

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1 4
2. AMENDMENT/MODIFICATION NO. P00001	3. EFF. DATE 02/20/2007	4. REQUISITION/PURCHASE REQ. NO. 0020027321	5. PROJECT NO. (If applicable)	
6. ISSUED BY Department of Homeland Security Customs and Border Protection 1300 Pennsylvania Ave NW NP 1310 Washington	CODE 7014 DC 20229	7. ADMINISTERED BY (If other than Item 6) Dept of Homeland Security Customs and Border Protection Office of Procurement - NP 1310 1300 Pennsylvania Ave. NW Washington		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) THE BOEING COMPANY 5301 BOLSA AVE. HUNTINGTON BEACH CA 92647-2099		9A. AMENDMENT OF SOLICITATION NO.		
CODE 135025133 FACILITY CODE		9B. DATED (SEE ITEM 11)		
		10A. MODIFICATION OF CONTRACT/ORDER NO. X HSBP1006D01353 / HSBP1007J14218		
		10B. DATED (SEE ITEM 13) 01/12/2007		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. Mutual Agreement Between Parties
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (Such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103 (b).
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Mutual Agreement Between Parties
D. OTHER (Specify type of modification and authority) Mutual Agreement Between Parties

E. IMPORTANT: Contractor is not is required to sign this document and return 2 copies to issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification is to provide additional funding to this Task Order, revise Section A.2 Limitation of Government Liability, include the estimated ceiling cost subject to definitization, revise Section A.3, Contract Definitization, revise Section A.6 Subcontracting Approval, add Section A.7 Davis-Bacon Act-Secondary Site of the Work, add Section A.8 Davis-Bacon Act, and make administrative changes.

The subject order is hereby modified as follows:

1. Additional funding of \$6,930,128.00 to the Task Order.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) (b) (6) 01/17/07 11:01:02 AM	15C. DATE SIGNED 2/20/07	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) DEBORAH L. SMITH Contracting Officer	16C. DATE SIGNED (b) (6) 2/20/07
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Prescribed by GSA FAR (48 CFR) 53.243

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT - Continuation			1. CONTRACT ID CODE	
2. AMENDMENT/MODIFICATION NO. P00001	3. EFF. DATE 02/20/2007	4. REQUISITION/PURCHASE REQ. NO. 0020027321	PAGE OF 2	PAGES 4

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Prior Funding: \$8,000,000.00
 Increase In Funding: \$6,930,128.00
 Total Funding: \$14,930,128.00

2. Boeing is authorized to incur expenditures and obligations up to \$14,930,128.00 (75% of the total ceiling amount of \$19,906,837.00) for the BMGR Initial 9 Mile Section Task Order number HSBP1007J14218. The Government has a goal to definitize this task order on or before March 9, 2007, as the firm proposal for this work was submitted to this office by the close of business February 9, 2007. Additionally, The Boeing Company will advise the Contracting Officer within the next three working days the date by which the new funding will be either expended and or obligated.

3. Optional Form 347,
 a. Block 2: Add Contract Number HSBP1006D01353.
 b. Block 8: Change to read "b. DELIVERY."
 c. Page 2, NOTES E.: Add the following language --

"The ceiling price of this order is \$19,906,837.00, subject to definitization of this letter contract, in accordance with FAR 52.216-25 Contract Definitization."

4. Page 2, Section A.3 52.216-25 Contract Definitization, paragraph (b) is hereby deleted in its entirety and replaced with the following--

(b) The schedule for definitizing this contract is:

1. The contractor must submit a compliant proposal by February 26, 2007. A firm proposal was submitted by the contractor on February 9, 2007.
2. Target date for commencement of negotiations between The Boeing Company and the Government is March 5, 2007
3. Target date for definitization of the contract is March 9, 2007

5. Page 5, Section A.6 Subcontracting Approval language is hereby deleted in its entirety and replaced with the following --

"Notwithstanding the requirements of Clause G.4 of the basic contract (HSBP1006D01353), the contractor must obtain the Government's consent to the price of any subcontract exceeding \$2 million prior to definitizing the price with the subcontractor, unless this task order has already been definitized."

6. Add Section A.7, FAR 52.222-5 Davis-Bacon Act-Secondary Site of the Work.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT - Continuation			1. CONTRACT ID CODE	
2. AMENDMENT/MODIFICATION NO. P00001	3. EFF. DATE 02/20/2007	4. REQUISITION/PURCHASE REQ. NO. 0020027321	PAGE OF 3	PAGES 4

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

52.222-5 DAVIS-BACON ACT-SECONDARY SITE OF THE WORK (JULY 2005)

(a) (1) The offeror shall notify the Government if the offeror intends to perform work at any secondary site of the work, as defined in paragraph (a) (1) (ii) of the FAR clause at 52.222-6, Davis-Bacon Act, of this solicitation.

(2) If the offeror is unsure if a planned work site satisfies the criteria for a secondary site of the work, the offeror shall request a determination from the Contracting Officer.

(b) (1) If the wage determination provided by the Government for work at the primary site of the work is not applicable to the secondary site of the work, the offeror shall request a wage determination from the Contracting Officer.

(2) The due date for receipt of offers will not be extended as a result of an offeror's request for a wage determination for a secondary site of the work.

(End of clause)

7. Add Section A.8, to incorporate Clause 52.222-6 Davis-Bacon Act (July 2005) by reference.

8. Add Davis -Bacon Act wage determination AZ30012 (Heavy Construction) for all construction work performed under the Task Order in accordance with FAR 22.404. This wage determination is attached as Attachment (1).

9. Add the following requirements to those currently specified in Task Order No. HSBP1007J14218 Contract No. HSBP1006D01353 Secure Border Net (SBInet) Barry M. Goldwater Range (BMGR) Project 37 Initial (9 Mile) Section Performance Work Statement:

a. The Secretary of Homeland Security has issued a determination and waiver regarding construction of physical barriers in the vicinity of the international land border of the United States in Arizona, reference Federal Register / Vol. 72, No. 12/Friday, January 19, 2007/Notices (Attachment (2)). Notwithstanding the forgoing, the Contractor shall adhere to its best practices and any other pertinent laws not addressed in the above determination and waiver in undertaking the efforts of this Task Order.

b. Earned Value Management System clauses, H.9, H.10, and H.11 and all other references to EVMS of the basic contract are waived for the performance of this Task Order, due to its value and short duration. Should the Government elect to order additional work on BMGR under this Task Order, EVMS will be required.

c. Specific performance requirements as follows:

i. The vehicle barrier and fence must withstand (b) (7)(E) lb vehicle @ (b) (7)(E) mph.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT - Continuation			1. CONTRACT ID CODE	
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ii. No water is required for any and all construction.

iii. No access road will be available during fence construction.

iv. The fence must be non-galvanized welded.

v. The contractor shall provide a survey for bollard and fence layout.

vi. The contractor shall begin construction at the terminus of the previous three (3) mile segment.

vii. The contractor shall complete all nine (9) miles not later than March 24,2007.

viii. The current effort does not require utilization of night light plant. However, should the use of these become necessary the Government shall negotiate with the contractor on an equitable adjustment to the ceiling price of the Task Order.

10. The changes, clauses, terms, and conditions specified in this modification apply to Task Order HSBP1007J14218 exclusively, and shall not be construed to apply or not apply to any other existing or planned Task Order under HSBP1006D01353.

[End of Modification]

**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA HSBP1007J14218, MODIFICATION P00001**

SCHEDULE OF SUPPLIES/SERVICES

Item Number: 00030 **Line Item (Priced/Information/Option):** P
Supplies/Services: Project 37/BMGR - Services BMGR Initial (9 Mile) Section for SBInet in accordance with Barry M. Goldwater Range (BMGR) Project 37 Initial (9 Mile) Section Performance Work Statement (PWS)

Qty	Unit	Unit Price	Ext. Price
1	AU	(b) (4)	(b) (4)

Item Number: 00040 **Line Item (Priced/Information/Option):** P
Supplies/Services: Project 37/BMGR - Equipment BMGR Initial (9 Mile) Section for SBInet in accordance with Barry M. Goldwater Range (BMGR) Project 37 Initial (9 Mile) Section Performance Work Statement (PWS)

Qty	Unit	Unit Price	Ext. Price
1	AU	(b) (4)	(b) (4)

Total Funded Contract Value: \$6,930,128.0000

ACCOUNTING AND APPROPRIATION INFORMATION

Item: 00030 6100.2525USCSGLCS0900009000Z00007173SB03 SB3002525 Amount (b) (4)

Item: 00040 6999.3192USCSGLCS0900009000Z00007173SB03 SB3003192 Amount (b) (4)

DELIVERY SCHEDULE

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Deliver To: Customs and Border Protection

6301 Hazeltine Drive
National Electronics Team
Orlando FL 32822-5101

Instructions:

Item	Quantity	Delivery Date	Recipient	Unloading PT.
00040	1	04/11/2007		

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Deliver To: Customs and Border Protection
Secure Border Initiative (SBI)net
1300 Pennsylvania Ave NW Rm 7.5
Ronald Reagan Federal Building
Washington DC 20229

Instructions:

Item	Quantity	Delivery Date	Recipient	Unloading PT.
00030	1	04/11/2007		

General Decision Number: AZ030012 01/05/2007 AZ12

Superseded General Decision Number: AZ020012

State: Arizona

Construction Type: Heavy

Counties: Coconino, Maricopa, Mohave, Pima, Pinal and Yuma Counties in Arizona.

HEAVY CONSTRUCTION PROJECTS (excluding dam construction)

Modification Number	Publication Date
0	06/13/2003
1	03/19/2004
2	03/26/2004
3	04/30/2004
4	06/18/2004
5	08/06/2004
6	09/03/2004
7	02/11/2005
8	04/15/2005
9	09/16/2005
10	10/07/2005
11	11/11/2005
12	12/23/2005
13	03/24/2006
14	07/07/2006
15	08/04/2006
16	10/27/2006
17	11/24/2006
18	12/15/2006
19	12/22/2006
20	01/05/2007

BOIL0627-004 10/01/2005

	Rates	Fringes
Boilermaker.....	\$ 26.21	17.36

CARP0408-003 07/01/2005

	Rates	Fringes
Carpenters: (Including Cement Form Work)		
Carpenter.....	\$ 21.10	5.17
Piledrivermen.....	\$ 21.23	5.17

* ELEC0518-005 01/01/2007

PINAL COUNTY (North of the line, "First Standard Parallel South", and East of the line, "Second Guide Meridian East".

	Rates	Fringes
Electrician/Wireman.....	\$ 22.50	12%+6.50

ELEC0570-001 12/01/2006

PIMA, PINAL [Remaining Southern Area], and YUMA COUNTIES

	Rates	Fringes
Electrician/Wireman		
Zone 1 (Base Rate).....	\$ 20.20	16.5%+4.50

ZONE DEFINITIONS:

Zone 1: 0 to 29 miles radius from City Hall in the following cities: Tucson, Benson, Bisbee, Clifton, Douglas, Morenci, Nogales, Parker, Safford, Sierra Vista, Wilcox & Yuma

Zone 2: More than 29 miles to 46 miles - add \$1.25 to Zone 1 rate

Zone 3: More than 46 miles - add \$3.75 to Zone 1 rate

FRINGES:

The fringe of 14.4% is figured on the base amount of \$19.15 excluding any additional zone pay.

ELEC0611-005 12/01/2004

APACHE COUNTY [Area North of Highway 66]

	Rates	Fringes
Electrician/Wireman		
Zone 1.....	\$ 24.55	4%+7.80

ZONE 1: 0 to 10 miles from Gallup, NM

ZONE 2: 10 to 30 miles from Gallup - Add 9% to basic hourly rate.

ZONE 3: 30 to 40 miles from Gallup - Add 15%

ZONE 4: Over 40 miles from Gallup - Add 26%

ELEC0640-001 06/01/2005

COCONINO; MARICOPA; MOHAVE COUNTIES; and the following portion of PINAL COUNTY (Area lying North and West of the boundary line beginning at a point where Papago Indian Reservation Road No.15 crosses the Pima-Pinal County line, then extending in a Northeasterly direction on Papago Indian Reservation Road No. 15 to the intersection with Highway FAS-267, extending North on Highway FAS-267 to the intersection with the Florence Canal, North and East on the Florence Canal to the intersection of the line "Second Guide Meridian East" then North to the Pinal-Maricopa County lines)

	Rates	Fringes
Electrician/Wireman.....	\$ 22.50	3%+6.04

 ELEC0769-001 04/01/2004

	Rates	Fringes
Line Construction:		
Cable Splicer.....	\$ 30.91	17.5%+3.80
Equipment Operator, Mechanic, and Powderman.....	\$ 21.87	17.5%+3.80
Groundman.....	\$ 17.98	17.5%+3.80
Lineman, Technician, 80 Ton Crane and over, and Pilot.....	\$ 30.13	17.5%+3.80

 ENGI0428-013 06/01/2006

	Rates	Fringes
Power Equipment Operator (2) Asphalt Roller.....	\$ 21.42	8.24

 IRON0075-007 08/01/2006

	Rates	Fringes
Ironworker Rebar & Structural (Zone 1).....	\$ 23.00	14.80

ZONE 1: 0 to 50 miles from City Hall in Phoenix or Tucson
 ZONE 2: 50 to 100 miles - addf \$1.50 to basic hourly rate
 ZONE 3: 100 to 150 miles - add \$2.75
 ZONE 4: Over 150 miles - add \$4.00

 LABO0383-008 06/01/2006

	Rates	Fringes
Laborers		
(2) Concrete Worker.....	\$ 15.13	4.10
(3) Power tools.....	\$ 15.81	4.10
(6) Construction Specialist.....	\$ 17.57	4.10

 PLUM0469-011 07/01/2006

COCONINO, MARICOPA, MOHAVE, YUMA COUNTIES

	Rates	Fringes
Plumber (Zone 1)		
Commercial.....	\$ 27.00	12.00
Industrial.....	\$ 31.00	12.00

ZONE 1: Area within a 20 mile radius of the center of the

following towns: Flagstaff, Holbrook, Kingman, Lake Havasu City, Prescott, Show Low, Springerville, St John's, Winslow, and Yuma; and the area within a 40 mile radius of the center of Phoenix.

ZONE 2: Area outside the above areas - Add \$3.00 to Zone 1 basic hourly rate

PLUM0741-005 07/01/2006

PIMA AND PINAL COUNTIES

	Rates	Fringes
Plumber.....	\$ 23.50	11.90

INDUSTRIAL WORK: Add \$2.00 to basic hourly rate

SHEE0359-002 08/01/2006

PIMA and PINAL (South of the 33rd Parallel) COUNTIES

	Rates	Fringes
Sheet Metal Worker (Including HVAC)		
Zone 1.....	\$ 23.29	3%+7.88
Zone 2.....	\$ 25.29	3%+7.88

ZONE DEFINITIONS:

Zone 1: 0 to 35 miles from the City Hall in Tucson

Zone 2: Over 35 miles from the City Hall in Tucson

SHEE0359-003 08/01/2006

COCONINO, MARICOPA, MOHAVE, PINAL (North of the 33rd Parallel), and YUMA COUNTIES

	Rates	Fringes
Sheet Metal Worker (Including HVAC).....	\$ 25.05	7.89

SUAZ2004-007 03/04/2004

	Rates	Fringes
Cement Mason/Finisher.....	\$ 17.18	2.12
Laborers		
General/Cleanup.....	\$ 10.32	0.00
Pipelayer.....	\$ 11.11	1.74
Millwright.....	\$ 16.97	3.40

Power Equipment Operator

Backhoe.....	\$ 16.82	2.52
Blade/Grader.....	\$ 14.45	2.45
Crane.....	\$ 20.76	4.42
Excavator.....	\$ 18.00	0.00
Loader.....	\$ 16.67	2.14
Scraper.....	\$ 12.91	1.68

Sound & Communication

Technician.....	\$ 22.00	0.00
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Truck Driver

Dump.....	\$ 12.13	1.16
Flatbed Utility.....	\$ 12.50	1.48
Water Truck.....	\$ 11.91	1.32

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal

process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

petitioners per petition is 10,995 hours, for a total burden of 21,990 hours. There are no capital costs or operating and maintenance costs associated with the burden hours being transferred from OMB control number 0910-0016 to OMB control number 0910-0495.

Electronic submissions of petitions contain the same petition information required for paper submissions. The agency estimates that one petitioner for both food and color additives will take advantage of the electronic submission process per year. By using the guidelines and forms that FDA is providing, the petitioner will be able to organize the petition to focus on the information needed for FDA's safety review. Therefore, we estimate that petitioners will only need to spend approximately 1 hour completing the electronic submission application form (Form 3503 or 3504, as appropriate) because they will have already used the guidelines to organize the petition information needed for the submission.

The labeling requirements for food and color additives were designed to specify the minimum information needed for labeling in order that food and color manufacturers may comply with all applicable provisions of the act and other specific labeling acts administered by FDA. Label information does not require any additional information gathering beyond what is already required to assure conformance with all specifications and limitations in any given food or color additive regulation. Label information does not have any specific recordkeeping requirements unique to preparing the label. Therefore, because under § 70.25, labeling requirements for a particular color additive involve information required as part of the CAP safety review process, the estimate for number of respondents is the same for § 70.25 and § 71.1, and the burden hours for labeling are included in the estimate for § 71.1. Also, because labeling requirements under parts 172, 173, 179, and 180 for particular food additives involve information required as part of the FAP safety review process under § 171.1, the burden hours for labeling are included in the estimate for § 171.1.

In cases where a regulation implements a statutory information collection requirement, only the additional burden attributable to the regulation, if any, has been included in FDA's burden estimate.

Dated: January 12, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7-681 Filed 1-18-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as Amended by Section 102 of the REAL ID Act of 2005 and as Amended by the Secure Fence Act of 2006

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations and other legal requirements in order to ensure the expeditious construction of physical barriers and roads in the vicinity of the international land border of the United States in Arizona. The Secretary's waiver is effective upon publication of this Notice.

DATES: This Notice is effective on January 19, 2007.

Determination and Waiver: In section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104-208, Div. C, 110 Stat. 3009-546, 3009-554 (Sept. 30, 1996) (8 U.S.C. 1103, note), Congress provided that the Attorney General shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. Pursuant to sections 1511 and 1517 of the Homeland Security Act of 2002 (HSA), Public Law 107-296, 116 Stat. 2135, 2309, 2311 (Nov. 25, 2002) (6 U.S.C. 551, 557), the authorities of the Attorney General contained in section 102 of the IIRIRA were transferred to the Secretary of Homeland Security (Secretary).

In section 3 of the Secure Fence Act of 2006 (Secure Fence Act), Public Law 109-367, Congress amended Section 102(b) of IIRIRA to provide for the installation of fencing, barriers, roads, lighting, cameras, and sensors along five segments of the southern border of the United States, including much of the border between Arizona and Mexico. In section 102(c) of the IIRIRA, as amended by section 102 of the REAL ID Act of 2005, Public Law 109-13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (REAL ID Act) (8 U.S.C. 1103 note), Congress granted the Secretary "authority to waive all legal requirements such Secretary, in such

Secretary's sole discretion, determines necessary to ensure the expeditious construction of barriers and roads under" section 102 of IIRIRA.

I have determined that the area in the vicinity of the United States border known as the Barry M. Goldwater Range (BMGR), as described in the Bureau of Land Management's "Legal Description of Barry M. Goldwater Range Withdrawal, AZ" (66 FR 59813 (November 30, 2001)), in southwestern Arizona, including the adjacent area to the west of the BMGR, is an area of high illegal entry. This area is also within the footprint of infrastructure provided for in Section 102(b)(1)(A)(ii) of IIRIRA as amended by the Secure Fence Act. There is presently a need to construct fixed and mobile barriers (such as fencing, vehicle barriers, towers, sensors, cameras, and other surveillance, communication, and detection equipment) and roads in the vicinity of the border of the United States within and in the vicinity of the BMGR. In order to ensure the expeditious construction of the barriers and roads that Congress prescribed in sections 102(a) and 102(b) of the IIRIRA in the BMGR, which is an area of high illegal entry into the United States, I have determined that it is necessary to exercise the authority that was transferred to me by sections 1511 and 1517 of the HSA and that is vested in me by section 102(c) of the IIRIRA as amended by section 102 of the REAL ID Act.

Accordingly, with respect to the construction, as prescribed in sections 102(a) and 102(b) of the IIRIRA, of roads and fixed and mobile barriers within the BMGR and within five miles to the west of the BMGR (including, but not limited to, accessing the project area, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of fences, roads, supporting elements, drainage, erosion controls, safety features, surveillance, communication, and detection equipment of all types, radar and radio towers, and lighting), I hereby waive, in their entirety, all Federal, State, or other laws, regulations and legal requirements of, deriving from, or related to the subject of, the following laws, as amended: the National Environmental Policy Act (Pub. L. 91-190, 83 Stat. 852, (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93-205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) (Act of June 30, 1948, c. 758, 62 Stat. 1155 (33 U.S.C. 1251 *et seq.*)); the Wilderness Act (Pub. L. 88-577, 16 U.S.C. 1131 *et*

seq.); the National Historic Preservation Act (Pub. L. 89-665, 80 Stat. 915 (Oct. 15, 1966) (16 U.S.C. 470 *et seq.*)); the National Wildlife Refuge System Administration Act (Pub. L. 89-669, 16 U.S.C. 668dd-668ee); the Military Lands Withdrawal Act of 1999 (Pub. L. 106-65, 113 Stat. 885 (Oct. 5, 1999)); the Sikes Act (16 U.S.C. 670 *et seq.*); and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*).

I reserve the authority to make further waivers from time to time under the authority granted to me by section 102(c) of the IIRIRA, as amended by section 102 of the REAL ID Act, as I may determine to be necessary to accomplish the provisions of section 102 of IIRIRA.

Dated: January 12, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-738 Filed 1-18-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2006-26136]

Potential Revision of Mandatory Ballast Water Management Reporting Requirements

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meeting; request for public comment.

SUMMARY: The Coast Guard requests public comments on its current ballast water management reporting and recordkeeping requirements. To provide additional opportunities for public comment, public meetings will be held in Chicago, IL and in New Orleans, LA. All stakeholders and interested parties are encouraged to submit comments to the docket and to attend one of the scheduled meetings.

DATES: The public meetings will be held on the following dates:

- Chicago, IL, March 13, 2007 from 1 p.m. to 5 p.m.
- New Orleans, LA, March 15, 2007 from 1 p.m. to 5 p.m.

Comments and related material must reach the Docket Management Facility on or before March 16, 2007.

ADDRESSES: The Coast Guard will hold the public meetings at the following addresses:

- Chicago, IL, Radisson Chicago Hotel and Suites, 160 East Huron Street, Chicago, IL, 60611, 312-787-2900, www.radisson.com/chicago.
- New Orleans, LA, Hotel Monteleone, 214 Royal Street, New

Orleans, LA 70130, 504-532-3341, www.hotelmonteleone.com.

You may also submit comments identified by Coast Guard docket number USCG-2006-26136 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web site:* <http://dms.dot.gov>.

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) *Fax:* 202-493-2251.

(4) *Delivery:* Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact LT Heather St. Pierre, Project Manager, Environmental Standards Division, Coast Guard, via telephone at 202-372-1432 or via e-mail at Heather.J.St.Pierre@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

SUPPLEMENTARY INFORMATION:

Request for Comments

All comments received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this notice (USCG-2006-26136) and give the reason for each comment. You may submit your comments by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments received during the comment period.

Viewing comments and documents: To view comments, go to <http://dms.dot.gov> at any time, click on "Simple Search," enter the last five

digits of the docket number for this notice, and click on "Search." You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can 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 the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

Public Meetings

The Coast Guard encourages interested and affected stakeholders to attend one of the scheduled public meetings and provide oral or written comments. These meetings will be open to the public. Please note that the public meeting may close early if all business is finished. Oral or written comments received at the public meeting will be entered into the Docket. If you are unable to attend, you may submit comments to the Docket Management Facility at the address listed under **ADDRESSES** by March 16, 2007.

For the public meeting in Chicago, the Radisson Hotel and Suites Chicago is holding a limited number of rooms for the meeting. To receive the group rate of \$138.00 plus tax per night, reservations must be made directly with the Radisson Hotel and Suites Chicago by calling 312-787-2900 no later than February 16, 2007. Please mention the 'Coast Guard Meeting' to receive the block rate. After this date, rooms will be available at the standard rate on a space available basis only.

For the public meeting in New Orleans, the Hotel Monteleone is holding a limited number of rooms for the meeting. To receive the group rate of \$148.00 plus tax per night, reservations must be made directly with the Hotel Monteleone by calling 504-523-3341 no later than February 16, 2007. Please mention the 'Coast Guard Meeting' to receive the block rate. After this date, rooms will be available at the standard rate on a space available basis only.

Information on Services for Individuals With Disabilities

If you plan to attend one of the public meetings and require special assistance, such as sign language interpretation or other reasonable accommodations,