111.3 million under scenario 2 (annualized dollars are estimated at \$1.2 million under scenario 1 and \$7.5 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 7 percent discount rate are estimated to be \$11.9 million over the next 20 years under scenario 1, or \$77.3 million under scenario 2 (annualized dollars are estimated at \$1.2 million under scenario 1 and \$7.4 million under scenario 2). It should be

noted that the majority of economic impacts quantified in this draft EA are jointly caused by eight endangered species, including the three CSI. Because all of these species reside in the same habitat, separating future impacts of CSI from those of the other listed species in the aquifer is not possible.

**DATES:** We will accept public comments until April 16, 2007.

**ADDRESSES:** If you wish to comment on the proposed rule or draft economic analysis, you may submit your comments and materials identified by RIN 1018-AU75, by any of the following methods:

1. *Mail or hand delivery/courier:* You may submit written comments and information to Robert T. Pine, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

2. *Fax:* You may fax your comments to (512) 490-0974.

3. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the directions for submitting comments. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods mentioned above.

4. *E-mail:* Please submit electronic comments in an ASCII file format to [FW2Comal@fws.gov](mailto:FW2Comal@fws.gov) and avoid the use of special characters and encryption. Please include "Attn: RIN 1018-AU75" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us directly by calling our Austin Ecological Services Field Office at (512) 490-0057.

**FOR FURTHER INFORMATION CONTACT:** Robert T. Pine, Supervisor, Austin Ecological Services Field Office, at the address listed in **ADDRESSES** (telephone: (512) 490-0057; facsimile: (512) 490-0974). 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:****Public Comments Solicited**

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments on the original proposed critical habitat designation (71 FR 40588; July 17, 2006) and on our draft economic analysis of the proposed designation. Copies of the draft economic analysis and the proposed rule for critical habitat designation are available on the internet at <http://www.fws.gov/southwest/es/>