

**DEPARTMENT OF AGRICULTURE****Forest Service****36 CFR Part 223**

RIN 0596-AB81

**Notice of Extension of Public Comment Period—Sale and Disposal of National Forest System Timber; Special Forest Products and Forest Botanical Products****AGENCY:** Forest Service, USDA.**ACTION:** Notice of Extension of Public Comment Period.

**SUMMARY:** The public comment period is being extended an additional 30 days for the proposed rule governing the disposal of special forest products from National Forest System lands. The original notice called for comments to be submitted by December 21, 2007 (FR 72, 59496-59506, published on Monday, October 22, 2007). As stated in the original Public Notice, special forest products include, but are not limited to, wildflowers, mushrooms, moss, nuts, seeds, tree sap, and Christmas trees. The proposed rule also formally establishes a pilot program to charge and collect fees for the harvest and sale of forest botanical products on National Forest System lands. The proposed rule is intended to facilitate sustainable harvest of special forest products and forest botanical products. Public comment is invited and will be considered in the development of the final rule.

**DATES:** Comments must be received in writing by January 22, 2008.

**ADDRESSES:** Send written comments to Director, Forest Management Staff, USDA Forest Service, Mail Stop 1103, 1400 Independence Avenue, SW., Washington, DC 20250, by fax to (202) 205-1045, or by e-mail to [wospecialproducts@fs.fed.us](mailto:wospecialproducts@fs.fed.us). Comments also may be submitted via the World Wide Web/Internet at <http://www.regulations.gov>. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying at the Office of the Director, Forest Management Staff, Third Floor SW., Yates Building, 201 14th Street, SW., Washington, DC. Persons wishing to inspect the comments are encouraged to call ahead (202) 205-1766 to facilitate entrance into the building.

**FOR FURTHER INFORMATION CONTACT:** Richard Fitzgerald, Forest Service, Forest Management Staff, (202) 205-1753, or Sharon Nygaard-Scott, Forest Management Staff, (202) 205-1766.

Individuals who use telecommunication devices for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

Dated: December 14, 2007.

**Gloria Manning,**

*Associate Deputy Chief, NFS.*

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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1281**

[NARA-07-0005]

RIN 3095-AA82

**Presidential Library Facilities**

**AGENCY:** National Archives and Records Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The National Archives and Records Administration (NARA) is issuing regulations under the Presidential Libraries Act (PLA) amendments of 1986 (codified at 44 U.S.C. 2112). Section 2112 requires the Archivist of the United States to promulgate architectural and design standards for Presidential libraries and to report to Congress before he accepts title to or enters into an agreement to use land, a facility, and equipment as a Presidential library. The Archivist must also report to Congress before accepting a gift for the purpose of making any physical or material change or addition to an existing library. Because new Presidential libraries have traditionally been built by private, nonprofit charitable foundations, either by themselves or in collaboration with state and local government or universities, this proposed rule will affect these nonfederal entities.

**DATES:** Comments on the proposed rule must be received by February 19, 2008.

**ADDRESSES:** NARA invites interested persons to submit comments on this proposed rule. Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* Submit comments by facsimile transmission to 301-837-0319.

- *Mail:* Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Planning Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

- *Hand Delivery or Courier:* Deliver comments to 8601 Adelphi Road, College Park, MD.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Allard at (301) 837-1477 or Laura McCarthy at (301) 837-3023.

**SUPPLEMENTARY INFORMATION:** New Presidential libraries have traditionally been built by private, nonprofit charitable foundations that raise money from non-federal sources. State and local governments and universities may help with construction by providing land, money, and infrastructure improvements for the library. Upon completion of the library, the land, facility, and equipment comprising the library are either donated to the National Archives and Records Administration (NARA) or made available for its use, usually in perpetuity.

The Archivist is authorized to accept new libraries, as well as gifts that modify existing libraries, pursuant to 44 U.S.C. 2112. That provision also requires the Archivist to promulgate architectural and design standards for Presidential libraries and to ensure that an endowment to defray a portion of the cost of building operations is established by the donor of a new library and deposited in the National Archives Trust Fund prior to the Archivist's acceptance of the library.

The endowment requirement applies to the library of any President who took the oath of office as President for the first time on or after January 20, 1985 (i.e., for the libraries of President George H.W. Bush and all subsequent presidents). The amount of the endowment is based on several factors specified in statute, including the size and cost of the facility that is turned over to NARA. This regulation defines the method to be used for calculating size and cost, as well as the equipment covered by the endowment requirement. In connection with determining the size of a Presidential library, NARA uses the *Building Owners and Managers Association (BOMA) Standard Method for Measuring Floor Areas in Office Buildings*, dated June 7, 1996, ANSI Z76.1-1996.

Before the Archivist can accept and take title to or enter into an agreement to use land, a facility, and equipment as a Presidential library, he must submit a written report on the proposed Presidential archival depository to Congress. The report must include, among other things, certification that the facility and equipment meet the architectural and design standards for Presidential libraries as promulgated by the Archivist, and information about the

cost of the library and the size of the endowment being provided.

We published a notice of proposed rulemaking on August 25, 1998 (63 FR 45203), for a 60-day comment period. No comments were received, but NARA decided to defer completion of the rulemaking. This proposed rule, rewritten in plain language format, replaces the previous proposal and reflects statutory changes that have gone into effect since then.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small entities.

### Paperwork Reduction Act

This proposed rule contains information collection activities which are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. These information collection requirements, contained in §§ 1281.16 and 1281.18 have been approved by OMB under the control number 3095-0036 with a current expiration date of June 30, 2008.

### List of Subjects in 36 CFR Part 1281

Archives and records, Federal buildings and facilities, Reporting and recordkeeping.

For the reasons set forth in the preamble, NARA proposes to add a new Part 1281 in Subchapter G of Chapter XII, Title 36, Code of Federal Regulations, to read as follows:

## PART 1281—PRESIDENTIAL LIBRARY FACILITIES

Sec.

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**Authority:** 44 U.S.C. 2104(a), 2112.

### § 1281.1 What is the scope of this part?

(a) This part implements provisions of the Presidential Libraries Act, codified at 44 U.S.C. 2112(a) and (g).

(1) The Act requires the Archivist of the United States to promulgate architectural and design standards for new and existing Presidential libraries in order to ensure that such depositories:

(i) Preserve Presidential records subject to Chapter 22 of this title and papers and other historical materials accepted for deposit under section 2111 of this title; and

(ii) Contain adequate research facilities.

(2) In addition the Archivist must submit a written report to the Congress before accepting new libraries or certain proposed physical or material changes or additions to an existing library; and to ensure, for existing libraries subject to the mandatory endowment requirement, that the endowment specified by 44 U.S.C. 2112(g) has been transferred to the National Archives Trust Fund before acceptance by the Archivist.

(b) This part applies to design and construction of new libraries that are offered to NARA on or after the effective date of this regulation and to material changes or additions to new and existing libraries funded wholly by gift on or after that date.

### § 1281.2 What definitions apply to this part?

The following definitions apply to this part:

*Architectural and design standards.* This term refers to the document cited in § 1281.4.

*Archival functions.* The term means arranging, describing, reviewing, preserving, reproducing, restoring, exhibiting, and making available Presidential and other records and historical materials in the care and custody of the Presidential libraries, and includes the salaries and expenses of NARA personnel performing those functions.

*BOMA standard.* This term refers to the Building Owners and Managers Association (BOMA) *Standard Method for Measuring Floor Areas in Office Buildings*, dated June 7, 1996, and also listed as ANSI Z65.1-1996, that has been adopted by NARA as the standard for measuring the size of the facility and the value for calculating the endowment.

*Endowment library.* This term means a Presidential library that is subject to the endowment requirements of 44 U.S.C. 2112(g). The term includes the existing libraries of presidents who took the oath of office as President for the

first time on or after January 20, 1985, the proposed library of President George W. Bush, and the libraries of presidents who take the oath of office as President for the first time on or after July 1, 2002.

*Equipment.* As used in this part, the term means operating equipment that must be furnished with the new library and included in the calculation of the required endowment. Operating equipment is fundamental to the operation of the library and is normally built into the facility or permanently mounted to the structure.

*Existing library.* This term means a Presidential library that has been accepted by the Archivist under 44 U.S.C. 2112(a) and established as part of the system of Presidential libraries managed by NARA.

*Facility operations.* This term means those activities, including administrative services, involved with maintaining, operating, protecting, and improving a Presidential library.

*Foundation.* This term means a private organization organized under state law to construct a new Presidential library. The term usually refers to nonprofit charitable organizations that meet the requirements of Section 501(c)(3) of the Internal Revenue Code (26 CFR 501(c)(3)). The term specifically includes “foundation” and “institute,” as those terms are used in 44 U.S.C. 2112(a)(1)(B).

*Historical materials.* The term “historical materials” has the meaning set forth at 44 U.S.C. 2101.

*New library.* This term means a Presidential library for a President who took the oath of office as President for the first time on or after January 20, 1985, that has not been accepted by the Archivist under 44 U.S.C. 2112(a). Presidential libraries that have been accepted by the Archivist and established as part of the system of Presidential libraries that are managed by NARA are “existing libraries.”

*Physical or material change or addition.* This term means any addition of square footage, as defined by the BOMA Standard, or any physical or material change to the existing structure of an existing library that results in a significant increase in the cost of facility operations.

*Presidential library.* This term means a Presidential archival depository as defined in 44 U.S.C. 2101.

*Presidential records.* The term has the meaning set forth at 44 U.S.C. 2201.

### § 1281.4 What are the architectural and design standards for Presidential libraries?

The Archivist is required by 44 U.S.C. 2112(a)(2) to promulgate architectural and design standards for Presidential

libraries. The standards address the architectural, design, and structural requirements of a new Presidential library and additions or renovations, and they ensure that Presidential libraries are safe and efficient to operate and provide adequate and secure research and museum facilities. A copy of the standards is provided to the foundation upon request and is available from the Office of Presidential Libraries (NL), Room 2200, 8601 Adelphi Rd., College Park, MD 20740–6001.

**§ 1281.6 What certifications must be provided to NARA?**

(a) The foundation must provide to NARA design and construction certifications specified in the architectural and design standards.

(b) Any item that NARA finds is not in compliance with the architectural and design standards must be corrected by the foundation or, if not corrected by the foundation, will be corrected by NARA with the foundation paying the full cost of taking necessary corrective action.

**§ 1281.8 What information must be provided to NARA for its report to Congress on a new Presidential library facility?**

(a) NARA must submit a report to Congress on a proposed new library pursuant to 44 U.S.C. 2112(a)(3). The foundation that is building the library must help NARA as necessary in compiling the information needed for this report. If a State, political subdivision, university, institution of higher learning, or institute participates in the construction of the new library (e.g., by making land available for the facility), that party is subject to the same requirement. Requested information must be sent to the Office of Presidential Libraries (NL), Room 2200, 8601 Adelphi Rd., College Park, MD 20740–6001 far enough in advance of the anticipated date of transfer of the Library for NARA to compile and submit the report so that it may lie before Congress for the minimum time period specified in 44 U.S.C. 2112(a)(5). The normal lead time for submitting the required information is at least six months in advance of the anticipated date of transfer, but the submission date is subject to negotiation between NARA and the foundation in specific cases. The collection of information by NARA for these purposes has been approved under the Paperwork Reduction Act by the Office of Management and Budget with the control number 3095–0036.

(b) Paragraph (a)(3) of 44 U.S.C. 2112 lists the information that NARA must include in its report to Congress. The

foundation and NARA will agree as part of the planning process for a new library on what information the foundation will provide and when. The same requirement applies to other entities involved in the construction of a new library (e.g., a local government or university). Foundations will normally be responsible, at a minimum, for providing the following information to NARA:

(1) A description of the land, facility, and equipment offered as a gift or to be made available without transfer of title, which must include:

(i) The legal description of the land, including plat, and evidence of clear title to the land upon which the library is constructed;

(ii) Site plan, floor plans, building sections and elevations, artist's representation of building and grounds;

(iii) Description of building contents, including furniture, equipment, and museum installations; and

(iv) Measurement of the facility in accordance with § 1281.16;

(2) A statement specifying the estimated total cost of the library and the amount of the endowment required pursuant to 44 U.S.C. 2112(g);

(3) An offer or other statement setting forth the terms of the proposed agreement for transfer or use of the facility, if any;

(4) Copies of any proposed agreements between the state, other political subdivision, the donating group, other institutions, and the United States which may affect ownership or operation of the library facility;

(5) A statement of and copies of any proposed agreements concerning the proposed support of library programs by non-federal sources; and

(6) A statement on cost-saving design features of the building.

(7) A written certification that the library and the equipment therein will comply with NARA standards.

**§ 1281.10 When does a foundation consult with NARA before offering a gift of a physical or material change, or addition to an existing library?**

A foundation must consult with the Office of Presidential Libraries before beginning the process of offering a gift for the purpose of making a physical or material change or addition to a new or existing library. NARA will furnish the interested foundation the current architectural and design standards as specified in § 1281.4. Others may request a single copy by writing the Office of Presidential Libraries (NL), Room 2200, 8601 Adelphi Road, College Park, Maryland 20740–6001.

**§ 1281.12 What information must be provided to NARA for its report to Congress on a change or addition to a Presidential library facility?**

(a) NARA must submit a report to Congress on a proposed physical or material change or addition to an existing library that is being funded wholly by gift. The foundation or other party offering the gift to NARA must help NARA as necessary in compiling the information needed for the report. Required information must be sent to the Office of Presidential Libraries (NL), Room 2200, 8601 Adelphi Rd., College Park, MD 20740–6001, far enough in advance of the Archivist's acceptance of the gift for NARA to compile and submit the report to Congress in accordance with 44 U.S.C. 2112(a)(5). The normal lead time for submitting the required information on physical or material changes or additions is at least nine (9) months in advance of the anticipated date that work will begin on the physical or material change or addition to the library. The collection of information contained in this section has been approved under the Paperwork Reduction Act by the Office of Management and Budget with the control number 3095–0036.

(b) Paragraph (a)(4) of 44 U.S.C. 2112 lists the information that NARA must include in its report to Congress. The donor and NARA will agree as part of the planning process what information the donor will provide and when, but donors will normally be responsible, at a minimum, for providing the following information to NARA:

(1) A description of the gift, which must include as appropriate:

(i) The legal description of the land, including plat;

(ii) Site plan, floor plans, building sections and elevations, artist's representation of building and grounds as they will be affected by the gift;

(iii) Description of building contents that are part of the gift, including furniture, equipment, and museum installations;

(iv) For endowment libraries, a measurement of the addition or change to the facility in accordance with § 1281.14; and

(v) A review of all critical spaces where NARA holdings will be stored, used, or exhibited, including information on life-safety, environmental, holdings storage, and other systems against NARA standards.

(2) A statement of the estimated total cost of the proposed physical or material change or addition to the library, and, for endowment libraries, an estimate of the amount of the additional

endowment required pursuant to 44 U.S.C. 2112(g).

(3) A statement of the purpose of the proposed change or addition.

(4) A written certification that the library and the equipment therein will comply with NARA standards after the change or addition is made.

#### **§ 1281.14 What type of endowment is required for a Presidential library?**

(a) *Endowment requirement—new libraries.* The foundation or organization that is offering NARA a new Presidential library must establish an endowment for the library, by gift or bequest, in the National Archives Trust Fund before the Archivist may accept the transfer of the library. The purpose of the endowment is to help NARA defray the cost of facility operations. The endowment requirement for the prospective new library of President George W. Bush is set forth in paragraphs 2 and 3 of 44 U.S.C. 2112(g). The endowment requirements for the new libraries of presidents taking the oath of office from the first time on or after July 1, 2002, are set forth in paragraphs 2, 3, and 5 of 44 U.S.C. 2112(g).

(b) *Endowment requirement—change or addition to an endowment library.* For a proposed physical or material change or addition to an endowment library that is being funded wholly by gift, the foundation or other organization that is offering the gift must agree, as a condition of the gift, to transfer monies by gift or bequest to the library's existing endowment in the National Archives Trust Fund in an amount sufficient to satisfy the requirements of paragraphs 2, 3, and 5 of 44 U.S.C. 2112(g). The Archivist must determine that the additional endowment monies have been transferred to the Trust Fund before he accepts the gift of the physical or material change or addition.

(c) *Use of endowment income.* The income from a library's endowment is available to cover the cost of facility operations, but is not available for the performance of archival functions.

(d) *Calculating a library's endowment.* The formulas for calculating the required endowment are set forth in 44 U.S.C. 2112(g)(3)–(5).

(e) *Equipment costs that must be included in the endowment calculation.* The cost of all operating equipment provided with a new library must be included in the endowment calculation pursuant to 44 U.S.C. 2112(g)(3). The Archivist will provide in the Architectural and design standards, a list of equipment guidelines, recommendations, and minimum

requirements for a foundation's use in designing and building a new library. The list is not exhaustive and requirements may change with evolving technology, program requirements, and the final library design.

(f) *Formula for a shared use library building.* For endowment purposes, the construction cost of a shared use library building containing both NARA and Foundation-controlled areas will be determined using the following formula: The percentage of the usable square footage of the NARA-controlled areas to the usable square footage of the entire building multiplied by the cost of the entire building. That figure is then used in calculating a library's endowment as specified by subsection (d) of this section and 44 U.S.C. 2112(g)(3)–(5).

#### **§ 1281.16 What standard does NARA use for measuring building size?**

For purposes of 44 U.S.C. 2112(g)(3) and (4), and this part, NARA has adopted the BOMA *Standard Method for Measuring Floor Areas in Office Buildings* (ANSI Z65.1–1996) as the standard for measuring the size of the facility and the value for calculating the endowment. The architectural and design standards contain the description of the area to be measured as to obtain the useable square footage and the exclusions to the measurement.

#### **§ 1281.18 Publications incorporated by reference.**

The Building Owners and Managers Association (BOMA) *Standard Method for Measuring Floor Areas in Office Buildings*, ANSI Z65.1–1996, dated June 7, 1996, is hereby incorporated by reference in this part. The standard cited in this paragraph is available from the American National Standards Institute, (ANSI), Inc., 11 West 42nd Street, New York, NY 10036. It is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This incorporation by reference will be submitted for approval by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**.

Dated: December 14, 2007.

**Allen Weinstein,**

*Archivist of the United States.*

[FR Doc. E7–24746 Filed 12–19–07; 8:45 am]

**BILLING CODE 7515–01–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA–R09–OAR–2007–0970; FRL–8508–7]

#### **Revision to the California State Implementation Plan, Bay Area Air Quality Management District**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing approval of a revision to the Bay Area Air Quality Management District (BAAQMD) portion of the California State Implementation Plan (SIP). This revision concerns nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions from boilers, steam generators and process heaters at petroleum refineries. We are proposing to approve a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by January 22, 2008.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2007–0970, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or e-mail. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.