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WHEN: Tuesday, July 19, 2005
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2005 Tariff-Rate Quota Year

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document sets forth the revised appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2005 quota year reflecting the cumulative annual transfers from Appendix 1 to Appendix 2 for certain dairy product import licenses permanently surrendered by licenses or revoked by the Licensing Authority.

DATES: Effective June 2, 2005.

FOR FURTHER INFORMATION CONTACT: Michael I. Hankin, Dairy Import Quota Manager, Import Policies and Programs Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1021 or telephone at (202) 720–9439 or e-mail at *Michael.Hankin@usda.gov.*

SUPPLEMENTARY INFORMATION: The Foreign Agricultural Service, under a delegation of authority from the Secretary of Agriculture, administers the Dairy Tariff-Rate Import Quota Licensing Regulation codified at 7 CFR 6.20–6.37 that provides for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule of the United States. These dairy articles may only be entered into the United States at the low-tier tariff by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with the U.S. Customs Service, monitors their use.

The regulation at 7 CFR 6.34(a) states: ''Whenever a historical license (Appendix 1) is not issued to an applicant pursuant to the provisions of § 6.23, is permanently surrendered or is revoked by the Licensing Authority, the amount of such license will be transferred to Appendix 2.'' Section 6.34(b) provides that the cumulative annual transfers will be published in the **Federal Register.** Accordingly, this document sets forth the revised Appendices for the 2005 tariff-rate quota year.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, Imports, Reporting and recordkeeping requirements.

Issued at Washington, DC the 25th day of May, 2005.

Michael I. Hankin,

Licensing Authority.

■ Accordingly, 7 CFR part 6 is amended as follows:

PART 6—IMPORT QUOTAS AND FEES

■ 1. The authority citation for part 6, Subpart—Dairy Tariff-Rate Import Quota Licensing continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16–23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Appendices 1, 2 and 3 to Subpart—Dairy Tariff-Rate Import Quota Licensing are revised to read as follows:

BILLING CODE 3410–10–M

Appendices 1, 2 and 3 to Subpart--Dairy Tariff-Rate Import Quota Licensing

Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2005
(quantities in kilograms)

Article by Additional U.S. Note Number and Country of Origin NON-CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
BUTTER (NOTE 6)	**5,420,672**	**1,556,328**		
EU-25	75,918	20,243		
New Zealand	117,540	33,053		
Other Countries	55,902	18,033		
Any Country	5,171,312	1,484,999		
DRIED SKIM MILK (NOTE 7)	**600,076**	**4,660,924**		
Australia	600,076			
Canada		219,565		
Any Country		4,441,359		
DRIED WHOLE MILK (NOTE 8)	**3,175**	**3,318,125**		
New Zealand	3,175			
Any Country		3,318,125		
DRIED BUTTERMILK/WHEY (NOTE 12)	**63,820**	**161,161**		
Canada		161,161		
New Zealand	63,820			
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14)		**6,080,500**		
Any Country		6,080,500		
TOTAL: NON-CHEESE ARTICLES	***6,087,743***	***15,777,038***		

Article by Additional U.S. Note Number and Country of Origin CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16)	**23,488,788**	**7,980,943**	**9,661,128**	**7,496,000**
Argentina	7,690		92,310	
Australia	535,628	5,542	758,830	1,750,000
Canada	1,031,946	109,054		
Costa Rica				1,550,000
EU-25	16,261,919	7,005,737	1,132,568	3,446,000
Of which Portugal is:	127,536	1,773	223,691	
Israel	79,696		593,304	
Iceland	294,000		29,000	
New Zealand	4,443,558	371,914	6,506,528	
Norway	124,982	25,018		
Switzerland	597,513	73,899	548,588	500,000
Uruguay				250,000
Other Countries	111,856	89,779		
Any Country		300,000		
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17)	**2,290,547**	**190,454**		**430,000**
Argentina	2,000			
EU-25	2,288,546	190,454		350,000
Chile				80,000
Other Countries	1			

Article by Additional U.S. Note Number and Country of Origin CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18)	**3,650,377**	**633,479**	**519,033**	**7,620,000**
Australia	937,721	46,778	215,501	1,250,000
Chile				220,000
EU-25	52,404	210,596		1,050,000
New Zealand	2,539,040	257,428	303,532	5,100,000
Other Countries	121,212	18,677		
Any Country		100,000		
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19)	**2,837,900**	**327,653**	**357,003**	
Australia	830,124	50,874	119,002	
EU-25	186,222	167,778		
New Zealand	1,657,689	104,310	238,001	
Other Countries	163,865	4,691		
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20)	**5,242,254**	**364,148**		**1,210,000**
Argentina	119,003	5,997		110,000
EU-25	5,004,171	284,829		1,100,000
Norway	114,318	52,682		
Other Countries	4,762	20,640		
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA-NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21)	**6,488,830**	**1,031,717**	**795,517**	**5,165,000**
Argentina	3,942,500	182,983	367,517	1,890,000
EU-25	2,535,930	846,070		2,025,000
Romania				500,000
Uruguay			428,000	750,000
Other Countries	10,400	2,664		

Article by Additional U.S. Note Number and Country of Origin CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22)	**5,669,872**	**981,442**	**823,519**	**380,000**
EU-25	4,326,027	825,967	393,006	380,000
Switzerland	1,269,085	150,402	430,513	
Other Countries	74,760	5,073		
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	**3,037,225**	**1,387,683**	**1,050,000**	
EU-25	3,037,224	1,387,693		
Israel			50,000	
New Zealand			1,000,000	
Other Countries	1			
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25)	**18,042,946**	**4,254,385**	**9,557,945**	**2,620,000**
Argentina		9,115	70,885	
Australia	209,698		290,302	
Canada			70,000	
EU-25	13,093,983	3,382,845	4,003,172	2,420,000
Iceland	149,999		150,001	
Israel	27,000			
Norway	3,187,264	468,046	3,227,690	
Switzerland	1,289,727	394,378	1,745,895	200,000
Other Countries	85,275	1		
TOTAL: CHEESE ARTICLES	***70,748,739***	***17,151,904***	***22,764,145***	***24,921,000***

[FR Doc. 05–10928 Filed 6–1–05; 8:45 am]
BILLING CODE 3410–10–C

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 25 and 95

RIN 3150–AH52

Broadening Scope of Access Authorization and Facility Security Clearance Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC or Commission) is amending its regulations to broaden the scope of the regulations applicable to persons who may require access to classified information, to include persons who may need access in connection with licensing and regulatory activities under the regulations that govern the disposal of high-level radioactive waste in geologic repositories, and persons who may need access in connection with other activities as the Commission may determine, such as vendors of advanced reactor designs. The Commission is also amending its regulations to broaden the scope of the regulations applicable to procedures for obtaining facility security clearances, to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in connection with the above-identified activities. In addition, NRC is correcting the scope section of the regulations that govern access authorization for licensee personnel to include certificate holders and applicants for a certificate; clarifying the definition of ''license'' in the regulations that govern access authorization for licensee personnel and govern facility security clearance to include a reference to the regulations that govern combined licenses; correcting a typographical error in the definition of ''security container'' in its facility security regulations; and updating the references to Executive Order 12958 which has been amended.

DATES: The final rule is effective on July 5, 2005.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6233, e-mail *ant@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

NRC's regulations at 10 CFR Parts 25 and 95 govern access to and protection of classified information by licensees or other persons who have a need for access to this information. Part 25 contains procedures for establishing initial and continuing eligibility for access authorizations for individuals who may require access to classified information. Part 95 contains procedures for obtaining a facility security clearance for licensees, certificate holders, or other persons who need to use, process, store, reproduce, transmit, transport, or handle certain types of NRC classified information at any location in connection with Commission-related activities. The purpose of this rulemaking is to amend Parts 25 and 95 to: (1) Add references to 10 CFR Parts 60 and 63 in §§ 25.5, 25.17(a) and 95.5; (2) expand the scope of §§ 25.3 and 95.3 to include persons who may not be licensees or certificate holders or applicants for a license or certificate; (3) clarify the definition of ''license'' in §§ 25.5 and 95.5 to include a reference to Part 52; (4) correct the omission of a reference to certificate holders in § 25.3; (5) correct a typographical error in the definition of ''security container'' in § 95.5; and (6) update references to Executive Order 12958 to reflect that this Executive Order has been amended and could be further amended in the future.

Direct Final Rule and Companion Proposed Rule

On December 15, 2004 (69 FR 74949), the NRC published in the **Federal Register** a direct final rule that would have amended NRC's regulations to broaden the scope of the regulations in 10 CFR Parts 25 and 95. The direct final rule was to become effective on February 28, 2005. The NRC concurrently published a companion proposed rule on December 15, 2004 (69 FR 75007).

In the direct final rule, NRC stated that if any significant adverse comments were received, a notice of timely withdrawal of the direct final rule would be published in the **Federal Register**. As a result, the direct final rule would not take effect.

NRC received one public comment letter consisting of at least one significant adverse comment on the direct final rule; therefore, NRC withdrew the direct final rule on February 24, 2005 (70 FR 8921). NRC is addressing the comments received on the companion proposed rule in this final rule.

Discussion

Although 10 CFR 25.3 speaks broadly of the regulations that apply to ''licensees and others who may require access to classified information related to a license or an application for a license,'' in 10 CFR 25.5, ''license'' is defined to mean ''a license issued pursuant to 10 CFR Parts 50, 70, or 72.'' Similarly, 10 CFR 95.3 states that the regulations apply to licensees and certificate holders and others regulated by the Commission who need access in connection with a license or certificate or an application for a license or certificate. However, at 10 CFR 95.5, ''license'' is defined to mean ''a license issued pursuant to 10 CFR Parts 50, 70, or 72.'' Absent from these provisions is any reference to the Commission's regulations that govern the issuance of construction authorizations and licenses for disposal of high-level radioactive waste in geologic repositories (10 CFR Part 60) or in a potential geologic repository at Yucca Mountain, Nevada (10 CFR Part 63). Parts 25 and 95 were published on March 5, 1980; 45 FR 14476, before issuance of Part 60 (February 25, 1981; 46 FR 13971) or Part 63 (November 2, 2001; 66 FR 55732) and Parts 25 and 95 were not amended to include these regulations. The Commission currently anticipates receiving a license application from the U.S. Department of Energy under the provisions of Part 63. An adjudicatory proceeding on this license application could implicate the need for access authorizations and facility security clearances by persons who plan to participate in the proceeding. Accordingly, NRC is amending the definition of ''license'' in §§ 25.5 and 95.5 to include references to licenses issued under Parts 60 and 63. For the same reason, references to Parts 60 and 63 are added to § 25.17(a).

A second restriction that presently exists in 10 CFR 25.3 and 95.3 is that the requested access authorizations or facility security clearances must be related to a license or certificate, or an application for a license or certificate. However, there may be certain Commission-related activities undertaken by entities who are not licensees or certificate holders, or applicants for a license or certificate where an access authorization or facility security clearance may be needed. The NRC believes there is a need for access authorizations and facility security clearances for vendors who are involved in the design of advanced reactors. These vendors could need access to classified information which would enable them to consider potential

mitigative measures for operating reactors and design features for the various advanced reactor systems. Currently, a vendor who is not an NRC licensee or a contractor to an NRC licensee and does not have a facility clearance or access authorization provided by another government agency, is not eligible for an access authorization or a facility security clearance under Parts 25 and 95. NRC believes that most current vendors of advanced reactor designs are NRC licensees or contractors to NRC licensees or holders of clearances from other government agencies. However, to allow for the possibility that there could be vendors who would need to seek access authorizations and facility security clearances through the regulations at Parts 25 and 95, the NRC is adding language to the scope sections of these parts to allow the processing of requests for access authorization or facility security clearances with respect to ''other activities as the Commission may determine.'' This language could also be used to begin the processing of such requests, in advance of NRC's receipt of a license application under Part 63, by potential parties in an adjudication on the application, or in circumstances when a need for access authorization might arise in the future.

Further, the NRC is clarifying the definition of ''license'' in §§ 25.5 and 95.5 to include a reference to Part 52 which contains provisions for combined licenses in Subpart C and for manufacturing licenses in Appendix M. Although NRC's intent that access authorizations needed in connection with activities under Part 52 be included is evidenced by a reference to Part 52 in § 25.17(a), a similar reference to Part 52 does not appear in the definition of ''license'' in §§ 25.5 and 95.5. The Commission is correcting this oversight.

The NRC is also correcting the omission of a reference to certificate holders in § 25.3. Although § 25.5 includes a definition of ''certificate holder'' and § 25.17(a) includes activities under Part 76 that issue certificates to gaseous diffusion plants, § 25.3, unlike § 95.3, does not include a reference to certificate holders or certificates. The NRC believes this is an oversight that is now being corrected.

In addition, the NRC is correcting a typographical error which appears in the definition of ''security container'' in § 95.5. In the description of a ''safe'' in paragraph (2), the phrase ''at least ½ thick'' should read ''at least ½ inch thick.''

Finally, NRC is amending references to Executive Order 12958 where they appear in Parts 25 and 95 to include the phrase ''as amended.'' This reflects that Executive Order 12958 was amended on March 25, 2003 by Executive Order 13292 (68 FR 15315; March 28, 2003) and could be further amended in the future.

Response to Public Comments

The NRC received one public comment letter from a group of seven national environmental and public interest organizations. A summary of the comments contained in this letter and NRC's responses are presented below.

Comment 1: The commenters expressed concern that the direct final rule did not make clear that public intervenors, such as environmental and public interest organizations that plan on taking part in the Yucca Mountain licensing proceeding, would be granted access authorizations and security clearances.

Response: An adjudicatory proceeding on DOE's anticipated application for a license under the provisions of 10 CFR Part 63 may necessitate access authorizations and facility security clearances by persons who plan to participate in the proceeding. An access authorization is a necessary prerequisite for access to classified information as that term is defined in 10 CFR Part 25. The intent of this rulemaking is to broaden the scope of the regulations in Parts 25 and 95 so that potential intervenors, such as the environmental and public interest organization commenters, can seek access authorizations and facility security clearances in accordance with the existing requirements in these parts.

Part 25 establishes the procedures for authorizing access to classified information. Prior to this rulemaking, 10 CFR 25.3 stated that Part 25 applies ''to licensees and others who may require access to classified information related to a license or an application for a license.'' However, the term ''license'' for the purposes of Part 25 was defined to mean ''a license issued pursuant to 10 CFR Parts 50, 70, or 72.'' See 10 CFR 25.5 (2004). Similarly, the former regulations provided that security clearances for access to classified information ''must be requested for licensee employees or other persons (*e.g.*, 10 CFR Part 2, Subpart I) who need access to classified information in connection with activities under 10 CFR Parts 50, 52, 54, 70, 72, or 76.'' See 10 CFR 25.17(a) (2004). NRC would issue any license for the proposed repository at Yucca Mountain under the regulations at 10 CFR Part 63. Thus, the scope of the Part 25 and 95 regulations needed to be revised to include references to Part 63 to make it possible for those who plan to participate in the adjudicatory proceeding on DOE's license application to seek access authorizations and facility security clearances. This is accomplished in this rulemaking.

Comment 2: The commenters sought clarification as to how broadly or narrowly NRC will apply ''need-to-know'' limitations upon potential intervenors in the proceeding, such as environmental and public interest organizations.

Response: A person with an access authorization must establish a ''need-to-know'' the particular information being sought before such information can be provided by the holder of the information. ''Need-to-know'' is defined in 10 CFR Part 25 to mean ''a determination by an authorized holder of classified information that a prospective recipient requires access to a specific classified information to perform or assist in a lawful and authorized governmental function under the cognizance of the Commission.'' See 10 CFR 25.5. A ''need-to-know'' determination could be made by the holder of the information in the cognizant NRC office responsible for the specific information being sought or, once an adjudicatory proceeding using the special procedures of 10 CFR Part 2, Subpart I, is commenced, by the presiding officer or the Commission.

Comment 3: The commenters also expressed concern that any proposed rule changes, including the direct final rule, not be used by NRC or any other federal agencies involved in the Yucca Mountain licensing proceeding (such as DOE) to inappropriately restrict access to documents by improperly classifying documents vital to intervenors' contentions against the proposed repository.

Response: This rulemaking does not affect how information is classified and does not expand the scope of information that can only be obtained by those with access authorizations. NRC cognizant information is classified under either the provisions of Executive Order 12958, as amended, for National Security Information, or the Atomic Energy Act of 1954, as amended, for Restricted Data. Section 1.7(a)(4) of Executive Order 12958, as amended, states: ''In no case shall information be classified in order to: * * * (4) prevent or delay the release of information that does not require protection in the interest of national security.''

Comment 4: The commenters sought clarification as to which categories of information, as well as specific documentation, NRC and other federal

agencies involved in the Yucca Mountain licensing proceeding plan on declaring ''classified.'' Although NRC's direct final rule refers only to ''classified information,'' they questioned if NRC intends to effectively also include ''sensitive'' and ''safeguards'' information. They urged that this point be clarified, and that comprehensive definitions for ''sensitive'' and ''safeguards'' be given.

Response: As stated in response to Comment 3, this rulemaking does not affect how information is classified. Questions concerning the classification of ''sensitive'' or ''safeguards'' information, or access to such information, are beyond the scope of this rulemaking.

After considering the public comments, NRC has determined to adopt the amendments contained in the proposed rule without change, as explained in the following section.

Discussion of Amendments by Section

Section 25.3 Scope.

This section currently limits the access to classified information to access ''related to a license or an application for a license.'' This scope is broadened to include persons who may need access in connection with such other activities as the Commission may determine, such as vendors of advanced reactor designs. Thus, the phrase ''or other activities as the Commission may determine'' is added to this section. The Commission is also correcting an oversight by including certificate holders in this section.

Section 25.5 Definitions.

References to Parts 52, 60 and 63 are added to the definition of ''license.''

The phrase ''Executive Order 12958'' is replaced by ''Executive Order 12958, as amended'' under definitions of ''classified national security information'' and ''national security information.''

Section 25.17 Approval for processing applicants for access authorizations.

References to Parts 60 and 63 are added to paragraph (a).

Section 25.37 Violations.

The phrase, ''Executive Order 12958'' is replaced by ''Executive Order 12958, as amended'' in paragraph (b).

Section 95.3 Scope.

This section currently applies to ''licensees, certificate holders and others regulated by the Commission'' who may require access to certain types of classified information ''in connection with a license or certificate or an application for a license or certificate.'' The Commission is broadening the scope of the regulations applicable to procedures for obtaining facility security clearances, to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in connection with other types of activities as the Commission may determine, such as vendors of advanced reactor designs. Thus, the phrase ''regulated by the Commission'' is deleted and the phrase ''or other activities as the Commission may determine'' is added.

Section 95.5 Definitions.

References to Parts 52, 60 and 63 are added under the definition of ''license.''

The phrase ''E.O. 12958'' is replaced by ''E.O. 12958, as amended'' under definitions of ''classified national security information,'' ''infraction,'' and ''violation.''

The phrase ''at least ½ thick'' is replaced by ''at least ½ inch thick'' under the definition of ''Security container,'' paragraph (2).

Section 95.59 Inspections.

The phrase ''E.O. 12958'' is replaced by ''E.O. 12958, as amended.''

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC broadens the scope of Parts 25 and 95 by adding references to Parts 60 and 63 and by including language in the scope sections which will enable NRC to consider access authorizations and facility security clearance for persons who are not licensees or certificate holders or applicants for a license or certificate. This action does not constitute the establishment of a standard that establishes generally applicable requirements.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget, approval numbers 3150–0046 and 3150–0047.

The burden to the public for these information collections is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments on any aspect of these information collections, including suggestions for reducing the burden, to the Records and FOIA/Privacy Services Branch (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail to *INFOCOLLECTS@nrc.gov*; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0046 and 3150–0047), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because this rule is considered minor and not a substantial amendment; it has no

economic impact on NRC licensees or the public.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule merely makes procedures available to individuals and entities for obtaining access authorizations and facility security clearances in connection with licensing activities under Parts 60 and 63 or with other activities as the Commission may determine, corrects the omission of a reference to Part 52 in the definition of ''license'' in Parts 25 and 95, corrects the omission of a reference to certificate holders in Part 25, updates references to Executive Order 12958, and clarifies a dimension used to describe a security container.

Backfit Analysis

The NRC has determined that the backfit rule (§§ 50.109, 70.76, 72.62, or 76.76) does not apply to this final rule because this amendment does not involve any provisions that would impose backfits as defined in the backfit rule. Therefore, a backfit analysis is not required.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

10 CFR Part 25

Classified information, Criminal penalties, Investigations, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Criminal penalties, Reporting and recordkeeping requirements, Security measures.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR parts 25 and 95.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

■ 1. The authority citation for part 25 is revised to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); E.O. 10865, as amended, 3 CFR 1959–1963 Comp., p. 398 (50 U.S.C. 401, note); E.O. 12829, 3 CFR, 1993 Comp., p. 570; E.O. 12958, as amended, 3 CFR, 1995 Comp., p. 333, as amended by E.O. 13292, 3 CFR, 2004 Comp., p.196; E.O. 12968, 3 CFR, 1995 Comp, p. 396.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

■ 2. Section 25.3 is revised to read as follows:

§ 25.3 Scope.

The regulations in this part apply to licensees, certificate holders, and others who may require access to classified information related to a license, certificate, an application for a license or certificate, or other activities as the Commission may determine.

■ 3. In § 25.5, the definitions of Classified National Security Information, License, and National Security Information are revised to read as follows:

§ 25.5 Definitions.

* * * * *

Classified National Security Information means information that has been determined pursuant to E.O. 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

License means a license issued pursuant to 10 CFR parts 50, 52, 60, 63, 70, or 72.

* * * * *

National Security Information means information that has been determined pursuant to Executive Order 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

■ 4. In § 25.17, paragraph (a) is revised to read as follows:

§ 25.17 Approval for processing applicants for access authorization.

(a) Access authorizations must be requested for licensee employees or other persons (*e.g.*, 10 CFR part 2, subpart I) who need access to classified information in connection with activities under 10 CFR parts 50, 52, 54, 60, 63, 70, 72, or 76.

* * * * *

■ 5. In § 25.37, paragraph (b) is revised to read as follows:

§ 25.37 Violations.

* * * * *

(b) National Security Information is protected under the requirements and sanctions of Executive Order 12958, as amended.

PART 95—FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

■ 6. The authority for Part 95 is revised to read as follows:

Authority: Secs. 145, 161, 193, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); E.O. 10865, as amended, 3 CFR 1959–1963 Comp., p. 398 (50 U.S.C. 401, note); E.O. 12829, 3 CFR, 1993 Comp., p.570; E.O. 12958, as amended, 3 CFR, 1995 Comp., p. 333, as amended by E.O. 13292, 3 CFR, 2004 Comp., p.196; E.O. 12968, 3 CFR, 1995 Comp., p. 391.

■ 7. Section 95.3 is revised to read as follows:

§ 95.3 Scope.

The regulations in this part apply to licensees, certificate holders and others who may require access to classified National Security Information and/or Restricted Data and/or Formerly Restricted Data (FRD) that is used, processed, stored, reproduced, transmitted, transported, or handled in connection with a license or certificate or an application for a license or certificate, or other activities as the Commission may determine.

■ 8. In § 95.5, the definitions of Classified National Security Information, infraction, License, paragraph (2) of Security container, and violation are revised to read as follows:

§ 95.5 Definitions.

* * * * *

Classified National Security Information means information that has been determined pursuant to E.O. 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

Infraction means any knowing, willful, or negligent action contrary to the requirements of E.O. 12958, as amended, or its implementing directives, that does not comprise a ''violation,'' as defined in this section.

* * * * *

License means a license issued pursuant to 10 CFR parts 50, 52, 60, 63, 70, or 72.

* * * * *

Security container includes any of the following repositories:

* * * * *

(2) A safe—burglar-resistive cabinet or chest which bears a label of the Underwriters' Laboratories, Inc., certifying the unit to be a TL–15, TL–30, or TRTL–30, and has a body fabricated of not less than 1 inch of steel and a door fabricated of not less than 1½ inches of steel exclusive of the combination lock and bolt work; or bears a Test Certification Label on the inside of the door, or is marked ''General Services Administration Approved Security Container'' and has a body of steel at least ½ inch thick, and a combination locked steel door at least 1 inch thick, exclusive of bolt work and locking devices; and an automatic unit locking mechanism.

* * * * *

Violation means any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information or any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of E.O. 12958, as amended, or its implementing directives.

■ 9. Section 95.59 is revised to read as follows:

§ 95.59 Inspections.

The Commission shall make inspections and reviews of the premises, activities, records and procedures of any person subject to the regulations in this part as the Commission and CSA deem necessary to effect the purposes of the Act, E.O. 12958, as amended, and/or NRC rules.

Dated at Rockville, Maryland, this 19th day of May, 2005.

For the Nuclear Regulatory Commission.

Luis A. Reyes,

Executive Director for Operations.

[FR Doc. 05–10933 Filed 6–1–05; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 568

[No. 2005–17]

RIN 1550–AB87

Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Final rule; technical amendment.

SUMMARY: OTS is making a technical amendment to its Security Procedures rule to ensure that an amendment to that rule published December 28, 2004, and scheduled to take effect July 1, 2005, does not supersede an amendment to that rule that was published and took effect March 29, 2005.

DATES: Effective July 1, 2005.

FOR FURTHER INFORMATION CONTACT: Richard Bennett, Counsel, Regulations and Legislation Division, (202) 906–7409.

SUPPLEMENTARY INFORMATION:

I. Introduction

On December 28, 2004, OTS, along with the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation (the Agencies), published in the **Federal Register** a final rule entitled ''Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003'' (69 FR 77610), implementing section 216 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). That rule included conforming amendments to OTS's Security Procedures rule in § 568.5 of Title 12 of the Code of Federal Regulations. These conforming amendments reflected the change to the title of Appendix B to part 570 of Title 12 from ''Interagency Guidelines Establishing Standards for Safety and Soundness'' to ''Interagency Guidelines Establishing Standards for Safeguarding Customer Information'' (Security Guidelines) and the expansion of the legal basis for the Security Guidelines with the implementation of section 216 of the FACT Act. These changes become effective on July 1, 2005.

On March 29, 2005, the Agencies published in the **Federal Register** (70 FR 15736) interpretive guidance and an OTS final rule entitled ''Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice.'' OTS codified its interpretive guidance as Supplement A to its Security Guidelines in Appendix B to Part 570. The final rule also made a conforming, technical change to § 568.5, which added a sentence at the end of the section to reference the interpretive guidance in Supplement A.

On July 1, 2005, the December 28 rule text for § 568.5 will supersede the current text that became effective on March 29; however, the sentence that was added by the March 29 final rule will still be applicable and should remain as part of the rule text for § 568.5 beyond June 30, 2005. Therefore, OTS is making a further technical amendment to § 568.5 effective July 1, 2005, to add the sentence from the March 29 final rule that goes at the end of § 568.5 so that it will remain in effect when the December 28 final rule takes effect on July 1.

II. Regulatory Analysis

Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994

OTS finds that there is good cause to dispense with prior notice and comment on this final rule and with the 30-day delay of effective date mandated by the Administrative Procedure Act.[1] OTS believes that these procedures are unnecessary and contrary to public interest because the rule merely makes a technical change to an existing regulation. The amendment in the rule is not substantive and will not affect savings associations.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 provides that regulations that impose additional reporting, disclosure, or other new requirements may not take effect before the first day of the quarter following publication.[2] This section does not apply because this final rule imposes no additional requirements and makes only a technical change to an existing regulation.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act,[3] the OTS Acting Director certifies that this technical amendment will not have a significant economic impact on a substantial number of small entities.

[1] 5 U.S.C. 553.

[2] Pub. L. 103–325, 12 U.S.C. 4802.

[3] Pub. L. 96–354, 5 U.S.C. 601.

Executive Order 12866

OTS has determined that this rule is not a ''significant regulatory action'' for purposes of Executive Order 12866.

Unfunded Mandates Reform Act of 1995

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 12 CFR Part 568

Consumer protection, Privacy, Reporting and recordkeeping requirements, Savings associations, Security measures.

■ For the reasons set forth in the preamble, OTS amends part 568 of title 12 of chapter V of the Code of Federal Regulations as follows:

PART 568—SECURITY PROCEDURES

■ 1. The authority citation for part 568 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1467a, 1828, 1831p–1, 1881–1884; 15 U.S.C. 1681s and 1681w; 15 U.S.C. 6801 and 6805(b)(1).

■ 2. Revise § 568.5 to read as follows:

§ 568.5 Protection of customer information.

Savings associations and their subsidiaries (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) must comply with the Interagency Guidelines Establishing Information Security Standards set forth in appendix B to part 570 of this chapter. Supplement A to appendix B to part 570 of this chapter provides interpretive guidance.

Dated: May 25, 2005.

By the Office of Thrift Supervision.

Richard M. Riccobono,

Acting Director.

[FR Doc. 05–10931 Filed 6–1–05; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–19667; Airspace Docket No. 04–ASO–13]

RIN 2120–AA66

Establishment of Area Navigation Routes; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes seven high altitude area navigation (RNAV) routes in Florida in support of the High Altitude Redesign (HAR) program. The FAA originally proposed to establish eight routes as part of this action, but one route was deleted due to operational problems with the route alignment. The FAA is taking this action to enhance safety and to facilitate the more flexible and efficient use of the navigable airspace within the Jacksonville Air Route Traffic Control Center's (ARTCC) area of responsibility.

DATES: 0901 UTC, September 1, 2005.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On February 7, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish eight RNAV routes in Florida in support of the HAR program (70 FR 6376). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on this proposal to the FAA. No comments were received in response to the proposal.

Discussion

During the comment period, the FAA reviewed the results of modeling simulations conducted to evaluate the safety and efficiency of the proposed Q route structure. Based on the results of the tests, and on further refinements to the route designs, the FAA determined that changes are required to the descriptions of three routes that were proposed in the Notice of Proposed Rulemaking (NPRM) (Q–104, Q–106, and Q–110), and that one proposed route (Q–114) will not be implemented as planned.

Two minor changes will be made to Q–104. First, the waypoint named MARVE in the proposal, was subsequently renamed SWABE. The latitude and longitude coordinates for this waypoint remain unchanged from those stated in the proposal. Second, Q–104 is modified by the insertion of a new fix, the St. Petersburg Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) (PIE), between SWABE and the Cypress VOR/DME (CYY). This modification adds PIE to Q–104 as a transition fix for aircraft arrivals destined for Fort Lauderdale. This change will realign the route slightly eastward to pass over the PIE VORTAC. This change will cause the route to more closely match current air traffic procedures.

Route Q–106 will be realigned to correct problems noted in the modeling tests. Q–106 was initially designed to turn westbound around the north side of Warning Area W–470, but at a point further south than current traffic is allowed to turn. Simulations of this proposed routing revealed conflictions between northwest bound traffic and Tampa arrivals just to the west of the proposed BULZI intersection. To correct this, BULZI will be relocated northwest of its proposed position to delay the westward turn. This new alignment will reduce the traffic conflict potential, while still providing reduced mileage for users. In addition, a new waypoint, DRABK, will be added to the Q–106 route description between BULZI and GADAY. The new waypoint will ensure that the Q–106 route remains clear of the Florida air traffic control assigned airspace area.

In route Q–110, the FEONA waypoint, located at the northwest end of the route, will be moved less than one nautical mile to the east of its present position. This will provide a better transition point for those aircraft exiting Q–110 to join the Seminole transition on the HONIE RNAV standard terminal arrival route.

Proposed route Q–114 will be eliminated from this rulemaking action. The testing revealed numerous difficulties with the proposed routing, primarily with crossing conflicts between Fort Lauderdale arrivals and Fort Myers arrivals. Therefore, the FAA has decided not to implement Q–114.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing seven RNAV routes in Florida (designated Q–104, Q–106, Q–108, Q–110, Q–112, Q–116, and Q–118) within the airspace assigned to the Jacksonville ARTCC. The FAA is taking

this action in support of the HAR program, to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route IFR operations within the Jacksonville ARTCC area of responsibility. Except for the changes noted in the ''Discussion'' section above, these routes are the same as those proposed in the NPRM.

High altitude area navigation routes are published in paragraph 2006 of FAA Order 7400.9M dated August 30, 2004 and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The area navigation routes listed in this document will be published subsequently in the order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with Paragraph 311(a) of FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. This airspace action is not expected to cause any potentially significant impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by Reference, Navigation (air).

The Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 2006—Area Navigation Routes.

* * * * *

Q–104 DEFUN to CYY [New]			
DEFUN	WP	(Lat. 30°48′51″ N., long. 86°07′53″ W.)	
HEVVN	WP	(Lat. 29°49′19″ N., long. 83°53′43″ W.)	
PLYER	WP	(Lat. 28°56′51″ N., long. 83°20′09″ W.)	
SWABE	WP	(Lat. 28°35′16″ N., long. 83°06′31″ W.)	
PIE	VORTAC	(Lat. 27°54′28″ N., long. 82°41′04″ W.)	
CYY	VOR/DME	(Lat. 26°09′12″ N., long. 81°46′41″ W.)	
Q–106 SMELZ to GADAY [New]			
SMELZ	WP	(Lat. 28°04′59″ N., long. 82°06′34″ W.)	
BULZI	WP	(Lat. 30°22′25″ N., long. 84°04′34″ W.)	
DRABK	WP	(Lat. 30°47′25″ N., long. 85°10′22″ W.)	
GADAY	WP	(Lat. 31°02′28″ N., long. 86°08′02″ W.)	
Q–108 GADAY to CLAWZ [New]			
GADAY	WP	(Lat. 31°02′28″ N., long. 86°08′02″ W.)	
CLAWZ	WP	(Lat. 30°38′29″ N., long. 83°02′19″ W.)	
Q–110 KPASA to FEONA [New]			
KPASA	WP	(Lat. 28°10′34″ N., long. 81°54′27″ W.)	
BRUTS	WP	(Lat. 29°30′58″ N., long. 82°58′57″ W.)	
GULFR	WP	(Lat. 30°12′23″ N., long. 83°33′08″ W.)	
FEONA	WP	(Lat. 31°36′22″ N., long. 84°43′08″ W.)	
Q–112 DEFUN to INPIN [New]			
DEFUN	WP	(Lat. 30°48′51″ N., long. 86°07′53″ W.)	
HEVVN	WP	(Lat. 29°49′19″ N., long. 83°53′43″ W.)	
INPIN	WP	(Lat. 28°33′13″ N., long. 81°48′27″ W.)	
Q–116 KPASA to CEEYA [New]			
KPASA	WP	(Lat. 28°10′34″ N., long. 81°54′27″ W.)	
BRUTS	WP	(Lat. 29°30′58″ N., long. 82°58′57″ W.)	
GULFR	WP	(Lat. 30°12′23″ N., long. 83°33′08″ W.)	
CEEYA	WP	(Lat. 31°31′32″ N., long. 84°05′32″ W.)	
Q–118 KPASA to LENIE [New]			
KPASA	WP	(Lat. 28°10′34″ N., long. 81°54′27″ W.)	
BRUTS	WP	(Lat. 29°30′58″ N., long. 82°58′57″ W.)	
LENIE	WP	(Lat. 31°33′58″ N., long. 83°50′50″ W.)	

* * * * *

Issued in Washington, DC, on May 25, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05–10904 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–20577; Airspace Docket No. 05–ACE–14]

Modification of Class E Airspace; Harper, KS; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date; correction.

SUMMARY: This document confirms the effective date and corrects the legal description of the direct final rule; request for comments published in the **Federal Register** on Monday, April 11, 2005 (70 FR 18297) which revises Class E airspace at Harper, KS.

DATES: Effective: 0901 UTC, July 7, 2005.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on April 11, 2005 (70 FR 18297). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on July 7, 2005. A comment with merit indicating a need to correct the legal description was received. This notice confirms that this direct final rule will become effective on July 7, 2005 with a correction made to the legal description for the Class E Airspace, Harper, KS.

Correction of Publication

■ Accordingly, the publication of April 11, 2005 (70 FR 18297) is corrected as follows:

§ 71.1 [Corrected]

ACE KS E5 Harper, KS [Corrected]

■ On page 18299, column 1, change the Class E legal description as follows:

* * * * *

''VORTAC 040° radial extending from the 7.4-mile radius of the airport to the VORTAC, excluding that airspace east of long. 98° 00′ 00″.''

* * * * *

Issued in Kansas City, MO, on May 17, 2005.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–10906 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD13–05–001]

RIN 1625–AA01

Anchorage Grounds; Anacortes General Anchorage and Cap Sante and Hat Island Tug and Barge General Anchorages, Anacortes, WA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing three general anchorages and two tug and barge general anchorages in the vicinity of Anacortes, Washington. These anchorages will reduce the risk of collisions, provide a more orderly movement of tanker traffic in and out of near by oil refineries, and keep the approaches to Guemes Channel open to transiting traffic while providing ample room for barge operations.

DATES: This rule is effective on July 5, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of public docket [CGD13–05–001] and are available for inspection or copying at Sector Seattle between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG J. L. Hagen, Sector Seattle, 1519 Alaskan Way South, Seattle, WA 98134, (206) 217–6231.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 1, 2005, we published a notice of proposed rulemaking (NPRM) entitled Anacortes General Anchorage and Cap Sante and Hat Island Tug and Barge General Anchorages, Anacortes, WA in the **Federal Register** (70 FR 9892). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The Guemes Channel and the waters near Cap Sante and March Point are used by oil tank ships and tugs and barges and recreational vessels. In April 2000 the Captain of the Port (COTP) Puget Sound, Port Angeles Pilots and representatives from the local oil industry and tug boat companies met to discuss efforts to minimize conflicts between vessels which transit Guemes Channel and vessels which anchor near Cap Sante and March Point. As a result of this meeting, the Coast Guard identified certain areas where vessels may anchor without presenting an unacceptably high risk of danger to navigation. Because these anchorages were not formally established, they are not included on nautical charts nor referenced in the Coast Pilot. Hence, vessels transiting the area may not know where vessels may be anchoring. This final rule designates anchorage grounds for certain vessels. These anchorages are managed by Vessel Traffic Service (VTS) Puget Sound on behalf of Sector Seattle and the COTP Puget Sound. Management of these anchorages will reduce the risk of collisions and provide a more orderly movement of tanker traffic in and out of oil refineries at March Point.

Discussion of Comments and Changes

No comments were received by the Coast Guard as a result of our request for comments in our NPRM. However, since publication of our NPRM the Coast Guard has stood-up Sector Seattle. Sector Seattle is an internal reorganization that combines Group Seattle, Vessel Traffic Service Puget Sound and Marine Safety Office Puget Sound into a single command. The Coast Guard has established a continuity of operations whereby all previous practices and procedures will remain in effect until superseded by an authorized Coast Guard official or document. Effective May 10, 2005, all existing missions and functions performed by Group Seattle, Vessel

Traffic Service Puget Sound and Marine Safety Office Puget Sound are being performed by Sector Seattle. Group Seattle, Vessel Traffic Service Puget Sound and Marine Safety Office Puget Sound will no longer exist as organizational entities. The Sector Seattle Commander is also designated as the COTP for the Puget Sound COTP zone. Accordingly, we have made changes to this final rule to reflect the organization changes made by the stand-up of Sector Seattle. For additional information on Sector Seattle see our Notice of Organizational Change, docket number CGD13–05–012 published in the **Federal Register** on May 17, 2005 (70 FR 28312).

Regulatory Evaluation

This final rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this final rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this final rule would not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this portion of Puget Sound, The Strait of Juan de Fuca, and adjoining waters. Because the impacts are expected to be minimal, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888-REG-FAIR (1–888–734–3247).

Collection of Information

This final rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This final rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this final rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This final rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation because this final rule establishes anchorage grounds.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 110

Anchorage grounds.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071, 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.230 add new paragraphs (a)(15), (16), and (17), redesignate paragraphs (b)(1) through (b)(9) as (b)(7) through (b)(15), respectively, and add new paragraphs (b)(1) through (b)(6) to read as follows:

§ 110.230 Puget Sound Area, WA

(a) * * *

(15) *Anacortes General Anchorages.*

(i) *Anacortes East (ANE) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°31′27″ N., 122°33′45″ W. [Datum: NAD 1983].

(ii) *Anacortes Center (ANC) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°30′54″ N, 122°34′06″ W. [Datum: NAD 1983].

(iii) *Anacortes West (ANW) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°31′09″ N, 122°34′55″ W. [Datum: NAD 1983].

(16) *Cap Sante Tug and Barge General Anchorage.* The Cap Sante Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′16″ N, 122°36′00″ W, which is approximately the northeast tip of Cap Sante; then southeast to 48°30′53″ N, 122°35′28″ W; then west southwest to 48°30′45″ N, 122°35′52″ W, approximately the south tip of Cap Sante; then north along the shoreline to the point of origin. [Datum: NAD 1983].

(17) *Hat Island Tug and Barge General Anchorage.* The Hat Island Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′19″ N, 122°33′04″ W, near the west side of Hat Island; then southwest to 48°30′37″ N, 122°33′38″ W; then east to 48°30′37″ N, 122°32′00″ W; then northwest to the point of origin. [Datum: NAD 1983].

(b) *Regulations.*

(1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port (COTP), or his authorized representative. Vessel Traffic Service Puget Sound is designated as the COTP's authorized representative. All vessels should seek permission at least 48 hours prior to arrival at the anchorage area in order to avoid unnecessary delays.

(i) Except for the Anacortes General Anchorages, a berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port or his authorized representative upon application and he may grant revocable permits for the continuous use of the same berth. For the Anacortes General Anchorages, the following hierarchy will be applied for assignment of a berth: tankers conducting lightering operations, then loaded tankers, and then all other vessels.

(ii) Tugs and oil barges using the Cap Sante and Hat Island General Anchorages are exempt from the requirement to obtain the COTP's permission.

(2) Except for the Anacortes General Anchorages, no vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. There is a 10 days maximum stay at the Anacortes East and Anacortes Center general anchorages, and 6 day maximum stay at the Anacortes West general anchorage.

(3) The COTP or his authorized representative may require vessels to depart from the Anacortes General Anchorage before the expiration of the authorized or maximum stay. The COTP or his authorized representative will provide at least 24-hour notice to a vessel required to depart the Anacortes General Anchorage.

(4) No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy any general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port.

(5) Within the Anacortes General Anchorages, lightering operations shall only be conducted in the Anacortes West and Anacortes Center anchorages.

(6) Tugs and barges using the Cap Sante and Hat Island Barge General Anchorages are required to ensure their vessels and barges do not project beyond the holding area's boundaries. The tug must be manned, remain in attendance with the barge and maintain a communications guard with VTS on an appropriate VTS VHF radio working frequency, which is currently channel 5A.

* * * * *

Dated: May 13, 2005.

J.M. Garrett,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 05–10898 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–05–006]

RIN 1625–AA09

Drawbridge Operation Regulations: Mitchell River, MA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the drawbridge operation regulations that govern the operation of the Chatham Highway Bridge, mile 0.2, across the Mitchell River at Chatham, Massachusetts. This final rule requires that from 4 p.m. to 5 p.m., from May 1 through October 31, a one-hour advance notice be given for a bridge opening. This rulemaking also changes the on-call contact information. This action is expected to better meet the reasonable needs of navigation.

DATES: This rule is effective July 5, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–05–006) and are available for inspection or copying at the First Coast Guard District, Bridge

Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Bridge Administrator, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 23, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Mitchell River, Massachusetts, in the **Federal Register** (70 FR 8751). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The Chatham Highway Bridge has a vertical clearance in the closed position of 8 feet at mean high water and 12 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.607.

The Town of Chatham, the owner of the bridge, asked the Coast Guard to change the drawbridge operation regulations for the Chatham Highway Bridge to extend the one-hour advance notice requirement to include the 4 p.m. to 5 p.m. hour May 1 through October 31. The existing regulations require the bridge to open on signal after a one-hour advance notice is given between 8 a.m. and 4 p.m. This final rule will extend that one-hour advance notice requirement to include the 4 p.m. to 5 p.m. time during May through October.

Also, the on-call contact person would be changed from the duty officer at the Chatham Police Department to the Chatham Harbormaster at the Chatham Harbormasters Department.

Discussion of comments and changes

The Coast Guard received no comments in response to the notice of proposed rulemaking and as a result, no changes have been made to this final rule.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This conclusion is based on the fact that the bridge will open after a one-hour advance notice from 8 a.m. to 5 p.m. for vessel traffic from May 1 through October 31.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge will open an additional hour each day for vessel traffic from May 1 through October 31.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

No small entities requested Coast Guard assistance and none was given.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office

of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this final rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Section 117.607 is revised to read as follows:

§ 117.607 Mitchell River.

The Chatham Highway Bridge, at mile 0.2, at Chatham, Massachusetts, shall operate as follows:

(a) From May 1 through October 31, the draw shall open on signal from 8 a.m. to 5 p.m., if at least one-hour notice is given and from 5 p.m. to 8 a.m. the draw shall open on signal if at least 12-hours notice is given by calling the Chatham Harbormasters Department.

(b) From November 1 through April 30, the draw shall open on signal if at least a 24-hours advance notice is given by calling the Chatham Harbormasters Department.

Dated: May 23, 2005.

David P. Pekoske,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 05–10900 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–05–030]

RIN 1625–AA09

Drawbridge Operation Regulation; White River, Augusta, AR

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Missouri Pacific Railroad Bridge, Mile 196.3, Augusta, Arkansas across the White River. This deviation allows the bridge to remain in the closed-to-navigation position for 7 days from 7 a.m., June 20, 2005, until 7 p.m., June 26, 2005. The deviation is necessary to allow time for making repairs to mechanical components essential to the continued safe operation of the drawbridge.

DATES: This temporary deviation is effective from 7 a.m., June 20, 2005, until 7 p.m., June 26, 2005.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FUTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, (314) 539–3900, extension 2378.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad requested a temporary deviation to allow time to conduct repairs to the Missouri Pacific Railroad Bridge, mile 196.3, at Augusta, Arkansas across the White River. The Missouri Pacific Railroad Bridge currently operates in accordance with 33 CFR 117.139(b), which requires the drawbridge to open on signal if at least eight hours notice is given. In order to facilitate required bridge maintenance, the bridge must be kept in the closed-to-navigation position. This deviation allows the drawbridge to remain in the closed-to-navigation position for 7 days from 7 a.m., June 20, 2005, until 7 p.m., June 26, 2005. There are no alternate routes for vessels transiting this section of the White River.

The Missouri Pacific Railroad Bridge, in the closed-to-navigation position, provides a vertical clearance of approximately 32 feet above mean low water. Navigation on the waterway consists of some commercial tows during the navigation season and mostly recreational watercraft. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 24, 2005.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. 05–10942 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

33 CFR Part 165

[CGD07–05–031]

RIN 1625–AA11, 1625–AA87 and 1625–AA09

Regulated Navigation Area, Security Zone and Drawbridge Operation Regulations; Port Everglades, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulated navigation area, temporary security zone

and temporary drawbridge regulation during the Organization of American States (OAS) conference. These regulations are needed to provide for public safety and security during the OAS conference. The regulations will control the movement of vessels within the regulated navigation area, restrict access to the security zone, and alter the schedule of the Brooks Memorial Bascule Bridge.

DATES: This rule is effective from June 4, 2005 until June 8, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07–05–031] and are available for inspection or copying at U.S. Coast Guard, Sector Miami Prevention Office, 100 MacArthur Causeway, Miami Beach, FL 33139 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Douglas Tindall, Waterways Management Office, at (305) 535–8701.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 29, 2005, we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Area, Security Zone and Drawbridge Operation Regulations; Port Everglades, FL in the **Federal Register** (70 FR 22287). We did not receive any comments on the proposed rule. No public meeting was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The regulation is needed to protect the public during the event and a delay would be contrary to the public interest.

Background and Purpose

Incidents of property damage and destruction during previous international conferences such as the September 2003 World Trade Organization (WTO) Ministerial in Cancun, Mexico, the 2003 G–8 Summit in Calgary, Canada, the 2001 G–8 Summit in Genoa, Italy, the 1999 Seattle World Trade Organization (WTO) Ministerial, and the 2003 Free Trade Area of the Americas (FTAA) conference in Miami, Florida indicate the potential for damage and destruction exists at the OAS conference in Ft. Lauderdale. Historically, trade conferences have experienced an influx of protestors and protest groups that oppose free international trade initiatives. Some of these groups have a propensity for violence and engage in seditious acts against conference attendees, conference venues, the general public, businesses, municipal buildings, and law enforcement personnel and equipment. Current information and intelligence indicates that there is a high potential for these groups to attempt similar acts during the OAS conference in Ft. Lauderdale.

Additionally, the Coast Guard has received information from local, state, and Federal law enforcement officials that persons may launch subversive acts from the waters surrounding OAS conference venues. In the past, such subversive acts have included the use of personal watercraft to penetrate physical barriers in an attempt to launch projectiles at conference venues and participants. Certain groups have also used Rigid Hull Inflatable Boats (RHIBs) to facilitate unauthorized boardings of commercial ships. The use of high speed, highly maneuverable low draft watercraft such as personal watercraft and RHIBs poses a significant security threat to OAS venues, participants, Port Everglades and the public.

These regulations are being established to mitigate the above-mentioned threats and are necessary to protect the public, attendees, law enforcement officials and port operations from violent, disruptive and seditious acts.

Discussion of Comments and Changes

No substantive changes to the rule were made although we did change the format of the regulation to comply with the regulatory drafting guide.

Discussion of Rule

The temporary security zone will prohibit all persons and vessels from entering the waters contained within an imaginary line drawn from a point at the southwest corner of the 17th Street Causeway Bridge where it meets the seawall; thence easterly to the western edge of the Intracoastal Waterway Channel; thence southerly along the western edge of the Intracoastal Waterway Channel to a point on the northeast corner of Pier 7, and all waters westward of that imaginary line. This security zone is necessary to ensure the waters surrounding the Broward County Convention Center, which is the primary venue for the OAS conference, are not used by persons attempting subversive acts. The size of the security zone is necessary to provide law enforcement officials with time and space to identify, query and stop vessels and persons suspected of attempting subversive acts against the OAS conference.

The Regulated Navigation Area (RNA) encompasses all waters contained within an imaginary line from a point on the northwestern corner of the 17th Street Causeway Bridge where it meets the seawall; thence northerly to the northeast corner of Pier 6; thence easterly across the Intracoastal Waterway and along and following the SE. 15th Street shoreline to a point on land at the intersection of the SE. 15th Street shoreline and the West Lake Drive Bridge; thence southerly along the West Lake Drive Bridge to the northeast mouth of the unnamed canal leading to Sylvan Lake; thence westerly across the canal and along and following the southern shoreline of the Mercedes River encompassing all waters of the Pier 66 Marina to a point on the northwestern point of the Pier 66 Marina; thence south easterly and easterly along and following the shoreline to a point of land directly north of Day Beacon ''6''; thence south to a point of land due south of Day Beacon ''7''; thence westerly and southerly along and following the shoreline of John U. Lloyd State Park to a point on the northern corner of the mouth of Whiskey Creek; thence westerly to a point of land on the southern tip of Pier 9; thence northerly along and following the shoreline to the northeast corner of Pier 7; thence northwesterly along the western edge of the Intracoastal Waterway to a point on the seawall at the northwestern corner of the 17th Street Causeway Bridge where it meets the seawall.

The RNA will require all vessels within the regulated area to proceed continuously and at slow speed. Slow speed is defined as the speed at which a vessel proceeds when it is fully off plane, completely settled into the water and not creating excessive wake. In no instance should slow speed be interpreted as a speed less than that required to maintain steerageway. Requiring vessels within the RNA to transit at slow speed will allow law enforcement officials to identify, respond to, query, and stop vessels that are suspected of presenting a threat to the public, Port Everglades, and the OAS conference participants. Additionally, the slow speed requirement will allow the Coast Guard to adequately protect against threats of hostile and violent acts carried out by smaller vessels against commercial vessels transiting within Port Everglades.

Vessels greater than 100 feet shall not enter the RNA until permission to enter is granted by the Maritime Operations

Center (MOC) or Designated Representative so that the MOC can better direct traffic flow within the RNA.

The RNA prohibits all personal watercraft (PWCs) from operating within the regulated area. For purposes of this rule, personal watercraft refers to a vessel(s), less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. PWCs are designed to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

The regulation prohibits PWCs from operating within the RNA due to their maneuverability, high speed, and minimal draft which allows them to outrun law enforcement vessels, operate in shallow and restricted areas and hurdle or dive under barriers erected by law enforcement officials. These facts make PWCs the preferred vessel for persons attempting subversive and violent acts against OAS conference attendees, law enforcement officials and the public.

Rigid Hull Inflatable Boats (RHIBs) are also prohibited in the RNA with the exception of RHIBs operated by licensed commercial salvors. For purposes of this rule, Rigid Hull Inflatable Boats refers to a vessel which has an inflatable fabric or rubber collar or a foam collar surrounding the hull of the vessel. A RHIB's collar is normally joined to a fiberglass hull on larger models or a fabric hull on smaller models. Fabric hulls are often also themselves inflatable, or have an inflatable keel and sometimes have a soft or reinforced floor slated with wood or other rigid materials. RHIBs are powered by both outboard and inboard-outboard propulsion and because of their lightweight can easily be powered by oars as well. RHIBs' lightweight, enormous reserve buoyancy, stability, speed, maneuverability, shallow draft and large load-carrying capacity make them a preferred vessel for persons attempting illegal and subversive acts. Additionally, models with inflatable collars can be quickly deflated and stowed in small spaces and even carry bags. The collars are also non-marking, making them the preferred vessel for coming alongside other vessels, piers, docks, or facilities for the purpose of loading or offloading persons and cargo and thus, the preferred vessel for persons attempting unauthorized boarding of commercial vessels and illegal entries into waterfront facilities.

The RNA is necessary to ensure the safety of the public, Port Everglades, and the OAS conference as persons may attempt to board vessels while underway or moored in an effort to interrupt commerce and port operations. Also, persons may attempt unauthorized entry into or upon commercial and government facilities located along the main shipping channels throughout Port Everglades. The RNA, by regulating the movement of vessels, imposing a slow speed zone, and excluding personal watercraft and rigid hull inflatable boats, will assist law enforcement officials in ensuring the safety and security of Port Everglades, the public and the OAS conference participants.

Nothing in the RNA alleviates vessels or operators from complying with all state and local laws in the area, including manatee slow speed zones.

The Brooks Memorial (SE. 17th Street) drawbridge, for which the operational schedule is described in 33 CFR 117.261(ii), will remain closed and only open upon direction of the Coast Guard Captain of the Port Miami or MOC.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary, because the RNA and security zone will be in effect for a limited time over a limited area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Intracoastal waterway and Port Everglades from June 4, 2005 through June 7, 2005. This rule will not have a significant economic impact on a substantial number of small entities, because the rule will only be in effect for a limited time over a limited area. Vessel traffic may transit the Intracoastal waterway at slow speed and travel around the security zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such expenditure, we do discuss the

effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2–1, paragraph (34)(g) and (32)(e), of the Instruction, from further environmental documentation because we are establishing a RNA, security zone and suspending a drawbridge operation regulation. Under figure 2–1, paragraph (34)(g) and (32)(e), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects

33 CFR Part 117

Bridges.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 and 165 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under authority of Pub L. 102–587, 106 Stat. 5039.

■ 2. In § 117.261, from June 4, 2005 until June 8, 2005, add paragraph (rr) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(rr) The draw of the Brooks Memorial (SE. 17th Street) bridge, mile 1065.9 at Fort Lauderdale, shall remain closed unless ordered to open by the COTP.

* * * * *

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 4. Add new temporary § 165.T07–031 to read as follows:

§ 165.T07–031 Temporary Regulated Navigation Area and temporary security zone, Port Everglades, FL

(a) *Locations.*

(1) *Regulated Navigation Area.* The Regulated Navigation Area (RNA) encompasses all waters contained within an imaginary line from a point on the northwestern corner of the 17th Street Causeway Bridge where it meets the seawall at 26°06′02″ N, 080°07′10″ W; thence northerly to the northeast corner of Pier 6 at 26°06′08″ N, 080°07′12″ W; thence easterly across the Intracoastal waterway and along and following the SE. 15th Street southern shoreline to a point on land at the intersection of the SE. 15th Street shoreline and the West Lake Drive Bridge at 26°06′11″ N, 080°06′47″ W; thence southerly along the West Lake Drive Bridge to the northeast mouth of the unnamed canal leading to Sylvan Lake at 26°06′09″ N, 080°06′47″ W; thence westerly across the canal and along and following the southern shoreline of the Mercedes River encompassing all waters of the Pier 66 Marina to a point on the northwestern point of the Pier 66 Marina at 26°06′09″ N, 080°07′06″ W; thence south easterly and easterly along and following the shoreline to a point of land directly north of Day Beacon ''6'' at 26°05′41″ N, 080°06′31″ W; thence south to a point of land due south of Day Beacon ''7'' at 26°05′33″ N, 080°06′31″ W; thence westerly and southerly along and following the shoreline of John U. Lloyd State Park to a point on the northern corner of the mouth of Whiskey Creek at 26°04′96″ N, 080°06′78″ W; thence westerly to a point of land on the southern tip of Pier 9 at 26°04′58″ N,

080°06′52″ W; thence northerly along and following the shoreline to the northeast corner of Pier 7 at 26°05′23″ N, 080°06′55″ W; thence northwesterly along the western edge of the Intracoastal Waterway to the transect point on the 17th Street Causeway Bridge thence westerly to where the northwestern corner of the 17th Street Causeway Bridge meets the seawall at 26°06′02″ N, 080°07′07″ W. All coordinates reference datum NAD 1983.

(2) *Security Zone.* The Security Zone encompasses all waters from surface to bottom contained within an imaginary line drawn from a point at the northwest corner of the 17th Street Causeway Bridge where it meets the seawall at 26°06′02′ N, 080°07′07″ W; thence easterly to the western edge of the Intracoastal Waterway Channel at 26°06′02″ N, 080°07′07″ W; thence southerly along the western edge of the Intracoastal channel to a point on the northeast corner of Pier 7 at 26°05′23″ N, 080°06′54″ W and all waters westward of that imaginary line and adjacent to Port Everglades.

(b) *Definitions.*

Designated Representative means Coast Guard Patrol Commanders that include commissioned, warrant, petty officers or auxiliary of the Coast Guard, and Federal, State, and local officers that have been designated as such by the Commander, Seventh Coast Guard District, the Captain of the Port, Miami or the Coast Guard Maritime Operations Center (MOC).

Personal Watercraft (PWC) means, for the purposes of this section, vessel(s) less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. PWCs are designed to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

Rigid Hull Inflatable Boat (RHIB) means, for purposes of this section, a vessel that has an inflatable fabric or rubber collar or a foam collar surrounding the hull of the vessel. A RHIB's collar is normally joined to a fiberglass hull on larger models or a fabric hull on smaller models. Fabric hulls are often also themselves inflatable, or have an inflatable keel and sometimes have a soft floor or have a reinforced floor slated with wood or other rigid materials.

Slow Speed means the speed at which a vessel proceeds when it is fully off plane, completely settled into the water and not creating excessive wake. In no instance should slow speed be interpreted as a speed less than that required to maintain steerageway. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to slow speed. A vessel is not proceeding at slow speed if it is creating an excessive wake, on a plane or in the process of coming up or coming off plane.

(c) *Regulations.*

(1) All Vessels transiting the Regulated Navigation Area (RNA) shall proceed continuously and at a slow speed. Nothing in this rule alleviates vessels or operators from complying with all State and local laws in the area, including manatee slow speed zones.

(2) All vessels within the Regulated Navigation Area (RNA) shall comply with the commands and instructions issued by the Designated Representative, the Commander, Seventh Coast Guard District, the Captain of the Port, Miami or the Coast Guard Marine Operations Center (MOC).

(3) Vessels greater than 100 feet in length shall check in directly with on-scene Designated Representative(s) or the MOC, via VHF channel 12 or telephone at (305) 535–8701 to obtain permission to enter or transit the RNA. All vessels that require the Brooks Memorial (17th Street) bascule bridge to open shall not enter the RNA until permission to open the Brooks Memorial bridge and/or enter the RNA is granted by the MOC or Designated Representative.

(4) No personal watercraft shall be permitted in the Regulated Navigation Area except those operated by law enforcement personnel.

(5) No Rigid Hull Inflatable Boats shall be permitted in the Regulated Navigation Area except those operated by law enforcement personnel or licensed commercial salvage operators.

(6) Entry into or remaining within the Security Zone is prohibited unless authorized by the Designated Representative, the Commander, Seventh Coast Guard District, the Captain of the Port, Miami or the Coast Guard Marine Operations Center (MOC). Persons desiring to enter or transit the areas encompassed by the Security Zone may contact on-scene Designated Representative(s) or the Coast Guard Maritime Operations Center on VHF channel 12 or via telephone at (305) 535–8701 in order to obtain permission to transit the Security Zone. If permission is granted, all persons and vessels must comply at all times with the instructions of the Designated Representative, the Commander, Seventh Coast Guard District, the Captain of the Port, Miami or the Coast Guard Marine Operations Center (MOC).

(d) *Effective dates.* This section is effective from 12:01 a.m. on June 4, 2005 until 12 p.m. on June 8, 2005.

Dated: May 26, 2005.

W.E. Justice,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 05–11006 Filed 5–31–05; 12:51 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR PART 165

[CGD09–05–017]

RIN 1625–AA00

Safety Zone; Rochester Harbor Fireworks, Rochester, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters of Rochester Harbor and the Genesee River. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This rule will restrict vessel traffic from a portion of Rochester Harbor and the Genesee River, Rochester, New York.

DATES: This rule is effective from 9 p.m. until 10 p.m. on June 25, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of the docket (CGD09–05–017), and are available for inspection or copying at U.S. Coast Guard Marine Safety Office (MSO) Buffalo, 1 Fuhrmann Blvd., Buffalo, New York 14203 between 7 a.m. and 3 p.m. (local), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843–9570.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this

regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This safety zone is temporary in nature and limited time existed for an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be impracticable and contrary to public interest since immediate action is needed to minimize potential danger to the public during the fireworks demonstration.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of Rochester Harbor and the Genesee River encompassed by an area 400 yards around the West Jetty pier in approximate position: 43°15′40″ N 077°36′05″ W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

Discussion of Rule

The Coast Guard is establishing a safety zone consisting of a portion of the navigable waters of Rochester Harbor and the Genesee River. The Coast Guard will notify the public in advance, by way of Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and for those who request it from Marine Safety Office Buffalo, by facsimile (fax).

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed this rule under that order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS) (44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zone, and the zone is in areas where the Coast Guard expects insignificant adverse impact to mariners from the zone's activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of an activated safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 9 p.m. until 10 p.m. (local) on the day of the event. Vessel traffic can safely pass outside the safety zone during the event. In cases where traffic congestion is greater than expected or blocks shipping channels, traffic may be allowed to pass through the safety zone under Coast Guard or assisting agency escort with the permission of the Captain of the Port Buffalo. Additionally, the Coast Guard has not received any negative reports from small entities affected during displays in previous years.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (see **ADDRESSES.**)

Small businesses may send comments on actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule does not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically

significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f) and have determined that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction from further environmental documentation. Paragraph (34)(g) is applicable to this event because this rule establishes a safety zone.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. Add new temporary § 165.T09–017 to read as follows:

§ 165.T09–017 Safety Zone; Rochester Harbor Fireworks, Rochester, NY

(a) *Location.* The following area is a temporary safety zone: all waters of Rochester Harbor and the Genesee River encompassed by an area 400-yards around the West Jetty pier in approximate position: 43°15′40″ N, 077°36′05″ W. These coordinates are based upon NAD 83.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Buffalo.

(2) In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

(c) *Effective time and date.* This section is effective from 9 p.m. through 10 p.m. (local) on June 25, 2005.

Dated: May 18, 2005.

K.C. Burke,

Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.

[FR Doc. 05–10940 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–05–016]

RIN 1625–AA00

Safety Zone; Presque Isle Bay, Dobbins Landing, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters of Presque Isle Bay. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone restricts vessel traffic from a portion of Lake Erie and Presque Isle Bay, Erie, Pennsylvania.

DATES: This rule is effective from 10 p.m. until 10:30 p.m. on June, 21, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of the docket (CGD09–05–016], and are available for inspection or copying at U.S. Coast Guard Marine Safety Office (MSO) Buffalo, 1 Fuhrmann Blvd, Buffalo, New York 14203 between 7 a.m. and 3 p.m. (local), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843–9570.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This safety zone is temporary in nature and limited time existed for an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be impracticable and contrary to public interest since immediate action is needed to minimize potential danger to the public during the fireworks demonstration.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the

explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property.

The likely combination of large numbers of inexperienced recreational boaters, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities.

Discussion of Rule

The Coast Guard is establishing a safety zone consisting of a portion of the navigable waters of Presque Isle Bay, Erie, Pennsylvania. The Coast Guard will notify the public in advance, by way of Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and for those who request it from Marine Safety Office Buffalo, by facsimile (fax).

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed this rule under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zone, and the zone is in areas where the Coast Guard expects insignificant adverse impact to mariners from the zone's activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of an activated safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 10 p.m. until 10:30 p.m. (local) on the day of the event. Vessel traffic can safely pass outside the safety zone during the event. In cases where traffic congestion is greater than expected or blocks shipping channels, traffic may be allowed to pass through the safety zone under Coast Guard or assisting agency escort with the permission of the Captain of the Port Buffalo. Additionally, the Coast Guard has not received any negative reports from small entities affected during these displays in previous years.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (*see* **ADDRESSES.**)

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are

technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f) and have determined that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction from further environmental documentation. Paragraph (34)(g) is applicable to this event because this rule establishes a safety zone.

Under figure 2–1, paragraph (34)(g), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new temporary § 165.T09–016 to read as follows:

§ 165.T09–016 Safety Zone; Presque Isle Bay, Dobbins Landing, Erie, PA.

(a) *Location.* The following area is a temporary safety zone: All waters of Presque Isle Bay within an 800-foot radius around the fireworks launch platform located at 42°08′19″ N, 080°05′30″ W. These coordinates are based upon NAD 83.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Buffalo.

(2) In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

(c) *Effective time and date.* This section is effective from 10 p.m. through 10:30 p.m. (local) on June 21, 2005.

Dated: May 19, 2005.

K.C. Burke,

Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.

[FR Doc. 05–10941 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AZ–ND–127; FRL–7919–5]

Notice of Deficiency for Clean Air Operating Permits Program; Maricopa County, AZ

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deficiency.

SUMMARY: Pursuant to its authority under section 502(i) of the Clean Air Act, EPA is publishing this notice of deficiency for the Clean Air Act title V operating permits program of Maricopa County, Arizona. The notice of deficiency is based upon EPA's finding that Maricopa County's title V program does not comply with the requirements of the Clean Air Act or with the implementing regulations of the Operating Permit Program in two respects: permit fees and permit processing. With respect to permit fees, specific deficiencies include the following: Maricopa County has failed to demonstrate that its title V program requires owners or operators of Operating Permit Program sources to pay fees that are sufficient to cover the costs of the County's title V program, and has failed to adequately ensure that its title V program funds are used solely for title V permit program costs; and Maricopa County's fee rule and the implementation of this rule have contributed to delay in issuance of initial title V permits. With respect to permit processing, specific deficiencies include the following: Maricopa County has issued title V permits that do not assure compliance with all applicable requirements; Maricopa County's processing of permit revisions is deficient; and Maricopa County has not demonstrated that it is providing sufficient staffing. Publication of this action is a prerequisite for withdrawal of Maricopa County's title V program approval, but does not effect such withdrawal.

EFFECTIVE DATE: May 17, 2005. Because this Notice of Deficiency is an adjudication and not a final rule, the Administrative Procedure Act's 30-day deferral of the effective date of a rule does not apply.

FOR FURTHER INFORMATION CONTACT: Gerardo Rios, EPA, Region 9, Air Division (AIR–3), 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3974, or *r9airpermits@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
II. Description of Action
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I. Background

The Clean Air Act (CAA or Act) requires all State and local permitting authorities to develop operating permits programs that meet the requirements of title V of the Act, 42 U.S.C. 7661–7661f, and its implementing regulations, 40 CFR part 70. On November 15, 1993, the Arizona Department of Environmental Quality (ADEQ) submitted, on behalf of Maricopa County, a proposed title V program to the Administrator for approval. Maricopa County's title V program was granted final interim approval by EPA on November 29, 1996 and was granted full approval on November 30, 2001.

In March 2002, the Office of Inspector General (OIG) issued a report on the progress of title V permit issuance based on its evaluation of several selected state and local air pollution control agencies. In response to OIG's recommendations, EPA made a commitment in July 2002 to conduct comprehensive title V program evaluations throughout the nation. EPA Region 9 began its program evaluations in 2003, with Maricopa County Environmental Services Department (MCESD) as the second permitting agency on its program evaluation schedule. Region 9 informed MCESD of the start of the title V program evaluation in a letter, dated May 27, 2004, in which Region 9 also expressed existing concerns about MCESD's implementation of its title V permitting program. Over the next several months of EPA's title V program evaluation, Region 9 learned more details of MCESD's implementation practices and procedures, including many instances

in which MCESD failed to meet the requirements of title V of the Act and 40 CFR part 70.

Section 503(c) of the Act requires permitting authorities to act on all initial permit applications within three years of program approval, which would have been November 29, 1999 for Maricopa County. In a January 28, 2002 letter to EPA, MCESD stated that it had issued sixteen of its fifty-six initial title V permits. MCESD committed to issue its remaining forty initial permits by December 1, 2003, completing ten permits every six months. MCESD failed to meet each six month milestone for permit issuance as well as the December 1, 2003 deadline for all initial permits. As of April 15, 2005, MCESD still has not completed issuance of all initial title V permits and has a backlog of title V renewal permits as well.

For full details of EPA Region 9's findings, please see the report, ''Maricopa County Environmental Services Department Title V Operating Permit Program Evaluation,'' which is available at *http://www.epa.gov/region09/air/titlevevals.html.*

Maricopa County has recently initiated a number of changes to its title V program. One significant change has been the formation of a new Air Quality Department (AQD), separate from MCESD, within the Regional Development Services group of Maricopa County. This reorganization should allow Maricopa County to focus its resources on air quality in an area that has increasingly complex air permitting issues and, thus, requires a more concentrated effort. Though Maricopa County has initiated many improvements to its title V program since the start of EPA's program evaluation, EPA believes a NOD is necessary in light of the existing issues, and to ensure that those issues are adequately addressed going forward.

II. Description of Action

EPA is publishing a notice of deficiency for the Clean Air Act title V operating permits program for Maricopa County, Arizona. This document is being published pursuant to 40 CFR 70.10(b)(1), which provides that EPA shall publish in the **Federal Register** a notice of any determination that a title V permitting authority is not adequately administering or enforcing its title V operating permits program. The deficiencies being noticed today are in two main categories of (1) permit fees and (2) permit processing. The specific deficiencies are described more fully below.

A. Permit Fees

1. Maricopa County Has Not Demonstrated That It Collects Fees Sufficient To Fund Its Permit Program, Nor That It Uses Fees Solely for Program Costs

Pursuant to 42 U.S.C. 7661a(b)(3) and 40 CFR 70.9(a), a permitting authority's title V program must require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs, and the permitting authority must ensure that any fee collected be used solely for title V permit program costs. Although 42 U.S.C. 7661a(b)(3) and 40 CFR 70.9(b) require that a permitting authority's title V permit program include a fee schedule that results in the collection of sufficient fees to cover all title V permit program costs, permitting authorities have flexibility in developing the components of that fee schedule. See 40 CFR 70.9(b)(3).

a. Maricopa County has not demonstrated that its revised fee rule meets the requirements of title V and part 70.

Maricopa County's fee rule, as included in the County's 1993 initial title V program submittal, had an annual emissions-based fee which met the presumptive minimum prescribed in 40 CFR 70.9(b)(2)(i) for existing sources, in addition to an annual ''processing and inspection'' fee. Maricopa County later revised its fee rule in 1998, 2000, 2003, and 2004. Currently, permit fees are imposed based on a combination of an application fee, hourly-based processing fee, annual administrative fee, and annual emissions-based fee. The emissions-based fee is less than EPA's presumptive minimum. Since other components of the permit fees are not assessed on a per-ton basis, it is difficult to determine if the aggregate of the fees meets EPA's presumptive minimum. Maricopa County has never submitted any of its fee rule revisions to EPA as a program revision submittal or provided a demonstration to EPA, based on the current fee rule, that it collects title V fees sufficient to cover the title V permit program costs and that title V fees collected are used solely for title V permit program costs.

b. A clear accounting of costs is necessary

Maricopa County is not able to demonstrate that title V permit fees collected are sufficient to fund its title V program and that title V permit fees are used solely for title V program costs, because it does not have a clear accounting of costs incurred under title V (separate from costs incurred under other non-title V programs). Maricopa County is able to account for title V revenues quite accurately because payment of permit fees by each applicant is recorded in the permitting agency's Environmental Management System database. However, Maricopa County has more difficulty tracking title V costs.

Maricopa County maintains a single account for title V fees, non-title V fees, and enforcement penalties. Both title V and non-title V costs are paid from this account. Maricopa County title V permitting staff are required to log in the number of hours spent preparing title V permits. However, Maricopa County does not maintain an accounting of total salary costs for title V activities, nor has Maricopa County kept an accounting of other actual costs of the title V program such as training, equipment, and travel.

Maricopa County has provided EPA with workload assessments that project future costs by estimating an average number of hours required to write a permit in each source category (e.g., cement plants, compressor stations, lime plants, landfills) and an average number of permits issued per source category. Maricopa County's projections also use averages of salaries for a category of an entire group such as ''technical'' staff of the title V permitting group.

While this broad approach could be considered adequate for the purpose of projecting future costs, Maricopa County should be able to provide a more accurate, detailed accounting of actual title V revenues, costs, and expenditures to demonstrate that title V fees are not being directed to do non-title V work. For an accounting of costs, a direct approach, based on employee-specific salaries and the number of hours logged for title V activities for each employee would be more accurate.

Because Maricopa County has not instituted a system that provides a clear accounting of costs incurred for title V activities (separate from non-title V activities), it has been unable to detail its permit program costs and demonstrate that its title V revenues cover those program costs. Maricopa County has also been unable to demonstrate that title V revenues are used solely for title V program costs.

EPA would consider correction of this deficiency to include submittal of a demonstration that Maricopa County has the systematic ability to provide a detailed accounting of title V program costs separately from other program costs. This accounting should also provide a clear demonstration that total title V revenues are sufficient to fund total title V costs. The accounting

should also clearly show that title V revenues are used solely for title V costs.

2. Maricopa County's Fee Rule and the Implementation of This Rule Have Contributed to the Delay in Issuance of Initial Title V Permits

Maricopa County's fee rule, Rule 280, prevents the permitting authority from issuing a final initial title V permit, permit revision, or renewal permit if the source has not paid the balance of fees due. MCESD's Rule 280 section 301.1 states, ''Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted.'' Maricopa County has encountered problems with issuing permits when sources refuse to pay their permit fee balances because they are dissatisfied with their proposed permits. It would appear that existing sources retain the initial application shield granted upon submittal of a complete application; thus, these sources can continue to operate without a title V operating permit. The problem is further exacerbated by the fact that Maricopa County has not enforced against those sources that refused to pay fees.

The end result is that issuance of certain title V permits can be delayed if sources refuse to pay fees, and the delay may extend until Maricopa County revises the permit conditions in question. The rule could cause similar problems during permit renewal. This situation is inconsistent with Maricopa County's obligation under the Act to have sufficient authority to issue permits and assure compliance with each applicable requirement, as well as its obligation to take final action on complete applications in a timely fashion, as specified in part 70.

EPA would consider correction of this deficiency to include a revision to Rule 280 and submittal of a standard set of policies and procedures. The rule revision should eliminate the possibility that a source could prevent Maricopa County from issuing a final permit by withholding fees. The standard set of policies and procedures would provide a procedure for addressing non-payment of permit fees through enforcement, collection activities, or other means.[1]

B. Permit Processing

1. Maricopa County Has Issued Title V Permits That Do Not Assure Compliance With All Applicable Requirements

Maricopa County issues combined preconstruction/operating permits, with the intention of meeting both the new source review (NSR) requirements contained in Maricopa County's approved State Implementation Plan (SIP) and the part 70 requirements contained in Maricopa County's approved title V program. Maricopa County's approved title V program contains Rule 200, which establishes permit requirements and describes the different types of permits, and Rule 210, which establishes the requirements for title V permitting in particular. Maricopa County's SIP, approved by EPA, contains rules for implementing its NSR program (both major and minor). In particular, SIP Rule 20 establishes the requirement for sources to obtain installation (preconstruction) permits for all new and modified sources, and SIP Rule 21 establishes the procedures for obtaining an installation permit.

Pursuant to 40 CFR 70.7(a)(1)(iv), title V permits must assure compliance with all applicable requirements, including NSR requirements. Maricopa County has, at times, implemented the title V rule, Rule 210, without proper consideration of the requirements of the NSR SIP Rule 20, resulting in the submittal to EPA of title V permits that do not contain all applicable requirements.

Sections 403 and 403.2 of Rule 210 allow title V sources to make certain changes without a permit revision if specific conditions are met.[2] SIP Rule 20, however, does not contain a similar exemption from installation permitting requirements. Specifically, SIP Rule 20 requires that ''any person erecting, installing, replacing, or making a major alteration to any machine, equipment, incinerator, device or other article which may cause or contribute to air pollution or the use of which may eliminate or reduce or control the emission of air pollutants, shall first obtain an Installation Permit from the Control Officer.''

Permitting authorities may issue combined NSR/title V permits. However, a source may not avoid a requirement to obtain a preconstruction permit by relying on the operational flexibility provisions of a title V permit.[3] Maricopa County's practice typically follows only the requirements of Rule 210 Section 403 without proper implementation of SIP Rule 20.

EPA would consider correction of this deficiency to include submittal of an implementation guidance document that ensures that Maricopa County's title V permits assure compliance with all applicable requirements, including SIP-approved NSR requirements. An implementation guidance document might include the following elements: (1) An explanation that Maricopa County's title V rules may not be used to avoid obtaining an otherwise-required preconstruction permit; (2) a demonstration that Maricopa County's title V permits assure compliance with SIP-approved preconstruction requirements; (3) a plan for evaluating applications and issuing permit revisions that include all applicable requirements, including any applicable preconstruction review requirements; (4) any necessary revisions to Maricopa's standard application form to ensure that pre-construction review requirements are addressed; and (5) guidance to affected sources advising them of Maricopa's new procedures for issuing preconstruction and operating permit revisions for title V sources, including the requirement to ensure that all preconstruction review required under the SIP occurs. Maricopa County might also consider rule changes that assure that all facility changes comply with preconstruction review requirements under the SIP.

2. Maricopa County's Processing of Permit Revisions Is Deficient

a. Incorrect processing of significant revisions as minor revisions

EPA has found that Maricopa County does not take adequate steps to ensure that significant permit revisions are not incorrectly processed as minor permit revisions. A change that requires a significant permit revision may not be implemented before the permit revision is subject to public notice and comment, approved by the permitting authority, and reviewed by EPA. Maricopa County's incorrect processing of significant revisions has allowed sources to bypass these requirements. Maricopa's Rule 210 Section 405.1 specifies the criteria by which changes

[1] It may be worth noting that if EPA takes over a fee program, EPA is required by the Act to charge a penalty of 50% of the fee amount, plus interest, on any unpaid permit fees. *See* 42 U.S.C. 7661a(b)(3)(C)(ii); 40 CFR 71.9(l)(2).

[2] These conditions, as listed in Maricopa County's Rule 210 Section 403.1, include the following: that the changes are not title I modifications, do not exceed emissions allowable under the permit, meet the criteria for processing as a minor title V permit revision, and do not violate applicable requirements.

[3] In addition, NSR permit conditions do not expire, so permitting authorities must ensure that NSR conditions remain in effect even after the expiration of a title V permit that incorporates the conditions.

at a source can be processed as a minor revision.[4]

b. Incorrect administrative processing of minor revisions

Maricopa County typically has not issued a separate revised permit document or technical support document when processing its minor permit revisions. EPA has found many minor permit revisions that do not contain any revision to the title V permit but, instead, the permittee's application is signed by an MCESD permit engineer and initialed by the title V supervisor. This application then serves as the permit revision.

The signed application does not contain an engineering analysis or revised permit conditions to support the application approval. This practice of issuing the signed permit application instead of a revised permit document compromises the enforceability of Maricopa County's permits.

This practice is also inconsistent with 40 CFR part 70, which requires the permitting authority to issue a revised permit and statement of basis. See 40 CFR 70.7(a)(1) and 70.7(a)(5).[5]

c. Policies and procedures on permit revisions

In order to address parts 2.a. and b. of the deficiency above, EPA would consider correction of the deficiency to include development and submittal of a standard set of policies and procedures on permit revision procedures for title V sources. EPA envisions that such a document would include the following elements: (1) Criteria for determining if a proposed revision is significant, minor or administrative; (2) procedures for developing appropriate permit conditions and statements of basis for significant and minor permit revisions; and (3) Maricopa's permit processing procedures from receipt of application to permit issuance.

3. Maricopa County Has Not Demonstrated That It Is Providing Sufficient Staffing

Section 502(b) of the Act, 42 U.S.C. 7661a(b), and 40 CFR 70.4 provide that a permitting authority must have adequate personnel to ensure that the permitting authority can carry out implementation of its title V program. As noted above, Maricopa County has experienced a significant delay in issuing initial title V permits. In addition, Maricopa County has had problems with the quality of the title V permits issued, specifically, ensuring that the permit assures compliance with all applicable requirements.

In 1993, Maricopa County submitted a workload assessment (WLA) with its title V program submittal. In the WLA, Maricopa County projected the number of hours required for each task of implementing its title V program, the corresponding number of full-time employees (FTE) required, and the corresponding costs based on salary averages. In 2003, Maricopa County updated its WLA to provide a basis for a change to its fee structure and fee amounts. The 2003 WLA found that the 1993 WLA had underestimated the initial assumptions for title V program implementation. As far as staffing needs, the 2003 WLA increased FTE projections, compared to 1993 projections, for all sections or groups. In particular, the 1993 WLA projected a need for 7 FTE ''air quality engineers'' in permitting and 26 total FTEs in the Permits & Compliance Section (these two functions were in one section at the time). The 2003 WLA projected a need for 21.3 FTEs for the Permits Section alone.[6] The 2003 WLA also stated that the Permits Section had, at that time, 13 FTEs and that, at this staffing level, ''the Section struggles to meet permit issuance timelines, keep up with rule revisions * * * and to implement community outreach.''

Maricopa County appears to acknowledge a history of being understaffed. The 2003 WLA states, when referring to the 1993 FTE projections, that Maricopa County was not able ''to fill all the positions because of high turnover and inability to find qualified applicants.'' In addition, Maricopa County has left the position of Permits Section Manager vacant for many years. As of the beginning of April 2005, the Permits Section has 9 permitting staffpersons, at least 11 FTEs short of its own projected need for ''technical'' staff. Maricopa County failed to meet all of its deadlines for issuing initial title V permits and, as of April 15, 2005, still has not issued all initial title V permits. In its 2003 WLA, Maricopa County admitted that it is understaffed and cannot meet permit issuance deadlines.

EPA would consider correction of this deficiency to include submittal to EPA of a strategy that Maricopa County will implement to hire and retain adequate staffing to successfully implement its title V program. The strategy could be based either on the 2003 WLA or an updated WLA, should include milestones with corresponding dates, and should describe contingency options to fill positions if Maricopa County is unable to meet these milestones.

C. Significant Action and Correction of Deficiencies

EPA would consider significant action within 90 days after the date of the NOD to be submittal of a workplan containing associated milestones for resolution of each deficiency, for review and approval by EPA. The workplan should clearly describe Maricopa County's proposed correction for each deficiency and a completion date no later than 18 months after the date of the NOD. The milestones in the workplan should include not only the completion of the resolution of each deficiency but also intermediate steps and corresponding dates.

Each subsection of this notice which contains a description of a deficiency also contains a suggested correction of the deficiency. EPA will also consider alternative resolutions proposed by Maricopa County to correct deficiencies. These alternative resolutions should be described in the workplan for the significant action submittal. After Maricopa County's submittal of the workplan, EPA intends to have an active role in tracking Maricopa County's progress towards correcting the deficiencies identified in this notice within the specified timeframes.

III. Federal Oversight and Sanctions

Part 70 provides that EPA may withdraw a part 70 program approval, in whole or in part, whenever the approved program no longer complies with the requirements of part 70 and the permitting authority fails to take corrective action. 40 CFR 70.10(c)(1). This section goes on to list a number of potential bases for program withdrawal, including inadequate fee collection and failure to comply with the requirements of part 70 in administering the program. 40 CFR 70.10(b) sets forth the procedures for withdrawal of program approval, and requires as a prerequisite to withdrawal that the permitting authority be notified of any finding of deficiency by the Administrator and that the notice be published in the **Federal Register**. Today's notice satisfies this requirement and constitutes a finding of program deficiency. If the permitting authority

[4] See Finding 5.5 of EPA's program evaluation report for specific examples.

[5] In addition, Maricopa County has made it a practice to have the permit engineer sign the minor permit revision application. Authorizations to approve minor permit revisions have not been delegated to the permit engineer from the Director. Thus, Maricopa County has not been following the proper administrative procedures for issuance of minor permit revisions.

[6] Out of the 21.3 FTEs, Maricopa County categorized 16.5 of these FTEs as ''technical.'' Since Maricopa County labeled another category as ''manager,'' EPA is inferring that the ''technical'' category includes only technical staff-level employees and does not include managers.

has not taken ''significant action to assure adequate administration and enforcement of the program'' within 90 days after the date of a notice of deficiency, EPA may withdraw approval of the permitting authority's program, apply either of the sanctions specified in section 179(b) of the Act, or promulgate, administer, and enforce a Federal title V program. 40 CFR 70.10(b)(2). Section 70.10(b)(3) provides that if a permitting authority has not corrected the deficiency within 18 months of the finding of deficiency, EPA will apply the sanctions under section 179(b) of the Act, in accordance with section 179(a) of the Act.[7] In addition, section 70.10(b)(4) provides that, if the permitting authority has not corrected the deficiency within 18 months after the date of notice of deficiency, EPA must promulgate, administer, and enforce a whole or partial program within 2 years of the date of the finding.

This document is not a proposal to withdraw approval of Maricopa County's title V program. Consistent with 40 CFR 70.10(b)(2), EPA will wait at least 90 days before determining whether Maricopa County has taken significant action to correct the deficiencies outlined in this notice.

IV. Administrative Requirements

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of today's action may be filed in the United States Court of Appeals for the appropriate circuit within 60 days of June 2, 2005.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: May 17, 2005.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. 05–10995 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–P

[7] Section 179(a) provides that unless such deficiency has been corrected within 18 months after the finding, one of the sanctions in section 179(b) of the Act shall apply as selected by the Administrator. If the Administrator has selected one of the sanctions and the deficiency has not been corrected within 6 months thereafter, then sanctions under both sections 179(b)(1) and 179(b)(2) shall apply until the Administrator determines that the permitting authority has come into compliance.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7920–6]

Alabama: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Alabama has applied to EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Alabama's changes to its hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This final authorization will become effective on August 1, 2005 unless EPA receives adverse written comments by July 5, 2005. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: middlebrooks.gail@epa.gov.*
- *Fax:* (404) 562–8439 (prior to faxing, please notify the EPA contact listed below).
- *Mail:* Send written comments to Gail Middlebrooks at the address listed below.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov*, or e-mail. The Federal *regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comments. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit.

You can view and copy Alabama's application from 8 a.m. to 5 p.m. at the following addresses: Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, Alabama 36130–1463; (334) 271–7700 and EPA Region 4, Library, 9th Floor, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Gail Middlebrooks, RCRA Services Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8494.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received Final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Alabama's applications to revise its authorized program meet all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Alabama Final authorization to operate its hazardous waste program with the changes described in the authorization application. Alabama has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the

limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Alabama, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Alabama subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Alabama has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports.
- Enforce RCRA requirements and suspend or revoke permits.
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Alabama is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register**, we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Alabama Previously Been Authorized for?

Alabama initially received final authorization on December 8, 1987, effective December 22, 1987, (52 FR 46466) to implement the RCRA hazardous waste management program. We granted authorization for changes to Alabama's program on November 29, 1991, effective January 28, 1992 (56 FR 60926), May 13, 1992, effective July 12, 1992 (57 FR 20422), October 21, 1992, effective December 21, 1992 (57 FR 47996), March 17, 1993, effective May 17, 1993 (58 FR 20422), September 24, 1993 effective November 23, 1993 (58 FR 49932), February 1, 1994, effective April 4, 1994 (59 FR 4594), November 14, 1994, effective January 13, 1995 (59 FR 56407), August 14, 1995, effective October 13, 1995 (60 FR 41818), February 14, 1996, effective April 15, 1996 (61 FR 5718), April 25, 1996, effective June 24, 1996 (61 FR 5718), November 21, 1997 effective February 10, 1998 (62 FR 62262), and on December 20, 2000 effective February 20, 2001 (65 FR 79769).

G. What Changes Are We Authorizing With Today's Action?

On April 6, 2005, Alabama submitted final complete program revision application, seeking authorization of its changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of comments that oppose this action, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Therefore, we grant final authorization for the following program changes:

Description of Federal Requirement (revision checklist)	**Federal Register** date and page	Analogous state authority [1]
Checklist 200, Zinc Fertilizers Made from Recycled Hazardous Secondary Materials	7/24/02, 67 FR 48393	335–14–2–.01, 335–14–7–03, 335–14–9–.04(1)
Checklist 201, Land Disposal Restrictions: National Treatment Variance To Designate new Treatment Subcategories for Radioactively Contaminated Cadmium, Mercury, and Silver-Containing Batteries.	10/7/02, 67 FR 62618	335–14–9–.04(1)
Checklist 202, NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Corrections.	12/19/02, 67 FR 77687 ..	335–14–8–.02(10)(e), 335–14–8–.02(13), 335–14–8–.06(2), 335–14–8–.06(5)

[1] Alabama Department of Environmental Administrative Code, Division 335–14, Hazardous Waste Program Regulations effective April 2, 1999, March 31, 2000, April 13, 2001, March 15, 2002, April 17, 2003, and May 27, 2004.

H. Where Are the Revised State Rules Different From the Federal Rules?

Alabama's analog, 335–14–1–.02(1), to 40 CFR 260.10, includes the definition for ''Corrective action management unit (CAMU)'' which has been moved to 40 CFR 265.552(a) under the Federal rules.

I. Who Handles Permits After the Authorization Takes Effect?

Alabama will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. At the time the State program is approved, EPA will suspend issuance of Federal permits in the State. EPA will transfer any pending permit applications, completed permits or

pertinent file information to the State within thirty days of the approval of the State program. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Alabama is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in Alabama?

The State of Alabama's Hazardous Waste Program is not being authorized to operate in Indian Country.

K. What Is Codification and Is EPA Codifying Alabama's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart B for this authorization of Alabama's program changes until a later date.

L. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This action will not have substantial direct effects 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective August 1, 2005.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous material transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 11, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 05–10993 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 00–248; CC Docket No. 86–496; FCC 05–63]

Satellite Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts new procedures for non-routine earth station applications, and relaxes certain other earth station requirements. These actions are necessary to expedite the licensing of earth stations often used to provide satellite-based broadband Internet access services.

DATES: Effective July 5, 2005, except for the amendments to §§ 25.115, 25.130, 25.131, 25.132, 25.133, 25.134, 25.151, 25.154, 25.209, 25.211, 25.212, 25.220, and 25.277, which contain information requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date for these rules.

FOR FURTHER INFORATION CONTACT: Steven Spaeth, Satellite Division, International Bureau, telephone (202) 418–1539 or via the Internet at *steven.spaeth@fcc.gov.*

SUPPLMENTARY INFORMATION: This summary of the Commission's *Fifth Report and Order,* IB Docket No. 00–248 and *Third Report and Order,* CC Docket No. 86–496, FCC 05–63, adopted March 10, 2005, and released on March 15, 2005. The complete text of this *Fifth Report and Order* and *Third Report and*

Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room), 445 12th Street, SW., Washington, DC 20554, and also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. It is also available on the Commission's Web site at *http://www.fcc.gov.*

Paperwork Reduction Act Analysis: The actions taken in the *Fifth Report and Order* have been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA), Pub. Law 104–13, and found to impose new or modified reporting requirements or burdens on the public. Implementation of these new or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the PRA, and will go into effect upon announcement in the **Federal Register** of OMB approval.

Regulatory Flexibility Analysis: As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making (Notice)* and the *Further Notice of Proposed Rulemaking (Further Notice)* in IB Docket No. 00–248.[2] The Commission sought written public comment on the proposals in the *Notice* and *Further Notice,* including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.[3]

A. Need for, and Objectives of, the Report and Order

The Telecommunications Act of 1996 requires the Commission in every even-numbered year beginning in 1998 to review all regulations that apply to the operations or activities of any provider of telecommunications service and to determine whether any such regulation is no longer necessary in the public interest due to meaningful economic competition. Our objective is to repeal or modify any rules in part 25 that are no longer necessary in the public interest, as required by section 11 of the Communications Act of 1934, as amended.

We codify streamlined procedures for case-by-case examination of earth stations using ''non-routine'' antennas, non-routine power levels, or both. We also relax the downlink EIRP power spectral density limits for Ku-band VSAT systems. Finally, we will allow some temporary fixed earth stations to begin operation sooner than is now permitted.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

No comments were submitted directly in response to the IRFAs in either the *Notice* or the *Further Notice.*

C. Description and Estimate of the Number of Small Entities To Which Rules Will Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the rules adopted herein.[4] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.[5] '' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[7]

1. *Cable Services.* The SBA has developed a small business size standard for Cable and Other Program Distribution, which consists of all such firms having $12.5 million or less in annual receipts.[8] According to Census Bureau data for 1997, in this category there was a total of 1,311 firms that operated for the entire year.[9] Of this total, 1,180 firms had annual receipts of under $10 million, and an additional fifty-two firms had receipts of $10 million to $24,999,999.[10] Thus, under this size standard, the majority of firms can be considered small.

The Commission has developed its own small business size standard for a small cable operator for the purposes of rate regulation. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide.[11] Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995.[12] Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small cable companies that may be affected by the proposed rules.

The Communications Act of 1934, as amended, also contains a size standard for a ''small cable operator,'' which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.[13] '' The Commission has determined that there are 67,700,000 subscribers in the United States.[14] Therefore, an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate.[15] Based on available data, we estimate that the number of cable operators serving 677,000 subscribers or less totals approximately 1,450.[16] We do not request or collect information on

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[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Title II, 110 Stat. 857 (1996).

[2] 2000 Biennial Regulatory Review—Streamlining and Other Revisions of part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Notice of Proposed Rulemaking,* IB Docket No. 00–248, 15 FCC Rcd 25128 (2000) (*Notice*); 2000 Biennial Regulatory Review—Streamlining and Other Revisions of part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Notice of Proposed Rulemaking,* IB Docket No. 00–248, 17 FCC Rcd 18585 (2002) (*Further Notice*).

[3] *See* 5 U.S.C. 604.

[4] 5 U.S.C. 604(a)(3).

[5] 5 U.S.C. 601(6).

[6] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[7] 15 U.S.C. 632.

[8] 13 CFR 121.201, NAICS code 517510.

[9] U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, ''Establishment and Firm Size (Including Legal Form of Organization),'' Table 4, NAICS code 513220 (issued October 2000).

[10] Id.

[11] 47 CFR 76.901(e). The Commission developed this definition based on its determinations that a small cable company is one with annual revenues of $100 million or less. *See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation,* MM Docket Nos. 92–266 and 93–215, Sixth Report and Order and Eleventh Order on Reconsideration, 10 FCC Rcd 7393, 7408–7409 ¶¶ 28–30 (1995).

[12] Paul Kagan Assocs., Inc., Cable TV Investor, Feb. 29, 1996 (based on figures for Dec. 30, 1995).

[13] 47 U.S.C. 543(m)(2).

[14] *See FCC Announces New Subscriber Count for the Definition of Small Cable Operator,* Public Notice, 16 FCC Rcd 2225 (2001).

[15] 47 CFR 76.1403(b).

[16] *See FCC Announces New Subscriber Count for the Definition of Small Cable Operator,* Public Notice, 16 FCC Rcd 2225 (2001).

whether cable operators are affiliated with entities whose gross annual revenues exceed $250,000,000,[17] and therefore are unable to estimate accurately the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

2. *Satellite Telecommunications.* The rules proposed in this *Further Notice* would affect providers of satellite telecommunications services, if adopted. Satellite telecommunications service providers include satellite operators and earth station operators. The Commission has not developed a definition of small entities applicable to satellite operators. Therefore, the applicable definition of small entity is generally the definition under the SBA rules applicable to Satellite Telecommunications.[18] This definition provides that a small entity is expressed as one with $12.5 million or less in annual receipts.[19] 1997 Census Bureau data indicate that, for 1997, 273 satellite communication firms had annual receipts of under $10 million. In addition, 24 firms had receipts for that year of $10 million to $24,999,990.[20]

3. *Auxiliary, Special Broadcast and other program distribution services.* This service involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit back to the station). The Commission has not developed a definition of small entities applicable to broadcast auxiliary licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to radio broadcasting stations,[21] and television broadcasting stations.[22] These definitions provide that a small entity is one with either $6.0 million or less in annual receipts for a radio broadcasting station or $12.0 million in annual receipts for a TV station.[23] There are currently 3,237 FM translators and boosters, 4,913 TV translators.[24] The FCC does not collect financial information on any broadcast facility and the Department of Commerce does not collect financial information on these auxiliary broadcast facilities. We believe, however, that most, if not all, of these auxiliary facilities could be classified as small businesses by themselves. We also recognize that most translators and boosters are owned by a parent station which, in some cases, would be covered by the revenue definition of small business entity discussed above. These stations would likely have annual revenues that exceed the SBA maximum to be designated as a small business (as noted, either $6.0 million for a radio station or $12.0 million for a TV station). Furthermore, they do not meet the Small Business Act's definition of a ''small business concern'' because they are not independently owned and operated.

4. *Microwave Services.* Microwave services include common carrier,[25] private-operational fixed,[26] and broadcast auxiliary radio services.[27] At present, there are approximately 22,015 common carrier fixed licensees and 61,670 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this FRFA, we will use the SBA's definition applicable to cellular and other wireless communications companies—*i.e.*, an entity with no more than 1,500 persons.[28] We estimate that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone (wireless) companies.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The rules adopted in this *Fifth Report and Order* are not intended to increase the reporting, record keeping and other compliance requirements of any licensee, and we do not anticipate any differential treatment to be received by larger and smaller entities. The reporting requirements we adopt in this *Fifth Report and Order* generally replace the more burdensome Adjacent Satellite Interference Analysis (ASIA) requirement. These requirements will not affect small businesses differently from other non-routine earth station applicants.

Specifically, instead of the more burdensome ASIA requirement, non-routine earth station applicants under the new rules will be required to provide the following information: (1) A detailed description of the service to be provided, including frequency bands and satellites to be used. The applicant must identify either the specific satellite(s) with which it plans to operate, or the eastern and western boundaries of the arc it plans to coordinate. (2) The diameter or equivalent diameter of the antenna. (3) Proposed power and power density levels. (4) Identification of any random access technique, if applicable. (5) Identification of a specific rule or rules for which a waiver is requested.

In addition, non-routine earth station applicants choosing to use the certification procedure will be required under the new rules to provide certifications showing that the satellite operators with whom they plan to communicate have coordinated their operations with adjacent satellite operators.

Finally, all earth station applicants planning to operate in government/non-government frequency bands must provide information on half-power beam width of the earth station antenna under the new rules.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the

[17] We do receive such information on a case-by-case basis only if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to section 76.901(f) of the Commission's rules. *See* 47 CFR 76.990(b).

[18] ''This industry comprises establishments primarily engaged in providing point-to-point telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Small Business Administration, NAICS code 517310.

[19] 13 CFR 120.121, NAICS code 517310.

[20] U.S. Census Bureau, 1997 Economic Census, Subject Service: Information, ''Establishment and Firm Size,'' Table 4, NAICS 513340 (Issued Oct. 2000).

[21] 13 CFR 121.201, NAICS code 515112.

[22] 13 CFR 121.201, NAICS code 515120.

[23] 13 CFR 121.201.

[24] FCC News Release, *Broadcast Station Totals as of September 30, 1999,* No. 71831 (Jan. 21, 1999).

[25] *See* 47 CFR part 101 *et seq.* (formerly, part 21 of the Commission's Rules).

[26] Persons eligible under parts 80 and 90 of the Commission's rules can use Private Operational-Fixed Microwave services. *See* 47 CFR parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee's commercial, industrial, or safety operations.

[27] Auxiliary Microwave Service is governed by part 74 of Title 47 of the Commission's Rules. *See* 47 CFR part 74 *et seq.* Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

[28] *See* 13 CFR 121.201, NAICS code 517212.

clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[29]

This *Fifth Report and Order* adopts procedures that will allow faster and easier processing of non-routine earth station applications. One of the proposals adopted here is to license non-routine earth station operators upon a showing that they will lower their power levels to reduce the potential for harmful interference. The Commission specifically considered and rejected a proposal to require such earth station operators to provide certifications that their non-routine operations have been coordinated with adjacent satellite operators. Requiring certifications in addition to power reductions, instead of as an alternative to power reductions, would have been more burdensome to all earth station operators, including those that are small entities. Thus, rejection of that proposal benefits all earth station applicants, including small entities.

In this *Fifth Report and Order*, the Commission also increases the downlink EIRP power spectral density limits for Ku-band VSAT systems. One alternative was to keep the previous power spectral density limits. The Commission rejected that alternative because increasing the power limit increases flexibility and thus decreases regulatory burdens for all VSAT network operators, including small VSAT network operators.

Finally, in this *Fifth Report and Order*, the Commission adopts rules allowing routine Ku-band temporary-fixed earth station operators to begin operation sooner than is now permitted. One alternative was to keep the previous requirements, which prohibited all temporary-fixed earth station operators from operating before the end of a notice-and-comment period. The Commission rejected that alternative because allowing earlier operation decreases regulatory burdens for all routine Ku-band temporary-fixed earth station operators, including small earth station operators falling in this category.

F. Report to Congress

The Commission will send a copy of the *Fifth Report and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the *Fifth Report and Order*, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Fifth Report and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Summary of Report and Order: The Commission adopts the streamlined procedures for non-routine earth station applications proposed in the *Notice* in this proceeding. Under the new procedures, applicants proposing smaller-than-routine earth station antennas are allowed to choose between (1) operating at reduced power levels, and (2) obtaining certifications from target satellite operators showing that the non-routine earth station has been coordinated with potentially affected satellite operators. Applicants proposing higher-than-routine earth station power levels are allowed obtain certifications from target satellite operators showing that the non-routine earth station has been coordinated with potentially affected satellite operators.

Under both procedures, the Commission will place the application on 30 days public notice, to be followed by a 60-day timetable for coordination negotiations between satellite operators if any comments are filed in response to the application. If non-routine earth station operations are not coordinated with the satellites neighboring a target satellite at the end of the 60-day period, we will not authorize the earth station to communicate with that satellite. In addition to this 30-day public notice and 60-day coordination requirement, all parties filing non-routine earth station applications must provide information for an ''informative,'' as an attachment to the earth station application, to be placed in the public notice.

The Commission directed the International Bureau to establish a List of Approved Non-Routine Antennas on its website, and we delegated authority to the Bureau for this purpose.

The Commission increased the Ku-band downlink EIRP density limit for routine processing of Ku-band earth stations from 6 to 10 dBW/4 kHz.

In addition, the Commission adopted rules allowing operators of ''routine'' temporary fixed earth stations in the Ku-band to begin operation immediately upon placement of the application on public notice, rather than waiting for license grant. Alternatively, the Commission rejected the proposal in CC Docket No. 86–496 to require testing for temporary-fixed earth stations. Finally, the Commission modified, relaxed, or clarified several part 25 rules, including the rules governing VSAT systems, METs, and temporary-fixed earth stations.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 161, 303(c), 303(f), 303(g), 303(r), that this *Fifth Report and Order* in IB Docket No. 00–248 is hereby *adopted*.

It is further ordered that part 25 of the Commission's rules *is amended* as set forth in Appendix B.

It is further ordered that the Chief, International Bureau is delegated authority to develop a list of approved non-routine earth station antennas as set forth in this Order above.

It is further ordered that the provisions of this Order will be effective 30 days after a summary of this Order is published in the **Federal Register**, except for the new information collection requirements.

This Report and Order contains information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, that are not effective until approved by the Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** following approval of the information collection by the Office of Management and Budget (OMB) announcing the effective date of those rules.

It is further ordered that the Commission's Office of Consumer and Government Affairs, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that CC Docket No. 86–496 is *terminated*.

List of Subjects in 47 CFR Part 25

Communications common carriers, Communications equipment, Equal employment opportunity, Radio, Reporting and recordkeeping requirements, Satellites, Securities, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

[29] 5 U.S.C. 603(c)(1)–(c)(4).

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309, and 332, unless otherwise noted.

■ 2. Amend § 25.109 by adding paragraph (c) to read as follows:

§ 25.109 Cross-reference.

* * * * *

(c) Ship earth stations in the Maritime Mobile Satellite Service, see 47 CFR part 80.

■ 3. Amend § 25.113 by revising the section heading and paragraph (a), and removing and reserving paragraph (b) to read as follows:

§ 25.113 Station licenses and launch authority.

(a) Construction permits are not required for satellite earth stations. Construction of such stations may commence prior to grant of a license at the applicant's own risk. Applicants must comply with the provisions of 47 CFR 1.1312 relating to environmental processing prior to commencing construction.

* * * * *

■ 4. Amend § 25.115 by revising paragraphs (a)(1) and (c)(1) to read as follows:

§ 25.115 Application for earth station authorizations.

(a)(1) *Transmitting earth stations.* Commission authorization must be obtained for authority to operate a transmitting earth station. Applications shall be filed electronically on FCC Form 312, Main Form and Schedule B, and include the information specified in § 25.130, except as set forth in paragraph (a)(2) of this section.

* * * * *

(c)(1) Large Networks of Small Antennas operating in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency bands with U.S.-licensed or non-U.S.-licensed satellites for domestic or international services. Applications to license small antenna network systems operating in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency band under blanket operating authority shall be filed on FCC Form 312 and Schedule B, for each large (5 meters or larger) hub station, and Schedule B for each representative type of small antenna (less than 5 meters) operating within the network.

* * * * *

■ 5. Amend § 25.117 by adding paragraph (g) to read as follows:

§ 25.117 Modification of station license.

* * * * *

(g) In cases where an earth station licensee proposes additional transmitters, facilities, or modifications, the resulting transmissions of which can reasonably be expected to cause the power density to exceed the RF exposure limits specified in part 1, subpart I of this chapter by five percent, the licensee must submit an environmental assessment pursuant to § 1.1307(b)(3)(i) of this chapter as an attachment to its modification application.

■ 6. Amend § 25.118 by revising paragraph (a)(5) to read as follows:

§ 25.118 Modifications not requiring prior authorization.

(a) * * *

(5) Earth station operators may change their points of communication without prior authorization, provided that the change results from a space station license modification described in paragraph (e) of this section, and the earth station operator does not repoint its antenna. Otherwise, any modification of an earth station license to add or change a point of communication will be considered under § 25.117.

* * * * *

■ 7. Amend § 25.130 by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 25.130 Filing requirements for transmitting earth stations.

(a) Applications for a new or modified transmitting earth station facility shall be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits, except for those earth station applications filed on FCC Form 312EZ pursuant to § 25.115(a). All such earth station license applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Additional filing requirements for ESVs are described in §§ 25.221 and 25.222. In addition, applicants not required to submit applications on Form 312EZ, other than ESV applicants, must submit the following information to be used as an ''informative'' in the public notice issued under § 25.151 as an attachment to their application:

(1) A detailed description of the service to be provided, including frequency bands and satellites to be used. The applicant must identify either the specific satellite(s) with which it plans to operate, or the eastern and western boundaries of the arc it plans to coordinate.

(2) The diameter or equivalent diameter of the antenna.

(3) Proposed power and power density levels.

(4) Identification of any random access technique, if applicable.

(5) Identification of a specific rule or rules for which a waiver is requested.

* * * * *

(f) Applicants seeking to operate in a shared government/non-government band must provide the half-power beam width of their proposed earth station antenna, as an attachment to their applications.

■ 8. Amend § 25.131 by revising paragraph (a) to read as follows:

§ 25.131 Filing requirements for receive-only earth stations.

(a) Except as provided in paragraphs (b) and (j) of this section, and § 25.115(a), applications for a license for a receive-only earth station shall be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits and the information described in §§ 25.130(a)(1) through 25.130(a)(5). All such earth station license applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

* * * * *

9. Amend § 25.132 by revising paragraph (a) and adding paragraph (b)(3) to read as follows:

§ 25.132 Verification of earth station antenna performance standards.

(a)(1) All applications for transmitting earth stations, except for earth stations operating in the 20/30 GHz band, must be accompanied by a certificate pursuant to § 2.902 of this chapter from the manufacturer of each antenna that the results of a series of radiation pattern tests performed on representative equipment in representative configurations by the manufacturer demonstrates that the equipment complies with the performance standards set forth in § 25.209. The licensee must be prepared to demonstrate the measurements to the Commission on request.

(2) All applications for transmitting earth stations operating in the 20/30 GHz band must be accompanied by the measurements specified in §§ 25.138(d) and (e).

(b) * * *

(3) Applicants seeking authority to use an antenna that does not meet the standards set forth in §§ 25.209(a) and (b), pursuant to the procedure set forth in § 25.220, are required to submit a copy of the manufacturer's range test plots of the antenna gain patterns specified in paragraph (b)(1) of this section.

* * * * *

■ 10. Amend § 25.133 by revising paragraphs (a) and (b) to read as follows:

§ 25.133 Period of construction; certification of commencement of operation.

(a)(1) Each license for an earth station governed by this part, except for mobile satellite earth station terminals (METs), shall specify as a condition therein the period in which construction of facilities must be completed and station operation commenced. Construction of the earth station must be completed and the station must be brought into operation within 12 months from the date of the license grant except as may be determined by the Commission for any particular application.

(2) Each license for mobile satellite earth station terminals (METs) shall specify as a condition therein the period in which station operation must be commenced. The networks in which the METs will be operated must be brought into operation within 12 months from the date of the license grant except as may be determined by the Commission for any particular application.

(b)(1) Each license for a transmitting earth station included in this part, except for earth stations licensed under a blanket licensing provision, shall also specify as a condition therein that upon the completion of construction, each licensee must file with the Commission a certification containing the following information:

(i) The name of the licensee;

(ii) File number of the application;

(iii) Call sign of the antenna;

(iv) Date of the license;

(v) A certification that the facility as authorized has been completed and that each antenna facility has been tested and is within 2 dB of the pattern specified in § 25.209, § 25.135 (NVNG MSS earth stations), or § 25.213 (1.6/2.4 GHz Mobile-Satellite Service earth stations);

(vi) The date on which the earth station became operational; and

(vii) A statement that the station will remain operational during the license period unless the license is submitted for cancellation.

(2) For earth stations authorized under any blanket licensing provision in this chapter, a certification containing the information in paragraph (b)(1) of this section must be filed when the network is put into operation.

* * * * *

■ 11. Amend § 25.134 by revising paragraphs (a)(1), (b), and (d), removing and reserving paragraph (c), and adding paragraphs (e) and (f), to read as follows:

§ 25.134 Licensing provisions of Very Small Aperture Terminal (VSAT) and C-band Small Aperture Terminal (CSAT) networks.

(a)(1) VSAT networks operating in the $^{12}/_{14}$ GHz bands. All applications for digital VSAT networks with a maximum outbound downlink EIRP density of +10.0 dBW/4 kHz per carrier and earth station antennas with maximum input power density of −14 dBW/4 kHz will be processed routinely. All applications for analog VSAT networks with maximum outbound downlink power densities of +17.0 dBW/4 kHz per carrier and maximum antenna input power densities of −8.0 dBW/4 kHz shall be processed routinely in accordance with Declaratory Order in the Matter of Routine Licensing of Earth Stations in the 6 GHz and 14 GHz Bands Using Antennas Less than 9 Meters and 5 Meters in Diameter, Respectively, for Both Full Transponder and Narrowband Transmissions, 2 FCC Rcd 2149 (1987) (Declaratory Order).

* * * * *

(b) *VSAT networks operating in the 11.7–12.2 GHz and 14.0–14.5 GHz band.* Each applicant for digital and/or analog VSAT network authorization proposing to use transmitted satellite carrier EIRP densities and/or maximum antenna input power in excess of those specified in paragraph (a) of this Section must comply with the procedures set forth in § 25.220.

* * * * *

(d) An application for VSAT authorization shall be filed on FCC Form 312, Main Form and Schedule B.

(e) VSAT operators in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency bands are permitted to use more than one hub earth station in their networks.

(f) VSAT operators in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency bands are permitted to use temporary fixed earth stations as either hub earth stations or remote earth stations in their networks, but must specify the number of temporary fixed earth stations they plan to use in their networks at the time of their applications.

§ 25.144 [Amended]

■ 12. In § 25.144, remove and reserve paragraph (a)(1).

■ 13. Amend § 25.151 by revising paragraphs (c)(2) and (d), and adding paragraph (e) to read as follows:

§ 25.151 Public notice period.

* * * * *

(c) * * *

(2) For temporary authorization pursuant to § 25.120.

* * * * *

(d) Except as specified in paragraph (e) of this section, no application that has appeared on public notice will be granted until the expiration of a period of thirty days following the issuance of the public notice listing the application, or any major amendment thereto. Any comments or petitions must be delivered to the Commission by that date in accordance with § 25.154.

(e)(1) Applicants seeking authority to operate a temporary fixed earth station pursuant to § 25.277 may consider their applications ''provisionally granted,'' and may initiate operations upon the placement of the complete FCC Form 312 application on public notice, provided that

(i) The temporary fixed earth station will operate only in the conventional Ku-band (14.0–14.5 GHz and 11.7–12.2 GHz bands);

(ii) The temporary fixed earth station's operations will be consistent with all routine-licensing requirements for the conventional Ku-band; and

(iii) The temporary fixed earth station's operations will be limited to satellites on the Permitted Space Station List.

(2) Applications for authority granted pursuant to paragraph (e)(1) of this section shall be placed on public notice pursuant to paragraph (a)(1) of this section. If no comments or petitions are filed within 30 days of the public notice date, the authority granted will be considered a regular temporary fixed earth station authorization as of 30 days after the public notice date. If a comment or petition is filed within 30 days of the public notice date, the applicant must suspend operations immediately pending resolution of the issues raised in that comment or petition.

■ 14. Amend § 25.154 by revising paragraphs (c) and (d) and adding paragraph (e) to read as follows:

§ 25.154 Oppositions to applications and other pleadings.

* * * * *

(c) Except for opposition to petitions to deny an application filed pursuant to § 25.220, oppositions to petitions to deny an application or responses to comments and informal objections regarding an application may be filed

within 10 days after the petition, comment, or objection is filed and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such oppositions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(d) Except for opposition to petitions to deny an application filed pursuant to § 25.220, reply comments by the party that filed the original petition may be filed with respect to pleadings filed pursuant to paragraph (c) of this section within 5 days after the time for filing oppositions has expired unless the Commission otherwise extends the filing deadline and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(e) If a petition to deny an application filed pursuant to § 25.220 is filed, the applicant must file a statement with the Commission explaining whether the applicant has resolved all outstanding issues raised by the petitioner, within 30 days of the date the petition for deny is filed. This statement must be in accordance with the provisions of §§ 1.41 through 1.52 of this chapter applicable to oppositions to petitions to deny, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

■ 15. Revise § 25.201 by adding introductory text, and by adding eight definitions in alphabetical order to read as follows:

§ 25.201 Definitions.

Definitions for terms in subpart C of this part appear in this section, and in § 2.1 of this chapter.

* * * * *

C-band. For purposes of this part, the terms ''C-band'' and ''conventional C-band'' refer specifically to the 3700–4200 MHz downlink and 5925–6425 MHz uplink frequency bands. These paired bands are allocated to the Fixed-Satellite Service and are also referred to as the 4/6 GHz band(s).

* * * * *

Electronic filing. The submission of applications, exhibits, pleadings, or other filings to the Commission in an electronic form using *Internet* or *World Wide Web* on-line filing forms.

Equivalent diameter. When circular aperture reflector antennas are employed, the size of the antenna is generally expressed as the diameter of the antenna's main reflector. When non-reflector or non-circular aperture antennas are employed, an equivalent diameter can be computed for the antenna. The equivalent diameter is the diameter of a hypothetical circular aperture antenna with the same aperture area as the actual antenna. For example, an elliptical aperture antenna with major axis, *a*, and minor axis, *b*, will have an equivalent diameter of $[a \times b]^{1/2}$. A rectangular aperture antenna with length, *l*, and width, *w*, will have an equivalent diameter of $[4(l \times w)/\pi]^{1/2}$.

* * * * *

Ku-band. In this rule part, the terms ''Ku-band'' and ''conventional Ku-band'' refer specifically to the 11700–12200 MHz downlink and 14000–14500 MHz uplink frequency bands. These paired bands are allocated to the Fixed-Satellite Service and are also referred to as the 12/14 GHz band(s).

* * * * *

Permitted Space Station List. A list of satellites operating in the C-band and/or Ku-band including all U.S.-licensed satellites and those non-U.S.-licensed satellites for which the Commission has authorized routine U.S.-licensed earth stations to communicate with that satellite, and the satellite operator has requested the Commission to place its satellite on the Permitted Space Station List.

Power flux density. The amount of power flow through a unit area within a unit bandwidth. The units of power flux density are those of power spectral density per unit area, namely watts per hertz per square meter. These units are generally expressed in decibel form as $dB(W/Hz/m^2)$, $dB(W/m^2)$ in a 4 kHz band, or $dB(W/m^2)$ in a 1 MHz band.

Power spectral density. The amount of an emission's transmitted carrier power falling within the stated reference bandwidth. The units of power spectral density are watts per hertz and are generally expressed in decibel form as dB(W/Hz), dB(W/4kHz), or dB(W/1MHz).

* * * * *

Routine processing or licensing. A licensing process whereby applications are processed in an expedited fashion. Such applications must be complete in all regards and consistent with all Commission Rules and must not raise any policy issues. With respect to earth station licensing, an application is ''routine'' only if it conforms to all antenna, power, coordination, radiation hazard, and FAA notification rules, and accesses only ''Permitted Space Station List'' satellites in the conventional C-band or Ku-band frequency bands.

* * * * *

§ 25.202 [Amended]

■ 16. In § 25.202, remove and reserve paragraph (a)(2).

■ 17. In § 25.204, revise paragraphs (a) and (b) to read as follows:

§ 25.204 Power limits.

(a) In bands shared coequally with terrestrial radio communication services, the equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station, other than an ESV, operating in frequency bands between 1 and 15 GHz, shall not exceed the following limits except as provided for in paragraph (c) of this section:

$+40$ dBW in any 4 kHz band for $\theta \leq 0°$

$+40 + 3\theta$ dBW in any 4 kHz band for $0° < \theta \leq 5°$

where θ is the angle of elevation of the horizon viewed from the center of radiation of the antenna of the earth station and measured in degrees as positive above the horizontal plane and negative below it.

(b) In bands shared coequally with terrestrial radiocommunication services, the equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands above 15 GHz shall not exceed the following limits except as provided for in paragraph (c) of this section:

$+64$ dBW in any 1 MHz band for $\theta \leq 0°$

$+64 + 3\ \theta$ dBW in any 1 MHz band for $0° < \theta \leq 5°$

where θ is as defined in paragraph (a) of this section.

* * * * *

■ 18. In § 25.209, revise paragraph (f), to read as follows:

§ 25.209 Antenna performance standards.

* * * * *

(f) An earth station with an antenna not conforming to the standards of paragraphs (a) and (b) of this section will be authorized after February 15, 1985 upon a finding by the Commission that unacceptable levels of interference will not be caused under conditions of uniform 2° orbital spacing. An earth station antenna initially authorized on or before February 15, 1985 will be authorized by the Commission to continue to operate as long as such operations are found not to cause unacceptable levels of adjacent satellite

interference. In either case, the Commission will impose appropriate terms and conditions in its authorization of such facilities and operations. The applicant has the burden of demonstrating that its antenna not conforming to the standards of paragraphs (a) and (b) of this section will not cause unacceptable interference. This demonstration must comply with the procedures set forth in § 25.220.

* * * * *

■ 19. In § 25.210, revise the introductory text in paragraph (a) to read as follows:

§ 25.210 Technical requirements for space stations in the Fixed-Satellite Service.

(a) All space stations in the Fixed-Satellite Service used for domestic service in the 3700–4200 MHz and 5925–6425 MHz frequency bands shall:

* * * * *

■ 20. In § 25.211, revise the section heading and paragraph (d), and add paragraphs (e) and (f) to read as follows:

§ 25.211 Analog video transmissions in the Fixed-Satellite Services.

* * * * *

(d) An earth station may be routinely licensed for transmission of full transponder video analog services provided:

(1) In the 5925–6425 MHz band, with an antenna equivalent diameter 4.5 meters or greater, the maximum input power into the antenna does not exceed 26.5 dBW; or

(2) In the 14.0–14.5 GHz band, with an antenna equivalent diameter of 1.2 meters or greater, the maximum input power into the antenna does not exceed 27 dBW.

(e) Antennas smaller than those specified in paragraph (d) of this section are subject to the provisions of § 25.220, which may include power reduction requirements. These antennas will not be routinely licensed for transmission of full transponder services.

(f) Each applicant for authorization for analog transmissions in the fixed-satellite service proposing to use maximum power into the antenna in excess of those specified in § 25.211(d), must comply with the procedures set forth in § 25.220.

■ 21. In § 25.212, revise the section heading and paragraphs (c) and (d), and add new paragraph (e) to read as follows:

§ 25.212 Narrowband analog transmissions, digital transmissions, and video transmissions in the GSO Fixed-Satellite Service.

* * * * *

(c) In the 14.0–14.5 GHz band, an earth station with an antenna equivalent diameter of 1.2 meters or greater may be routinely licensed for transmission of narrowband analog services with bandwidths up to 200 kHz if the maximum input power spectral density into the antenna does not exceed −8 dBW/4 kHz and the maximum transmitted satellite carrier EIRP density does not exceed 13 dBW/4 kHz. Such earth stations may be routinely licensed for transmission of narrowband and/or wideband digital services, including digital video services, if the maximum input spectral power density into the antenna does not exceed −14 dBW/4 kHz and the maximum transmitted satellite carrier EIRP density does not exceed +6.0 dBW/4 kHz. Antennas with a smaller major or minor axis in the 14 GHz band are subject to the provisions of § 25.220, which may include power reduction requirements.

(d) In the 5925–6425 MHz band, an earth station with an equivalent diameter of 4.5 meters or greater may be routinely licensed for transmission of SCPC services if the maximum power densities into the antenna do not exceed +0.5 dBW/4 kHz for analog SCPC carriers with bandwidths up to 200 kHz, and do not exceed −2.7 dBW/4 kHz for narrow and/or wideband digital SCPC carriers. Antennas with an equivalent diameter smaller than 4.5 meters in the 5925–6425 MHz band are subject to the provisions of § 25.220, which may include power reduction requirements.

(e) Each applicant for authorization for transmissions in the fixed-satellite service proposing to use transmitted satellite carrier EIRP densities, and/or maximum antenna input power densities in excess of those specified in paragraph (c) of this section in the 14.0–14.5 GHz band, or in paragraph (d) of this section in the 5925–6425 MHz band, respectively, must comply with the procedures set forth in § 25.220.

■ 22. Section 25.220 is added to read as follows:

§ 25.220 Non-conforming transmit/receive earth station operations.

(a)(1) This section applies to earth station applications other than ESV applications in which:

(i) The proposed antenna does not conform to the standards of §§ 25.209(a) and

(b), and/or

(ii) The proposed power density levels are in excess of those specified in § 25.134, § 25.211, or § 25.212, or those derived by the procedure set forth in paragraph (c)(1) of this section, whichever is applicable.

(2) Paragraphs (b) through (e) and (g) of this section apply to the earth station applications described in paragraph (a)(1) of this section, in which the applicant seeks transmit/receive authority.

(3) Paragraphs (f) and (g) of this section applies to the earth station applications described in paragraph (a)(1) of this section in which the applicant seeks transmit-only or receive-only authority.

(4) The requirements for petitions to deny applications filed pursuant to this section are set forth in § 25.154.

(b) If an antenna proposed for use by the applicant does not comply with the antenna performance standards contained in § 25.209(a) and (b), the applicant must provide, as an exhibit to its FCC Form 312 application, the antenna gain patterns specified in § 25.132(b).

(c) If an antenna proposed for use by the applicant does not comply with the performance standards contained in § 25.209(a) and (b), the applicant must meet the requirements of either paragraph (c)(1) or (c)(2) of this section to obtain authority to transmit. The applicant must meet the requirements of paragraph (c)(3) of this section to obtain protection from receiving interference from adjacent satellite operators.

(1) The applicant must provide in its Form 312, Schedule B, the power and power density levels that result by reducing the values stated in §§ 25.134, 25.211, or 25.212, whichever is applicable, by the number of decibels that the non-compliant antenna fails to meet the antenna performance standard of § 25.209(a) and (b), or

(2) The applicant will not be permitted to transmit to any satellite unless the applicant has provided the certifications listed in paragraph (e)(1) of this section from the operator of that satellite(s).

(3) The applicant will not receive protection from adjacent satellite interference from any satellite unless the applicant has provided the certifications listed in paragraph (d)(1) of this section from the operator of that satellite(s) from which it plans to receive.

(d)(1) If an antenna proposed for use by the applicant does not comply with the performance standards contained in § 25.209(a) and (b), the applicant must submit the certifications listed in paragraphs (d)(1)(i) through (d)(1)(iv) of this section to qualify for protection from receiving interference from other satellite systems. The applicant will be granted protection from receiving interference only with respect to the satellite systems included in the coordination agreements referred to in the certification required by paragraph (d)(1)(ii) of this section, and only to the

extent that protection from receiving interference is afforded by those coordination agreements.

(i) A statement from the satellite operator acknowledging that the proposed operation of the subject non-conforming earth station with its satellite(s) has the potential to receive interference from adjacent satellite networks that may be unacceptable.

(ii) A statement from the satellite operator that it has coordinated the operation of the subject non-conforming earth station accessing its satellite(s), including its required downlink power density based on the information contained in the application, with all adjacent satellite networks within 6° of orbital separation from its satellite(s), and the operations will operate in conformance with existing coordination agreement for its satellite(s) with other satellite systems.

(iii) A statement from the satellite operator that it will include the subject non-conforming earth station operations in all future satellite network coordinations, and

(iv) A statement from the earth station applicant certifying that it will comply with all coordination agreements reached by the satellite operator(s).

(2) A license granted pursuant to paragraph (d)(1) of this section will include, as a condition on that license, that if a good faith agreement cannot be reached between the satellite operator and the operator of a future 2° compliant satellite, the earth station operator shall accept the power density levels that would accommodate the 2° compliant satellite.

(e)(1) An earth station applicant proposing to use transmitted satellite carrier EIRP densities, and/or maximum power into the antenna in excess of the levels in §§ 25.134, 25.211, 25.212, or the power density levels derived through the procedure set forth in paragraph (c)(1) of this section, whichever is applicable, shall provide the following certifications as an exhibit to its earth station application:

(i) A statement from the specified satellite operator acknowledging that the proposed operation of the subject non-conforming earth station with its satellite(s) has the potential to create interference to adjacent satellite networks that may be unacceptable.

(ii) A statement from the specified satellite operator that it has coordinated the operation of the subject non-conforming Earth Station accessing its satellite(s), and its corresponding downlink power density requirements (based on the information contained in the application) with all adjacent satellite networks within 6° of orbital separation from its satellite(s), and the operations will not violate any existing coordination agreement for its satellite(s) with other satellite systems.

(iii) A statement from the specified satellite operator that it will include the subject non-conforming Earth Station power and power densities in all future satellite network coordinations, and

(iv) A statement from the earth station applicant certifying that it will comply with all coordination agreements reached by the satellite operator(s).

(2) A license granted pursuant to paragraph (e)(1) of this section will include, as a condition on that license, that if a good faith agreement cannot be reached between the satellite operator and the operator of a future 2° compliant satellite, the earth station operator shall reduce its power to those levels that would accommodate the 2° compliant satellite.

(f)(1) If an earth station applicant requests transmit-only authority, and its proposed antenna does not conform to the standards of § 25.209(a) and (b), it must meet the requirements of paragraphs (b) and (c) of this section.

(2) If an earth station applicant requests transmit-only authority, and its proposed power density levels are in excess of those specified in §§ 25.134, 25.211, or 25.212, or those derived by the procedure set forth in paragraph (c)(1) of this section, it must meet the requirements of paragraph (e) of this section.

(3) If an earth station applicant requests receive-only authority, and its proposed antenna does not conform to the standards of § 25.209(a) and (b), it must meet the requirements of paragraphs (b) and (d) of this section.

(g) Applicants filing applications for earth stations pursuant to this section must provide the following information for the Commission's public notice:

(1) Detailed description of the service to be provided, including frequency bands and satellites to be used. The applicant must identify either the specific satellites with which it plans to operate, or the eastern and western boundaries of the geostationary satellite orbit arc it plans to coordinate.

(2) The diameter or equivalent diameter of the antenna.

(3) Proposed power and power density levels.

(4) Identification of any rule or rules for which a waiver is requested.

■ 23. In § 25.271, add paragraph (c)(5) to read as follows:

§ 25.271 Control of transmitting earth stations.

* * * * *

(c) * * *

(5) International VSAT system operators are required to maintain a control point within the United States, or to maintain a point of contact within the United States available 24 hours a day, 7 days a week, with the ability to shut off any earth station within the VSAT network immediately upon notification of harmful interference.

* * * * *

■ 24. In § 25.274, revise paragraph (e), remove paragraph (g), redesignate paragraph (f) as new paragraph (g), and add new paragraph (f) to read as follows:

§ 25.274 Procedures to be followed in the event of harmful interference.

* * * * *

(e) The earth station licensee whose operations are suspected of causing harmful interference to the operations of another earth station shall take reasonable measures to determine whether its operations are the source of the harmful interference problem. Where the operations of the suspect earth station are the source of the interference, the licensee of that earth station shall take all measures necessary to resolve the interference.

(f) Where the earth station suspected of causing harmful interference to the operations of another earth station cannot be identified or is identified as an earth station operating on a satellite system other than the one on which the earth station suffering harmful interference is operating, it is the responsibility of a representative of the earth station suffering harmful interference to contact the control center of other satellite systems. The operator of the earth station suffering harmful interference is free to choose any representative to make this contact, including but not limited to the operator of the satellite system on which the earth station is operating. The operator of the earth station suffering harmful interference is also free to contact the control center of the other satellite systems directly.

* * * * *

■ 25. Amend § 25.277 by revising paragraph (d) and adding paragraph (f) to read as follows:

§ 25.277 Temporary fixed earth station operations.

* * * * *

(d) Except as set forth in § 25.151(e), transmissions may not be commenced until all affected terrestrial licensees have been notified and the earth station operator has confirmed that unacceptable interference will not be caused to such terrestrial stations.

* * * * *

(f) Filing requirements concerning applications for new temporary fixed earth station facilities operating in frequency bands shared co-equally with terrestrial fixed stations.

(1) When the initial location of the temporary fixed earth station's operation is known, the applicant shall provide, as part of the Form 312 application, a frequency coordination report in accordance with § 25.203 for the initial station location.

(2) When the initial location of the temporary fixed earth station's operation is not known at the time the application is filed, the applicant shall provide, as part of the Form 312 application, a statement by the applicant acknowledging its coordination responsibilities under § 25.277.

[FR Doc. 05–10975 Filed 6–1–05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–386; FCC 05–29]

Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts new rules to facilitate the exchange of customer account information between Local Exchange Carriers (LECs) and Interexchange Carriers (IXCs) and to establish carriers' responsibilities with respect to such exchanges.

DATES: The rules in this document contain information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date for these rules. Written comments by the public on the new and modified information collections are due July 5, 2005.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act (PRA) information collection requirements contained herein should be submitted to Leslie Smith, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *Leslie.Smith@fcc.gov*, and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503, via the Internet to *Kristy_L._LaLonde@omb.eop.gov*, or via fax at (202) 395–5167.

FOR FURTHER INFORMATION CONTACT: Lisa Boehley, Consumer & Governmental Affairs Bureau at (202) 418–7395 (voice), or e-mail *Lisa.Boehley@fcc.gov*. For additional information concerning the PRA information collection requirements contained in this document, contact Leslie Smith at (202) 418–0217, or via the Internet at *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION: On April 19, 2004, the Commission included in its *Notice of Proposed Rulemaking (NPRM), Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, published at 69 FR 20845, April 19, 2004, the 60 day PRA notice that sought comment on whether the Commission should impose mandatory minimum Customer Account Record Exchange (CARE) obligations on all local and interexchange carriers and, in specified situations, require carriers to transmit to involved carriers certain CARE codes designed to provide specific billing an other essential customer data. In addition, the Commission questioned whether adopting a mandatory minimum CARE standard for wireline-to-wireless porting would impose a burden on local exchange carriers and/or commercial mobile radio service (CMRS) providers, and sought input on what steps might be taken to minimize any such burden. Finally, the Commission sought comment on proposals for addressing billing issues in wireline-to-wireless number porting situations. On February 25, 2005, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking, Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, in which the Commission required the exchange of certain information, but determined not to require the use of particular CARE codes for the exchange of such information. In addition, the Commission declined to adopt specific performance measurements for the timeliness and completeness of the transfer of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). Finally, the Commission determined that carriers subject to these requirements may use a variety of transmission mediums for the required information exchanges. This *Report and Order* contains new information collection requirements subject to the PRA of 1995, Public Law 104–13. These will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. This *Report and Order* addresses issues arising from *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on all Local and Interexchange Carriers, Notice of Proposed Rulemaking (NPRM)*, CG Docket No. 02–386, FCC 04–50; published at 69 FR 20845, April 19, 2004. Copies of this document and any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. The complete text of this decision may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: *http://www.bcpiweb.com* or call 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). This *Report and Order* can also be downloaded in Word and Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/pol*.

Paperwork Reduction Act of 1995 Analysis

This *Report and Order* contains new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in the *Report and Order* as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. Public and agency comments are due July 5, 2005. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment

on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' In the present document, the Commission undertook to minimize the burden of the new rules on small businesses and small entities. For example, the *Report and Order* affords carriers flexibility in both the format and medium of information exchanges and, thus, does not require carriers to use Customer Account Record Exchange (CARE) or other automated methods, unless they so choose. In addition, in response to rural and small carrier concerns, the Commission rejected suggestions to impose specific time limits or performance measurements on the exchange of customer account information. These determinations appear to be consistent with the views expressed by a number of small and rural carriers in the Commission's *Report and Order* who urge that if the Commission adopts mandatory standards it should ''require carriers to exchange information at specific times, but refrain from micro-managing the methods the carriers use to do so''.

Synopsis

In this *Report and Order*, the Commission establishes mandatory, minimum standards governing the exchange of customer account information between LECs and IXCs. In taking this action, we do not prescribe the use of a particular notification format or medium for the transfer of customer account information, such as Customer Account Record Exchange (CARE), and, instead, identify the situations in which information exchanges must take place and the obligations of particular carriers with respect to those exchanges. Under the rules we adopt, a LEC will be required to supply customer account information to an IXC when: (1) The LEC has placed an end user on the IXC's network; (2) the LEC has removed an end user from the IXC's network; (3) an end user that is presubscribed to the IXC makes certain changes to her account information via her LEC; (4) the IXC has requested billing, name, and address (''BNA'') information for an end user who has usage on the IXC's network but for whom the IXC does not have an existing account; and (5) the LEC rejects an IXC-initiated PIC Report and Order. In addition, an IXC will be required to supply customer account information to a LEC when an end user contacts the IXC directly either to select or to remove the IXC as his PIC. The Commission also requires carriers to provide the required notifications promptly and without unreasonable delay. Finally, we require carriers to exercise reasonable efforts to ensure that the required data transmissions are complete and accurate.

Final Regulatory Flexibility Certification (FRFA)

As required by the Regulatory Flexibility Act of 1980, as amended (RFA) (*see* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (*SBREFA*), Public Law Number 104–121, Title II, 110 Stat. 857 (1996), an Initial Regulatory Flexibility Analysis (*IRFA*) was incorporated in the Notice of Proposed Rulemaking (*NPRM*) released by the Federal Communications Commission (Commission) on March 25, 2004. (*See Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02–386, Notice of Proposed Rulemaking, FCC 04–50, released March 25, 2004 (''*NPRM* ''), a summary of the *NPRM* was published in the **Federal Register** on April 19, 2004. (*See* 69 FR 20845). The Commission sought written public comments on the proposals contained in the *NPRM*, including comments on the *IRFA*. Only two comments filed in this proceeding were specifically identified as comments addressing the *IRFA*; however comments that address the impact of the proposed rules and policies on small entities are discussed below. This present Final Regulatory Flexibility Analysis (*FRFA*) conforms to the RFA. (*See* 5 U.S.C. 604).

Need for, and Objectives of, the Report and Order

A group of carriers including the Bell Operating Companies, several independent telephone companies, and the then-existing long distance carriers, developed the Customer Account Record Exchange (''CARE'') process in response to the break-up of the Bell System and the introduction of competitive long distance services. In the *Report and Order*, to facilitate equal access and cooperation mandated by the Modified Final Judgment, the industry created the Alliance for Telecommunications Industry Solutions (''ATIS''). ATIS develops and promotes technical and operational standards for communications and related information technologies worldwide. ATIS' 124 member companies represent all segments of the telecommunications industry and participate in ATIS' open industry committees and forums. ATIS in turn created the Ordering and Billing Forum (''OBF''), which established voluntary CARE standards in the industry. These voluntary standards were developed to allow LECs to comply with their obligation to provide IXCs with access equal in type, quality, and price to that provided to AT&T and its affiliates. Thus, the CARE standards generally were created to facilitate the transfer of customer account information from a customer's incumbent local exchange carrier (''ILEC'') to the appropriate IXC(s) when a customer elected to change long distance carriers or wished to modify his or her BNA information. The transfer of CARE data in these situations was designed to enable customers to move seamlessly from one IXC to another and to ensure that the appropriate IXC receives accurate customer account information in a timely manner.

In November of 2002, AT&T, Sprint Corporation, and MCI, Inc. (Joint Petitioners) filed a petition asking the Commission to initiate a rulemaking proceeding to implement mandatory, minimum standards governing the exchange of customer account information between LECs and IXCs and to adopt CARE as the prescribed format for such exchanges. The Joint Petitioners argued that mandatory, minimum standards are needed to ensure the exchange of information that carriers require to maintain accurate billing records and to deliver quality customer service and asked the Commission to initiate a rulemaking proceeding to mandate particular CARE codes and data exchange situations for communications between all wireline carriers. The Joint Petitioners contend that the voluntary exchange of information worked relatively well until the Telecommunications Act of 1996 (''the Act''). The passage of the Act created competitive LECs (''CLECs''), many of which do not participate in the voluntary CARE exchange, or do not provide appropriate information on a timely basis or with a quality or format upon which IXCs can depend. The Joint Petitioners proposed that all LECs and IXCs be required, in specified situations, to transmit to other carriers' particular CARE codes that are designed to provide particular billing and/or other ''essential'' customer account information.

The *NPRM* sought comment as to whether the Commission should adopt mandatory, minimum standards governing the exchange of customer account information between LECs and IXCs. In addition, in the *IRFA*, the Commission sought comment on the

effect of the proposed policies and rules on small business entities.

In this *Report and Order*, the Commission establishes mandatory, minimum standards governing the exchange of customer account information between LECs and IXCs. In taking this action, we do not prescribe the use of a particular notification format or medium for the transfer of customer account information, such as CARE codes, and, instead, identify situations in which information exchanges must take place and the obligations of particular carriers with respect to those exchanges. We reach this conclusion in light of the considerable record evidence demonstrating that information needed by carriers to execute customer requests in a timely and efficient manner and to properly bill customers is not being consistently provided by all LECs and by all IXCs, thereby often resulting in customer migration delays, consumer confusion and problems such as cramming, slamming, and double billing.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

Two entities filed comments specifically addressing the proposed rules and policies presented in the *IRFA*. The Rural Incumbent Local Exchange Carriers (''Rural ILECs'') filed the most comprehensive analysis on the impact of the proposed rules on small or rural carriers. The Rural ILECs urged the Commission to exempt small ILECs from the reporting requirements, arguing that there was no justification for the imposition of new regulations on small ILECs. In the alternative, the Rural ILECs requested that the Commission exempt at least those ILECs that participate in centralized equal access networks where the centralized equal access network provides reports to other carriers. In the event that the Commission did not carve out an exemption for such ILECs, the Rural ILECs suggested that the Commission only mandate specific exchange situations and allow all carriers the choice of media to transmit customer account data. (Rural ILECs Comments at 16 (specifically that the Commission could specify the events that trigger the exchange of information, but not require the use of specific CARE Transaction Code Status Indicators (TCSIs)). The Rural ILECs indicated that allowing ILECs to continue to exchange information using the formats and media they currently use, on the schedules they use, will minimize costs of compliance for the rural carriers. The Rural ILECs explain that if they are required to send customer account information on a more frequent basis or use codes not currently used, they would face increasing costs (*see* Rural ILECs Comments on the *IRFA* at 5, maintaining that if the ILEC were to generate reports twice a week, the additional burden may be 0.5 to 1 hour, depending on whether the reports were created by hand or by computer, which amounts to 26 to 52 hours per year per ILEC. If applicable to 1,000 ILECs, the total additional burden for all small ILECs could be 26,000 to 52,000 hours per year). For example, they might incur costs for additional staff time to process reports, or for the use of modified software to incorporate codes not currently used, or for the purchase of the ATIS OBF Equal Access Subscription CARE/Industry Support Interface. (*See* Rural ILECs Comments on the *IRFA* at 5–6 contending that the ATIS document costs $550 and that with 1,000 small ILECs, the cost to the industry may be $550,000 for the initial purchase of the ATIS document and for each revision of that document).

National Telecommunications Cooperative Association (''NTCA'') maintains that the Commission should consider less burdensome alternatives before imposing mandatory requirements on small, rural ILECs. Specifically, NTCA argues that any new cost burdens associated with mandatory standards should be placed squarely on the IXC beneficiaries, rather than on small ILECs. NTCA further states that, should the Commission mandate the exchange of information, small rural ILECs must be able to recover their costs in the interstate jurisdiction through access charges or other mechanisms. Finally, NTCA indicates that the IRFA failed to identify federal rules that may duplicate, overlap or conflict with the proposed rules and suggests that the Customer Proprietary Network Information (''CPNI'') requirements under § 222 of the Act and the Commission's rules for changing long distance service potentially duplicate, conflict with, or overlap the proposed rules.

Other parties filed comments that specifically mentioned small businesses. SBC indicated that small businesses must be able to retain the flexibility to use third party vendors to participate in CARE and to transmit data to these third parties in a variety of ways. SBC also noted that, if the Commission is concerned that mandatory minimum CARE standards would prove too burdensome to small businesses, it could exempt those businesses that demonstrate that compliance would be too economically burdensome. TDS Telecommunications Corp. (''TDS'') maintains that because the Joint Petitioners' proposal ''lacks flexibility and suitability to the current voluntary standards,'' it would unduly burden small and rural LECs. Texas Statewide Telephone Cooperative, Inc. (''TSTCI'') also suggested that while small and rural carriers are currently using some CARE codes, they lack the resources to be active participants in the ATIS/OBF forums. Thus, it could potentially be burdensome on these carriers should the Commission require compliance with the ATIS/OBF standards. Frontier similarly maintains that small and rural LECs lack the necessary resources to implement costly new processes.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act (*see* 5 U.S.C. 601(3) incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comments, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''). Under the Small Business Act, a ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). (*See* 15 U.S.C. 632).

We have included small incumbent LECs in this RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.*, a wireline telecommunications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' (*See* 13 CFR 121.201, NAICS code 517110). The

SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. (*See* Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to Chairman William E. Kennard, FCC (May 27, 1999). The Small Business Act contains a definition of ''small business concern,'' which the RFA incorporates into its own definition of ''small business.'' *See* 5 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret ''small business concern'' to include the concept of dominance on a national basis. *See* 13 CFR 121.102(b)). We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

Incumbent Local Exchange Carriers. Neither the Commission nor the SBA has developed a small business size standard for providers of incumbent local exchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517110). According to the FCC's Telephone Trends Report data, 1,310 incumbent local exchange carriers reported that they were engaged in the provision of local exchange services (*see* FCC, Wireline Competition Bureau, Industry Analysis and Technology Division, *Trends in Telephone Service*, at Table 5.3, p. 5—5 (May 2004), (*Telephone Trends Report*). This source uses data that are current as of October 22, 2003). Of these 1,310 carriers, an estimated 1,025 have 1,500 or fewer employees and 285 have more than 1,500 employees. Consequently, the Commission estimates that the majority of providers of local exchange service are small entitles that may be affected by the rules and policies adopted herein.

Competitive Local Exchange Carriers and Competitive Access Providers. Neither the Commission nor the SBA has developed specific small business size standards for providers of competitive local exchange services or competitive access providers (CAPs). The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517110). According to the FCC's Telephone Trends Report data, 563 companies reported that they were engaged in the provision of either competitive access provider services or competitive local exchange carrier services (*see Telephone Trends Report*, Table 5.3. The data are grouped together in the *Telephone Trends Report*). Of these 563 companies, an estimated 472 have 1,500 or fewer employees, and 91 have more than 1,500 employees. Consequently, the Commission estimates that the majority of providers of competitive local exchange service and CAPs are small entities that may be affected by the rules.

Local Resellers. The SBA has developed a specific size standard for small businesses within the category of Telecommunications Resellers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517310). According to the FCC's Telephone Trends Report data, 127 companies reported that they were engaged in the provision of local resale services (*see Telephone Trends Report*, Table 5.3). Of these 127 companies, an estimated 121 have 1,500 or fewer employees, and six have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers may be affected by the rules.

Toll Resellers. The SBA has developed a specific size standard for small businesses within the category of Telecommunications Resellers. Under that SBA definition, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517310). According to the FCC's Telephone Trends Report data, 645 companies reported that they were engaged in the provision of toll resale services (*see Telephone Trends Report*, Table 5.3). Of these 645 companies, an estimated 619 have 1,500 or fewer employees, and 26 have more than 1,500 employees. Consequently, the Commission estimates that a majority of toll resellers may be affected by the rules.

Interexchange Carriers. Neither the Commission nor the SBA has developed a specific size standard for small entities specifically applicable to providers of interexchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517110). According to the FCC's Telephone Trends Report data, 281 carriers reported that their primary telecommunications service activity was the provision of interexchange services (*see Telephone Trends Report*, Table 5.3). Of these 281 carriers, an estimated 254 have 1,500 or fewer employees, and 27 have more than 1,500 employees. Consequently, we estimate that a majority of interexchange carriers may be affected by the rules.

Operator Service Providers. Neither the Commission nor the SBA has developed a size standard for small entities specifically applicable to operator service providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517110). According to the FCC's Telephone Trends Report data, 21 companies reported that they were engaged in the provision of operator services (*see Telephone Trends Report*, Table 5.3). Of these 21 companies, an estimated 20 have 1,500 or fewer employees, and one has more than 1,500 employees. Consequently, the Commission estimates that a majority of operator service providers may be affected by the rules.

Prepaid Calling Card Providers. The SBA has developed a size standard for small businesses within the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517310). According to the FCC's Telephone Trends Report data, 40 companies reported that they were engaged in the provision of prepaid calling cards (*see Telephone Trends Report*, Table 5.3). Of these 40 companies, all 40 are estimated to have 1,500 or fewer employees. Consequently, the Commission estimates that all or most prepaid calling card providers may be affected by the rules.

Other Toll Carriers. Neither the Commission nor the SBA has developed a size standard for small entities specifically applicable to ''Other Toll Carriers.'' This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees (*see* 13 CFR 121.201, NAICS code 517110). According to the FCC's Telephone Trends Report data, 65 carriers reported that they were engaged in the provision of ''Other Toll Services.'' (*See Telephone Trends Report*, Table 5.3). Of these 65 carriers, an estimated 62 have 1,500 or fewer employees, and three have more than 1,500 employees. Consequently, the

Commission estimates that a majority of ''Other Toll Carriers'' may be affected by the rules.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The Commission adopts rules to require minimum standards necessary to facilitate the exchange of customer account information between LECs and IXCs. We require that the exchange of information take place in certain situations, and we describe the obligations of particular carriers with respect to those exchanges. The rules require the exchange of information in the following specific situations (described in detail in the *Report and Order*, paragraphs 31–57): (1) A customer is placed on an IXC's network; (2) a customer is removed from an IXC's network; (3) a customer's account information changes; (4) a customer changes his local service provider; (5) an IXC requests customer BNA information; (6) a LEC rejects an IXC-initiated PIC Report and Order; and (7) an IXC initiates a PIC Report and Order. However, these rules do not prescribe a particular format or delivery method (*e.g.*, the CARE process) for the transfer of customer account information and instead focus more generally on information sharing in particular situations.

By focusing on information exchanges in particular circumstances, rather than mandating specific formats or transmission mediums for those exchanges, we have attempted to minimize the potential costs or burdens associated with implementing these requirements, particularly for small and rural carriers. We recognize that the CARE process could add burdens to smaller ILECs that currently do not use CARE codes but nevertheless provide information to other carriers. Thus, we have determined not to require those carriers that currently are providing, consistent with the rules described in this *Report and Order*, timely and adequate notifications to other carriers pursuant to inter-carrier agreements or other non-CARE processes, to incur potentially unnecessary expenses associated with modifying their current processes. Thus, to avoid imposing any potentially unnecessary burdens on small and rural carriers, we do not mandate participation in CARE. In addition, although we require that the transmission of customer account information be processed without unreasonable delay, we determined not to adopt more specific timeliness measures in light of the widely divergent proposals and needs of commenters, nor do we mandate the use of the OBF-developed CARE/ISI documents to ensure completeness of data transmissions. Our determination not to adopt specific performance measurements at this time should minimize any administrative burdens on small or rural LECs to comply with the new rules.

We believe that the adoption of nationwide rules requiring the exchange or transfer of customer account information in the situations identified in the Joint Petition will help to alleviate the billing and provisioning problems described in this proceeding, as well as the associated customer confusion and customer complaints that are documented in the record before us. We further believe that the need for mandatory minimum standards to facilitate the exchange of customer account information between LECs and IXCs outweighs the administrative and cost burdens associated with the increase in compliance requirements for those carriers not currently exchanging such information in a timely manner.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603.

We believe that effective communications between LECs and IXCs are critical to an IXC's ability to maintain accurate billing records and to honor customer PIC selections and other customer requests. Today, there is no uniform, nationwide process by which all carriers exchange customer account information. The records show that basic customer account information that carriers require to ensure accurate billing of end user customers and to execute end user customer requests is not provided by all LECs and by all IXCs. Thus, we adopt rules to ensure that such information is exchanged and without unreasonable delay. Recognizing the potential compliance burdens on carriers—particularly small or rural carriers—associated with any new rules in this area, we considered several alternatives to address the problems identified in the record.

First, we considered not mandating the exchange of information among LECs and IXCs, but permitting such exchanges to continue on a voluntary basis. Voluntary standards would arguably impose no additional compliance burdens on small or rural LECs. We concluded, however, that customer account information that is within the exclusive control of a customer's LEC is not always obtainable by an IXC through voluntary negotiations with the LEC or in reliance on voluntary ATIS OBF standards. We believe that voluntary standards fall short because they do not result in industry-wide participation. Thus, without such industry-wide participation, customers have no assurance that their carrier changes and other requests will be acted upon in a timely or efficient manner, if at all. Voluntary industry standards are inadequate to address the problems described in the record.

Second, we considered exempting small and rural LECs from the information exchange requirements. However, in light of the numerous measures we have taken to minimize burdens on small LECs and the fact that without uniform participation (as described above), the problems faced by IXCs, LECs and their customers with completing PIC changes and executing customers' requests would not be adequately addressed, we opted not to carve out such an exemption. We found that certain basic customer account information that is needed by IXCs to provide service and properly bill their customers is not reasonably available to the IXC from sources other than the customer's LEC, whether that LEC is small or not. Thus, we concluded that mandatory standards should be established for communications among all LECs and all IXCs.

Third, we determined not to mandate information exchanges in every situation originally identified by the Joint Petitioners and other commenters. Doing so might prove efficient for those carriers currently using the CARE process developed by ATIS/OBF. However, by limiting the universe of mandated information exchanges to those situations that we believe are most critical to addressing the problems identified in the record of this proceeding, we anticipate that the costs or burdens associated with implementing the requirements we adopt in this *Report and Order* will be minimal. In addition, we declined to

require carriers to use the specific CARE codes developed by ATIS/OBF to facilitate the exchange of information among LECs and IXCs. While mandating the use of CARE codes might provide greater uniformity, such action could potentially impose unnecessary burdens on small or rural carriers that currently do not participate in CARE. We also refrained from prescribing the use of particular CARE codes because we recognize that, among carriers currently participating in CARE, few of those carriers' operating systems, if any, support an identical set of CARE codes.

Fourth, we considered not adopting specific performance measurements for the exchange of customer account information (timeliness and method of transmission such as facsimile, mail, electronic e-mail, cartridge, etc). We concluded that, while we should require notifications regarding customer account information to be completed promptly and without unreasonable delay, that more specific timeliness measures were not warranted at this time, given the widely divergent proposals from commenters and the potential burden on smaller LECs. We also do not require carriers to refer to the CARE/ISI document to ensure the completeness of date transmissions, although we require carriers to exercise reasonable efforts to ensure that the data transmitted is accurate.

Fifth, we considered using the NARUC model rules as a template upon which states could build their own customized individual standards. We concluded, however, that the NARUC model rule is not likely to ensure industry-wide participation or a uniform, minimum standard. Although the NARUC model rule may prove useful to states wishing to adopt more expansive requirements than those the Commission would adopt, the model rule is unlikely to result in the adoption, on a nationwide basis, of the minimum standards that we believe are needed to address the billing and provisioning problems at issue. In addition, absent Commission rules in this area, small carriers may face greater compliance burdens associated with rules adopted on a state-by-state basis.

Report to Congress

The Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis (FRFA), in a report to be sent to Congress and the Comptroller General pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Report and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**. (*See* 5 U.S.C. 604(b)).

Ordering Clauses

Pursuant to the authority contained in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), the *Report and Order is adopted*.

Pursuant to the authority contained in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), Part 64 of the Commission's rules, 47 CFR Part 64, *is amended* as set forth in the Rule Changes.

The rules in this *Report and Order* contain information collection requirements that have not been approved by the Office of Management and Budget (OMB). Because many of the rules and requirements contained in this *Report and Order* and in the Rule Changes contain information collection requirements under the PRA, the rules and information collection requirements *shall not become effective* until the information collection requirements have been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date of these rules.

Pursuant to the authority contained in §§ 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), and § 1.2 of the Commission's rules, 47 CFR 1.2, the Petition for Declaratory Ruling filed by Americatel Corporation on September 5, 2002, *is granted in part and denied in part*, to the extent provided herein.

Pursuant to the authority contained in §§ 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), and § 1.407 of the Commission's rules, 47 CFR 1.407, the Petition for Rulemaking filed by AT&T Corp, Sprint Corporation, and WorldCom, Inc. on November 22, 2002, *is granted in part and denied in part*, to the extent provided herein.

The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, shall send a copy of the *Report and Order* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation continues to read as follows:

Authority: 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B), (c), Public Law 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, and 254(k) unless otherwise noted.

■ 2. Subpart CC is added to read as follows:

Subpart CC—Customer Account Record Exchange Requirements

Sec.

64.4000 Basis and purpose.
64.4001 Definitions.
64.4002 Notification obligations of LECs.
64.4003 Notification obligations of IXCs.
64.4004 Timeliness of required notifications.
64.4005 Unreasonable terms or conditions on the provision of customer account information.
64.4006 Limitations on use of customer account information.

Authority: 47 U.S.C. 154, 201, 202, 222, 258 unless otherwise noted.

§ 64.4000 Basis and purpose.

(a) *Basis*. The rules in this subpart are issued pursuant to the Communications Act of 1934, as amended.

(b) *Purpose*. The purpose of these rules is to facilitate the timely and accurate establishment, termination, and billing of customer telephone service accounts.

§ 64.4001 Definitions.

Terms in this subpart have the following meanings:

(a) *Automatic number identification (ANI)*. The term automatic number identification refers to the delivery of the calling party's billing telephone number by a local exchange carrier to any interconnecting carrier for billing or routing purposes.

(b) *Billing name and address (BNA)*. The term billing name and address means the name and address provided to a [LEC] by each of its local exchange

customers to which the [LEC] directs bills for its services.

(c) *Customer*. The term customer means the end user to whom a local exchange carrier or interexchange carrier is providing local exchange or telephone toll service.

(d) *Interexchange carrier (IXC)*. The term interexchange carrier means a telephone company that provides telephone toll service. An interexchange carrier does not include commercial mobile radio service providers as defined by federal law.

(e) *Local exchange carrier (LEC)*. The term local exchange carrier means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under § 332(c), except to the extent that the Commission finds that such service should be included in the definition of that term.

(f) *Preferred interexchange carrier (PIC)*. The term preferred interexchange carrier means the carrier to which a customer chooses to be presubscribed for purposes of receiving intraLATA and/or interLATA and/or international toll services.

§ 64.4002 Notification obligations of LECs.

To the extent that the information is reasonably available to a LEC, the LEC shall provide to an IXC the customer account information described in this section consistent with § 64.4004. Nothing in this section shall prevent a LEC from providing additional customer account information to an IXC to the extent that such additional information is necessary for billing purposes or to properly execute a customer's PIC Report and Order.

(a) *Customer-submitted PIC Report and Order*. Upon receiving and processing a PIC selection submitted by a customer and placing the customer on the network of the customer's preferred interexchange carrier at the LEC's local switch, the LEC must notify the IXC of this event. The notification provided by the LEC to the IXC must contain all of the customer account information necessary to allow for proper billing of the customer by the IXC including but not limited to:

(1) The customer's billing telephone number, working telephone number, and billing name and address;

(2) The effective date of the PIC change;

(3) A statement describing the customer type (*i.e.*, business or residential);

(4) A statement indicating, to the extent appropriate, that the customer's telephone service listing is not printed in a directory and is not available from directory assistance or is not printed in a directory but is available from directory assistance;

(5) The jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international);

(6) The carrier identification code of the submitting LEC; and

(7) If relevant, a statement indicating that the customer's account is subject to a PIC freeze. The notification also must contain information, if relevant and to the extent that it is available, reflecting the fact that a customer's PIC selection was the result of:

(i) A move (an end user customer has moved from one location to another within a LEC's service territory);

(ii) A change in responsible billing party; or

(iii) The resolution of a PIC dispute.

(b) *Confirmation of IXC-submitted PIC Report and Order.* When a LEC has placed a customer on an IXC's network at the local switch in response to an IXC-submitted PIC Report and Order, the LEC must send a confirmation to the submitting IXC. The confirmation provided by the LEC to the IXC must include:

(1) The customer's billing telephone number, working telephone number, and billing name and address;

(2) The effective date of the PIC change;

(3) A statement describing the customer type (*i.e.*, business or residential);

(4) A statement indicating, to the extent appropriate, if the customer's telephone service listing is not printed in a directory and is not available from directory assistance, or is not printed in a directory but is available from directory assistance;

(5) The jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); and

(6) The carrier identification code of the submitting LEC. If the PIC Report and Order at issue originally was submitted by an underlying IXC on behalf of a toll reseller, the confirmation provided by the LEC to the IXC must indicate, to the extent that this information is known, a statement indicating that the customer's PIC is a toll reseller.

(c) *Rejection of IXC-submitted PIC Report and Order.* When a LEC rejects or otherwise does not act upon a PIC Report and Order submitted to it by an IXC, the LEC must notify the IXC and provide the reason(s) why the PIC Report and Order could not be processed. The notification provided by the LEC to the IXC must state that it has rejected the IXC-submitted PIC Report and Order and specify the reason(s) for the rejection (*e.g.*, due to a lack of information, incorrect information, or a PIC freeze on the customer's account). The notification must contain the identical data elements that were provided to the LEC in the original IXC-submitted PIC Report and Order (*i.e.*, mirror image of the original Report and Order), unless otherwise specified by this subsection. If a LEC rejects an IXC-submitted PIC Report and Order for a multi-line account (*i.e.*, the customer has selected the IXC as his PIC for two or more lines or terminals associated with his billing telephone number), the notification provided by the LEC rejecting that Report and Order must explain the effect of the rejection with respect to each line (working telephone number or terminal) associated with the customer's billing telephone number. A LEC is not required to generate a line-specific or terminal-specific response, however, and may communicate the rejection at the billing telephone level, when the LEC is unable to process an entire Report and Order, including all working telephone numbers and terminals associated with a particular billing telephone number. In addition, the notification must indicate the jurisdictional scope of the PIC Report and Order rejection (*i.e.*, intraLATA and/or interLATA and/or international). If a LEC rejects a PIC Report and Order because:

(1) The customer's telephone number has been ported to another LEC; or

(2) The customer has otherwise changed local service providers, the LEC must include in its notification, to the extent that it is available, the identity of the customer's new LEC.

(d) *Customer contacts LEC or new IXC to cancel PIC.* When a LEC has removed at its local switch a presubscribed customer from an IXC's network, either in response to a customer Report and Order or upon receipt of a properly verified PIC Report and Order submitted by another IXC, the LEC must notify the customer's former IXC of this event. The LEC must provide to the IXC the customer account information that is necessary to allow for proper final billing of the customer by the IXC including but not limited to:

(1) The customer's billing telephone number, working telephone number, and, billing name and address;

(2) The effective date of the PIC change;

(3) A description of the customer type (*i.e.*, business or residential);

(4) The jurisdictional scope of the lines or terminals affected (*i.e.*, intraLATA and/or interLATA and/or international); and

(5) The carrier identification code of the submitting LEC. If a customer changes PICs but retains the same LEC, the LEC is responsible for notifying both the old PIC and new PIC of the PIC change. The notification also must contain information, if relevant and to the extent that it is available, reflecting the fact that a customer's PIC removal was the result of:

(i) The customer moving from one location to another within the LEC's service territory, but where there is no change in local service provider;

(ii) A change of responsible party on an account; or

(iii) A disputed PIC selection.

(e) *Particular changes to customer's local service account.* When, according to a LEC's records, certain account or line information changes occur on a presubscribed customer's account, the LEC must communicate this information to the customer's PIC. For purposes of this subsection, the LEC must provide to the appropriate IXC account change information that is necessary for the IXC to issue timely and accurate bills to its customers including but not limited to:

(1) The customer's billing telephone number, working telephone number, and billing name and address;

(2) The customer code assigned to that customer by the LEC;

(3) The type of customer account (*i.e.*, business or residential);

(4) The status of the customer's telephone service listing, to the extent appropriate, as not printed in a directory and not available from directory assistance, or not printed in a directory but available from directory assistance; and

(5) The jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international). If there are changes to the customer's billing or working telephone number, customer code, or customer type, the LEC must supply both the old and new information for each of these categories.

(f) *Local service disconnection.* Upon receipt of an end user customer's request to terminate his entire local service account or disconnect one or more lines (but not all lines) of a multi-line account, the LEC must notify the PIC(s) for the billing telephone number or working telephone number on the account of the account termination or lines disconnected. In conjunction with this notification requirement, the LEC must provide to a customer's PIC(s) all account termination or single/multi-line disconnection change information necessary for the PIC(s) to maintain accurate billing and PIC records, including but not limited to:

(1) The effective date of the termination/disconnection; and

(2) The customer's working and billing telephone numbers and billing name and address;

(3) The type of customer account (*i.e.*, business or residential);

(4) The jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); and

(5) The carrier identification code of the LEC.

(g) *Change of local service provider.* When a customer changes LECs, the customer's former LEC must notify the customer's PIC(s) of the customer's change in LECs and, if known, the identity of the customer's new LEC. If the customer also makes a PIC change, the customer's former LEC must notify the customer's former PIC(s) of the change and the new LEC must notify the customer's new PIC of the customer's PIC selection. If the customer's LEC is unable to identify the customer's new LEC, the former LEC must notify the customer's PIC of a local service disconnection as described in paragraph (f) of this section. The notification also must contain information, if relevant and to the extent that it is available, reflecting the fact that an account change was the result of:

(1) The customer porting his number to a new LEC;

(2) A local resale arrangement (customer has transferred to local reseller); or

(3) The discontinuation of a local resale arrangement.

(h) *IXC requests for customer BNA information.* Upon the request of an IXC, a LEC must provide the billing name and address information necessary to facilitate a customer's receipt of a timely, accurate bill for services rendered and/or to prevent fraud, regardless of the type of service the end user receives/has received from the requesting carrier (*i.e.*, presubscribed, dial-around, casual). In response to an IXC's BNA request for ANI, a LEC must provide the BNA for the submitted ANI along with:

(1) The working telephone number for the ANI;

(2) The date of the BNA response;

(3) The carrier identification code of the submitting IXC; and

(4) A statement indicating, to the extent appropriate, if the customer's telephone service listing is not printed in a directory and is not available from directory assistance, or is not printed in a directory but is available from directory assistance. A LEC that is unable to provide the BNA requested must provide the submitting carrier with the identical information contained in the original BNA request (*i.e.*, the mirror image of the original request), along with the specific reason(s) why the requested information could not be provided. If the BNA is not available because the customer has changed local service providers or ported his telephone number, the LEC must include the identity of the new provider when this information is available.

§ 64.4003 Notification obligations of IXCs.

To the extent that the information is reasonably available to an IXC, the IXC shall provide to a LEC the customer account information described in this section consistent with § 64.4004. Nothing in this section shall prevent an IXC from providing additional customer account information to a LEC to the extent that such additional information is necessary for billing purposes or to properly execute a customer's PIC Report and Order.

(a) *IXC-submitted PIC Report and Order.* When a customer contacts an IXC to establish interexchange service on a presubscribed basis, the IXC selected must submit the customer's properly verified PIC Report and Order (*see* 47 CFR 64.1120(a)) to the customer's LEC, instructing the LEC to install or change the PIC for the customer's line(s) to that IXC. The notification provided by the IXC to the LEC must contain all of the information necessary to properly execute the Report and Order including but not limited to:

(1) The customer's billing telephone number or working telephone number associated with the lines or terminals that are to be presubscribed to the IXC;

(2) The date of the IXC-submitted PIC Report and Order;

(3) The jurisdictional scope of the PIC Report and Order (*i.e.*, intraLATA and/or interLATA and/or international); and

(4) The carrier identification code of the submitting IXC.

(b) *Customer contacts IXC to cancel PIC and to select no-PIC status.* When an end user customer contacts an IXC to discontinue interexchange service on a presubscribed basis, the IXC must confirm that it is the customer's desire to have no PIC and, if that is the case, the IXC must notify the customer's LEC. The IXC also is encouraged to instruct the customer to notify his LEC. An IXC may satisfy this requirement by establishing a three-way call with the customer and the customer's LEC to confirm that it is the customer's desire to have no PIC and, where appropriate, to provide the customer the opportunity

to withdraw any PIC freeze that may be in place. The notification provided by the IXC to the LEC must contain the customer account information necessary to properly execute the cancellation Report and Order including but not limited to:

(1) The customer's billing telephone number or working telephone number associated with the lines or terminals that are affected;

(2) The date of the IXC-submitted PIC removal Report and Order;

(3) The jurisdictional scope of the PIC removal Report and Order (*i.e.*, intraLATA and/or interLATA and/or international); and

(4) The carrier identification code of the submitting IXC.

§ 64.4004 Timeliness of required notifications.

Carriers subject to the requirements of this section shall provide the required notifications promptly and without unreasonable delay.

§ 64.4005 Unreasonable terms or conditions on the provision of customer account information.

To the extent that a carrier incurs costs associated with providing the notifications required by this section, the carrier may recover such costs, consistent with federal and state laws, through the filing of tariffs, via negotiated agreements, or by other appropriate mechanisms. Any cost recovery method must be reasonable and must recover only costs that are associated with providing the particular information. The imposition of unreasonable terms or conditions on the provision of information required by this section may be considered an unreasonable carrier practice under section 201(b) of the Communications Act of 1934, as amended, and may subject the carrier to appropriate enforcement action.

§ 64.4006 Limitations on use of customer account information.

A carrier that receives customer account information under this section shall use such information to ensure timely and accurate billing of a customer's account and to ensure timely and accurate execution of a customer's preferred interexchange carrier instructions. Such information shall not be used for marketing purposes without the express consent of the customer.

[FR Doc. 05–10974 Filed 6–1–05; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 040804277-5143-02; I.D. 072604A]

RIN 0648–AP02

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Rebuilding Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 22 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Amendment 22) prepared by the Gulf of Mexico Fishery Management Council (Council). This final rule provides the regulatory authority to implement a mandatory observer program for selected commercial and for-hire (charter vessel/headboat) vessels in the Gulf of Mexico reef fish fishery. In addition, consistent with the requirements of the Magnuson-Stevens Act, Amendment 22 establishes a stock rebuilding plan, biological reference points, and stock status determination criteria for red snapper in the Gulf of Mexico. The intended effect of this final rule is to contribute to ending overfishing and rebuilding the red snapper resource. Finally, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections.

DATES: This final rule is effective July 5, 2005.

ADDRESSES: Copies of the Regulatory Impact Review (RIR), Final Regulatory Flexibility Analyses (FRFA), Final Supplemental Environmental Impact Statement (FSEIS), and Record of Decision (ROD) may be obtained from Peter Hood, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 727–570–5305; fax 727–570–5583; e-mail *peter.hood@noaa.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule must be submitted to Robert Sadler, Southeast Region, NMFS, at the above address, and by e-mail to *David__Rostker@omb.eop.gov*, or 202–395–7285 (fax).

FOR FURTHER INFORMATION CONTACT: Peter Hood, telephone: 727–570–5305, fax: 727–570–5583, e-mail: *peter.hood@noaa.gov*.

SUPPLEMENTARY INFORMATION: The reef fish fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On August 3, 2004, NMFS published a notice of availability of Amendment 22 (69 FR 46518) and requested public comment on Amendment 22. On November 23, 2004, NMFS published the proposed rule to implement Amendment 22 (69 FR 68119) and requested public comment on the proposed rule. NMFS approved Amendment 22 on October 27, 2004. The rationale for the measures in Amendment 22 is provided in the amendment and in the preamble to the proposed rule and is not repeated here.

Comments and Responses

This section presents a summary of comments received on Amendment 22 and the associated proposed rule along with NMFS' responses. In addition, please see the section entitled Discussion of Potential Future Action which follows this section and addresses new preliminary information received after the approval of Amendment 22; the types of additional measures that may be required; and the procedures, consistent with the red snapper stock rebuilding plan, for consideration and future implementation of such measures as appropriate.

Comment 1: Placing observers on for-hire vessels could be a problem if carrying an observer would cause the number of persons on the vessel to exceed the passenger limits defined by the applicable United States Coast Guard (USCG) issued license for the vessel and operator. Unless one paying customer is denied a trip to make room for the observer, the vessel could be out of compliance with USCG regulations. This could cause economic harm.

Response: Amendment 22 directs NMFS to develop and manage an observer program for the commercial and for-hire reef fish fishery. When selecting vessels to carry observers, NMFS will consider appropriate factors, such as the suitability of vessels for

carrying observers, and adequately sampling the universe of vessels representative of all statistical sub-zones in the Gulf.

The cost of carrying an observer should be minimal for fishermen. Based on discussions with USCG personnel, vessel owners would not need to deny a customer a trip to make room for an observer unless carrying an observer would cause the total number of persons onboard the vessel to exceed the limit of persons the USCG has determined for that vessel. While the cost to NMFS of the proposed observer program is high (up to 5.98 million dollars per year based on a per day cost of 1,200 dollars for an observer), the cost to vessel owners or operators is relatively low and would only require them to provide the costs of food and accommodations while on a selected fishing trip. Additionally, the probability of being selected for a trip would likely be at or less than one percent for charter vessels and at or less than four percent of headboat trips.

Of course failure or refusal to carry observers in accordance with this process could lead to a vessel's reef fish permit not being renewed. Thus, non-compliance could result in an additional economic impact on the industry.

Comment 2: One commenter expressed concern that extra trips might be necessary in the for-hire fishery to satisfy the sampling requirements of the observer program.

Response: The purpose of the reef fish observer program is to better monitor bycatch in the commercial and for-hire reef fish fisheries. Vessels will be randomly selected to carry observers ensuring the universe of vessels included is representative of all statistical sub-zones in the Gulf. Vessel selection will be done in a manner best capturing the behaviors of the respective reef fish fisheries. Forcing owners or operators of reef fish vessels to take additional trips would alter the behavior of the fishery and bias the information collected through the program, and nothing in the program requires additional trips.

Comment 3: One commenter expressed concern that observers might ally themselves with commercial fishermen and not report data accurately.

Response: To ensure observers collecting fishery information are qualified, NMFS, through its National Observer Program, contracts with or certifies private observer provider companies to recruit, hire, and deploy observers. Existing guidelines for observer candidates include a bachelor's degree from an accredited college or university with a major in one of the natural sciences, or a combination of marine science and fisheries course work with specialized experience. Observer candidates must complete required training by passing written and/or oral tests, demonstrate their potential to collect accurate field data, and demonstrate their ability to react to unfamiliar situations at sea in a professional manner. Data collected by observers are reviewed for accuracy.

Comment 4: Twelve comments were received in support of a mandatory observer program for commercial and for-hire reef fish fisheries. They indicated these programs would provide bycatch information improving future stock assessments and resulting management measures.

Response: The Magnuson-Stevens Act requires the agency to establish a standardized methodology to assess the amount and type of bycatch occurring in the fishery. An observer program will improve the bycatch information being collected through on-the-water observations. Additionally, this information could be used for ground-truthing data collected through current and future reef fish logbook reporting programs.

Comment 5: Relying only on potential reductions in shrimp trawl bycatch of juvenile red snapper through bycatch reduction devices (BRD) or from future downsizing of the shrimp fleet due to changing economic conditions, is not sufficient to end overfishing and help rebuild this species in the Gulf of Mexico. Other management measures must be included, like reducing directed catch and minimizing bycatch from all sources, including related recreational and commercial reef fish fisheries. New information from fishermen and other sources has emerged indicating bycatch from various sources can contribute to red snapper depletion and should be considered.

Response: The shrimp trawl fishery accounts for over 90 percent of the total red snapper bycatch. Based on the most recent peer-reviewed stock assessment conducted in 1999, the red snapper stock cannot rebuild to the stock biomass capable of producing the maximum sustainable yield (B_{MSY}) unless some bycatch reduction from the shrimp fishery occurs, even if harvest is prohibited for the directed fishery. Using the 1999 stock assessment and estimates of shrimp bycatch reductions from BRDs (40 percent) and a predicted contraction of the shrimp fleet of 30–50 percent, it was determined the stock had a greater than 50 percent chance of rebuilding if total allowable catch (TAC) was held constant at the current 9.12 million-lb (4.14 million-kg) level. Based on that assessment and the best scientific information available at the time, no additional management measures would be required to rebuild the stock. However, a preliminary new assessment report is now undergoing scientific review. This assessment may show that additional management measures are required. Once finalized, that report will be reviewed by NMFS and the Council in developing an appropriate action. Such action could include: changing bag, size, or trip limits; creating areas closed to reef fish or shrimp fishing; creating bycatch quotas; or changing seasonal closures.

Comment 6: Eleven commenters suggested rebuilding the stock could be accomplished by reducing TAC from the current 9.12 million lb (4.14 million kg).

Response: According to the best scientific information available at the time Amendment 22 was approved, given the significance of shrimp trawl bycatch to the ability of the red snapper stock to rebuild, changes in TAC do very little towards rebuilding the stock. If TAC is reduced to 6 million lb (2.7 million kg), the stock is estimated to reach B_{MSY} only 1 to 3 years sooner than if TAC is maintained at 9.12 million lb (4.14 million kg) over the 31-year rebuilding period. However, ending overfishing sooner through reductions in TAC could adversely affect the recreational and commercial fisheries, and coastal fishing communities dependent on them, due to this forgone yield. Economic analyses suggest these losses could be as great as 84 million dollars from 2005–2009 for the commercial and for-hire fisheries.

In choosing the preferred alternative, the Council weighed rebuilding the stock within NMFS's technical guidance and the economic harm the directed fishery would incur from reductions in TAC. The decision to maintain TAC at 9.12 million lb (4,14 million kg) is consistent with the Council's rebuilding obligations and the national standards.

Comment 7: The amendment contains an impermissibly narrow range of management choices and does not consider the use of various measures identified and supported during scoping and other comment periods, including reductions in bag or trip limits, compatible seasons for species caught together, and area closures.

Response: Initially, a variety of rebuilding time frames and rebuilding plans were developed and are detailed in Appendix 1 of Amendment 22. However, it became evident the rebuilding times proposed could not be achieved unless there were large

reductions in red snapper bycatch in the shrimp fishery. A closure of both the red snapper and shrimp fisheries was considered but rejected because it would close down two fisheries important to the United States' economy. Even with a prohibition of harvest for the directed fishery, projections indicated the red snapper stock could not recover to B_{MSY} unless bycatch reductions of greater than the current 40 percent could be achieved. Therefore, rebuilding the stock in less than the maximum 31 years, would require even greater reductions in shrimp bycatch. With a recent economic downturn in the domestic shrimp fleet, further restrictions on shrimp harvest could have severe social and economic consequences. In light of these social and economic impacts, the 31-year rebuilding schedule was deemed the most practicable and was incorporated into the rebuilding plans.

Because projections of shrimp fishery effort showed needed reductions in shrimp bycatch mortality could be achieved via existing regulations without the need to impose further regulations on the directed red snapper fishery, other management measures such as closed areas were considered but rejected. Additional measures to reduce bycatch in the shrimp fishery such as bycatch quotas and time/area closures were not considered in Amendment 22 to the Reef Fish FMP. The Council determined these would be more appropriately considered in the Shrimp FMP.

As the red snapper stock increases in size, the catchability of this species is likely to increase. This may mean future regulations would be needed to constrain recreational and commercial harvests to levels consistent with the rebuilding plan. Currently, an individual fishing quota (IFQ) system is being developed by the Council to give commercial fishermen more flexibility in how they harvest red snapper and to reduce the need for regulations. However, for the recreational fishery, the necessary effort reductions could be more difficult to address. Fishing seasons may need to be shortened, or other measures such as more restrictive bag limits may need to be put in place. Moreover, these restrictions would increase in severity over time to keep catches within the TAC limit as the stock abundance increased. Any new regulations would be based on future stock assessments, including the aforementioned assessment currently being finalized.

Comment 8: Preferred rebuilding plan alternative 2 in Amendment 22 does not end overfishing or rebuild the Gulf red snapper population as soon as possible.

Response: Magnuson-Stevens Act § 304(e)(4)(A)(i) states ''For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall specify a time period for ending overfishing and rebuilding the fishery that shall be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem.''

As discussed in Comment 7, other alternatives that would shorten the rebuilding period for red snapper or end overfishing sooner would require a decrease in TAC for the directed fishery or additional reductions in shrimp trawl bycatch. However, these alternatives were not selected because they would have a severe socioeconomic effect on the fishery. For example, it was estimated a reduction in TAC from 9.12 million lb (4.14 million kg) to 6 million lb (2.7 million kg) would result in losses of 84 million dollars for just the 5-year period of 2005–2009 alone.

Comment 9: Amendment 22 ignores the best available science.

Response: Amendment 22 is based on a 1999 stock assessment which was certified by the Southeast Fisheries Science Center as representing the best available scientific information.

The commenter is correct that new data have become available on issues such as release mortality and regulatory discards; however, the peer review process for that information is not yet complete. Stock assessments are based on complex models that take in a variety of fishery information, integrating estimates of stock abundance with fishing effort to project how many fish may be caught for various time periods. It is extremely difficult to evaluate accurately the effects of new information without conducting a new assessment. The new data the commenter refers to are currently being reviewed and used in a new stock assessment in the SEDAR process. The results of this assessment will be presented to the Council and NMFS later in 2005, and based on the assessment outcome, could lead to the development of new management measures. A description of how the Council and NMFS would review and adjust the rebuilding plan, either through a plan amendment, regulatory amendment, interim rule, or emergency action is contained in the amendment.

Comment 10: There are no provisions to address potential overages in the recreational sector.

Response: Unlike the commercial fishery where landings are reported through dealers who can provide real-time landings, recreational landings are estimated using Marine Recreational Fishery Statistics Survey (MRFSS) data for 2-month intervals called waves. Because survey information needs to be tabulated, there is a delay of several months between when a wave ends and the landings for that wave can be estimated. Therefore, NMFS and the Council have tried to constrain the recreational harvest on average to the quota by using measures such as bag limits, size limits, and seasonal closures rather than attempt to directly monitor the quota.

Since the 1999 assessment upon which current fishing regulations are based, the recreational harvest has fluctuated around the quota. In 2000, the recreational harvest was well below the quota, while the harvest was well above the quota in 2002. For 2001 and 2003, the harvest was very close to the quota, only exceeding it by less than 3 percent for each year. The cumulative catch during 1999–2003 was less than the cumulative quota for that period. Thus, current constraints on the fishing mortality rate appear to be limiting the recreational harvest to near the quota. However, should harvest levels increase, or should new information provided through a stock assessment indicate these measures are inadequate, the Council and NMFS would need to develop and implement new rules.

Comment 11: Amendment 22 does not adequately address bycatch.

Response: Amendment 22 evaluates in detail the practicability of additional management measures to reduce bycatch and bycatch mortality. The practicability analysis conducted in the amendment indicates it would not be practical to further reduce bycatch in the directed red snapper fishery due to the high levels of red snapper bycatch in the shrimp fishery. Based on the 1999 assessment, the shrimp fishery is estimated to account for 99.5 percent of the red snapper bycatch. The practicability analysis also determined bycatch reduction from the shrimp fishery would be more appropriately addressed through an amendment to the Shrimp FMP rather than the Reef Fish FMP.

Although the peer review process is not yet complete, the red snapper stock was assessed through the SEDAR process and that assessment

incorporated new information. This information included 5 years of observer data on shrimp trawl bycatch, fishery-dependent data on observed changes in lengths of harvested fish, better characterizations of discard mortality rates, and estimates of changes in age one recruitment from scientific surveys. The information, combined with 4 years of data on the fishery under the same management regulations, is expected to provide a better understanding of the impacts of BRDs, the regulations on the directed fishery, and the effects of new regulations. NMFS and the Council plan to use the results of this assessment to develop logical and defensible measures to reduce shrimp trawl bycatch and/or directed fishery discards as necessary and practicable. Shrimp trawl bycatch would be addressed in an amendment to the Shrimp FMP. Additional measures to reduce bycatch in the directed red snapper fishery would be evaluated in future reef fish actions if deemed necessary.

Comment 12: The anticipated long-term drop in shrimping effort and juvenile snapper bycatch - described in the plan as the most important contribution to red snapper recovery - is exaggerated.

Response: The commenter bases this statement on a non-peer reviewed study suggesting the contribution to the total fishing mortality rate by the shrimp fishery is lower than the rate assumed in the 1999 stock assessment. However, the projections based on the 1999 stock assessment for the rebuilding plan were constructed using the best available data and underwent extensive peer review. This assessment predicts red snapper will rebuild within the time frame specified by NMFS' technical guidance if TAC is held at 9.12 million lb (4.14 million kg) and bycatch from the shrimp fleet is reduced sufficiently. This prediction relies on some assumptions about anticipated changes in the shrimp fishery, but those assumptions are based on current economic circumstances and thus are neutral with respect to the biology of red snapper.

Amendment 22 provides a detailed summary of past, current, and future economic conditions in the shrimp fishery and is based on peer-reviewed economic analyses. These analyses indicate the conditions for the shrimp fishery took an abrupt change in the latter half of 2001 when imports surged and macroeconomic conditions deteriorated. The industry was also hit by sharply declining prices and higher insurance premiums. At least for the large vessel sector, where most of the red snapper bycatch occurs, profits turned into losses by the end of 2001. The deteriorating trend appears to have continued through 2002 and 2003, exacerbated by increased fuel prices of over 20 percent beginning in the latter part of 2002 and continuing through 2005. As a consequence of these changes, red snapper bycatch from the shrimp fishery is anticipated to be reduced sufficiently for the stock to rebuild within the allowable time frame.

However, the Council is aware that better information is needed on the shrimp fishery. Amendment 13 to the Shrimp FMP has alternatives that establish bycatch reporting methodologies and improve collection of shrimping effort data in the exclusive economic zone through the use of logbooks, electronic logbooks, and observers; require the completion of a Gulf Shrimp Vessel and Gear Characterization Form; and require reporting and certification of landings during a moratorium to control effort by the shrimp fishery. This moratorium, also being developed in Amendment 13, would establish a moratorium on the issuance of commercial shrimp vessel permits as a way to begin comprehensively addressing shrimp effort.

Comment 13: The high level of red snapper bycatch mortality from minimum size limit and closed season regulations is not addressed.

Response: Projections from the 1999 red snapper stock assessment indicate the stock could be rebuilt to B_{MSY} under the current regulations. Also, the practicability analysis contained in the amendment reviewed the best available scientific information available on bycatch in the fishery and concluded that it is currently being reduced to the extent practicable in the directed fishery. Therefore, there is no need to address minimum size limits or closed seasons at this time. However, an assessment of the red snapper stock through the SEDAR process is currently in the peer review process. This assessment will evaluate and use new information detailed above. Should the results of this assessment indicate different regulatory measures are needed to better manage this fishery, the Council and NMFS will address these changes in the appropriate management vehicle.

Discussion of Potential Future Action

Amendment 22 clearly stated that the rebuilding plan would be subject to periodic reviews of the actual progress made toward rebuilding the stock, and pursuant to such reviews relevant management measures would be adjusted as necessary to accommodate new scientific information and ensure stock recovery. Also, the amendment noted that a new assessment was scheduled to begin in 2004, which would likely lead to improved scientific information and the need for adjustments related to red snapper rebuilding.

The SEDAR process has produced a preliminary assessment report for the red snapper stock in the Gulf of Mexico. While the report has yet to complete the full peer review process, the results of this assessment process in conjunction with other new scientific information, highlight the potential need for adjustments to related management measures, just as envisioned in Amendment 22. Precisely which management measures should be adjusted and the appropriate extent of potential changes, have yet to be determined by the Gulf Council and NMFS, but it is clear that some adjustment may be appropriate.

Initially, it is possible that reductions in the TAC for the fishery may be considered necessary. This could result in reductions for both the commercial and recreational sectors of the fishery. However, the need for such a reduction in TAC will depend on the appropriateness and effectiveness of other potential measures intended to benefit red snapper.

Much of the new information and measures critical to red snapper rebuilding relate to bycatch reduction in the Gulf shrimp fishery. New scientific information indicates the bycatch reduction achieved under actual fishing conditions with currently approved BRDs is less than estimated in the previous assessment upon which Amendment 22 was based. As a result, BRD performance will need to be addressed. This issue may be addressed a number of ways, including decertifying existing BRDs, facilitating the development and approval of more effective BRDs through changes to the testing protocol, achieving increased bycatch reduction via other measures, or more accurately accounting for the current levels of bycatch in adjusting other associated management measures.

Given the obvious implications for overall levels of shrimp trawl bycatch, accurately assessing potential reductions in shrimping effort in the Gulf has been a source of debate for red snapper rebuilding. New scientific information as to observed reductions in effort will be incorporated into new management measures to more accurately account for the related benefits to the red snapper stock.

Estimating the stock level that would produce maximum sustainable yield is extremely difficult given the poor

understanding of recruitment at stock sizes that are substantially greater than any that have been observed. Consequently, the B_{MSY} estimates that are produced by the previous stock assessment model are highly uncertain. Models are prone to great uncertainty when they are required to project beyond a range of data on which they are based. The red snapper stock has been assessed only at a limited range of abundance levels, all of which are characterized by conditions of heavy exploitation. As a result, estimates of B_{MSY} that are based on these data indicate the stock is capable of producing a yield that is much higher than any observed in the past. Recruitment levels at much greater stock size will need to be observed to gain a better understanding of the true value of B_{MSY}.

Also, current analysis indicates that the existing minimum size limit may be resulting in unacceptably high bycatch and bycatch mortality in the directed red snapper fishery. As a result, some reduction or even potential elimination of the minimum size limit may be deemed appropriate.

Finally, the Gulf Council is in the process of developing an IFQ program for the commercial red snapper fishery. While this program is not directly related to red snapper rebuilding, it is anticipated that the program will result in reductions in red snapper bycatch via the elimination of closed seasons. Therefore, in assessing the likely success of the rebuilding plan, there must be some consideration of the potential impacts of the impending IFQ program.

Using the best scientific information available, the Council and NMFS will work together in developing the most appropriate combination of the above measures to ensure the timely recovery of the red snapper stock in the Gulf of Mexico.

Classification

The Administrator, Southeast Region, NMFS, has determined Amendment 22 is necessary for the conservation and management of the Gulf red snapper fishery and is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

The Council and NMFS prepared an FSEIS for Amendment 22. The FSEIS was filed with the Environmental Protection Agency on August 20, 2004. A notice of availability was published on August 27, 2004 (69 FR 52668). In approving Amendment 22, on October 27, 2004, NMFS issued a ROD identifying the selected alternative. A copy of the ROD is available from NMFS (see **ADDRESSES**).

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a FRFA for this action. The FRFA incorporates the IRFA, and a summary of the analyses completed to support the action. A copy of the FRFA is available from NMFS (see **ADDRESSES**). Following is a summary of the analysis.

The Magnuson-Stevens Act provides the statutory basis for this final rule. This final rule will provide the regulatory authority to establish an observer program for the reef fish fishery, with full implementation to be achieved upon obtaining sufficient funding. Additionally, consistent with the requirements of the Magnuson-Stevens Act, Amendment 22 will establish biological reference points and stock status criteria for red snapper, establish a rebuilding plan for the overfished red snapper stock, and develop and enhance the MRFSS through the inclusion of headboats in that survey.

The objectives of this final rule are to bring management of the red snapper fishery into compliance with requirements of the Magnuson-Stevens Act, to address the overfished and overfishing conditions of the red snapper stock, and to establish a standardized methodology to collect bycatch information in the fishery.

Two issues were raised by public comments in relation to potential costs associated with the observer requirements. NMFS' responses to Comment 1 and Comment 2 in this rule address these concerns and explain the potential for increased cost to a vessel owner is quite low given NMFS' flexibility in structuring the vessel selection process and the overall small percentage of vessels that are likely to be selected for observer coverage. Therefore, no changes were made in the final rule as a result of those comments.

This final rule will impact both the commercial and recreational participants in the Gulf reef fish fishery. At present, both the commercial and for-hire reef fish vessel permits are under a moratorium, and no new permits will be issued during the moratorium. There are 1,158 vessels with active commercial reef fish permits. Of these commercial permitees, 131 entities hold Class 1 licenses that allow a vessel trip limit of up to 2,000 lb (907 kg) of red snapper, and approximately 357 entities hold Class 2 licenses that allow a trip limit of up to 200 lb (91 kg) of red snapper. There are 1,515 for-hire vessels with permits for both reef fish and coastal migratory pelagics. Also, there are 431 dealers who purchase reef fish from various vessels in the Gulf of Mexico. This final rule is expected to affect all these reef fish commercial and for-hire vessels and dealers.

According to a survey of commercial fishing vessels in the Gulf, average gross receipts ranged from $24,095 for low-volume vertical line vessels to $116,989 for high-volume longline vessels. Also, according to a survey of reef fish processors in the Southeast, employment by reef fish processors totaled 700 individuals, both part- and full-time. Given this total and the likelihood that fish dealers are generally of smaller size than processors, employment by any of the affected dealers is very likely to be less than 100 individuals. Furthermore, according to two surveys of for-hire vessels in the Gulf, average gross receipts for charterboats range from $58,000 in the eastern Gulf of Mexico to $81,000 in the western Gulf while gross receipts for headboats range from $281,000 in the eastern Gulf to $550,000 in the western Gulf. A fishing business is considered a small entity if it is independently owned and operated and is not dominant in its field of operation, and if it has annual receipts not in excess of $3.5 million in the case of commercial harvesting entities or $6.0 million in the case of for-hire entities, or if it has fewer than 500 employees in the case of fish processors, or fewer than 100 employees in the case of fish dealers. Given these data on earnings and employment, all of the business entities affected by this final rule are determined to be small business entities.

Specification of sustainable fishing parameters has no economic impacts on small entities because it does not alter the current harvest or use of component stocks. The specification merely establishes benchmarks for fishery and resource evaluation from which future management actions would be based. As benchmarks, these parameters do not limit how, when, where, or with what frequency participants in the fishery engage the resource. For rebuilding the red snapper stock, a TAC of 9.12 million lb (4.14 million kg) is selected, and because this is the same as the current TAC, this measure has no impacts on small entities. The selected alternative in the final rule for bycatch reporting is an observer program for the commercial and for-hire reef fish fishery. An observer program would be new to the Gulf of Mexico reef fish fishery and is expected to potentially affect all commercial and for-hire vessels, although each year only a sample of these vessels would be selected to carry

observers. An observer program can lessen the reporting burden for bycatch to the extent that this task would be carried out by a trained observer. Assuming the observer program covers 8 percent of commercial vessel trips, 1 percent of charterboat trips, and 4 percent of headboat trips, total costs would be about $5.92 million annually, including the total costs for all observers' food and accommodations, which are estimated to range between $98,640 and $123,300 annually. Owners of vessels selected for observer coverage will be responsible only for the cost associated with providing food and accommodations for the observer. NMFS will cover the cost of providing the observer. Because there will be no expected reduction in harvests as a result of bycatch reporting, and the bycatch reporting through an observer program will be imposed only on vessels, dealers are not expected to be adversely affected by the final rule.

Four basic alternatives were considered for the rebuilding plan; two are constant catch strategies and two are constant fishing mortality rate (F) strategies. The no action alternative is not a viable alternative because the Magnuson-Stevens Act requires that a rebuilding plan be instituted for overfished stocks such as the red snapper stock. Under the constant catch strategies, the selected alternative for the final rule will hold TAC constant at 9.12 million lb (4.14 million kg), while the other alternative would keep TAC constant at 6.0 million lb (2.7 million kg). For the constant F strategies, one alternative would hold the TAC at 9.12 million lb (4.14 million kg) for a period of years and gradually increase it over time, while the other would hold the TAC constant at 6.0 million lb (2.7 million kg) for a period of years and increase it over time. In essence, the significant alternative to the selected constant TAC of 9.12 million lb (4.14 million kg) is a constant TAC of 6.0 million lb (2.7 million kg). Over the first 5 years, this lower TAC would reduce commercial vessel profits by $3.92 million and for-hire vessel profits by $18.35 million. The profit reduction for dealers cannot be estimated. Thus, the final rule will enable the achievement of the goal to rebuild the stock while minimizing the impacts on small entities.

Five alternatives were considered to the final rule for reporting bycatch in the commercial and for-hire reef fish fisheries. The final rule will provide the regulatory authority to establish an observer program for randomly selected reef fish permitted vessels. Alternative 1 is the no action alternative. Alternative 2 would require all permitted reef fish vessels in the Gulf of Mexico to participate in an electronic logbook program that includes bycatch reporting. Alternative 3 is similar to Alternative 2, but the electronic logbook program would be required only for a randomly selected sample of reef fish permitted vessels. Alternative 5 would expand the current bycatch reporting program for commercial reef fish and mackerel permitted vessels to cover 100 percent of such vessels and all Federally permitted for-hire vessels. Alternative 6 would enhance the MRFSS to include the headboat sector using the same sampling methodology as for charter vessels.

Among the bycatch reporting alternatives, Alternative 1 (no action) is the least costly since it would require no additional burden on the fishermen and the Federal government other than what is currently being incurred in generating bycatch information. The cost of Alternative 2 would range from $0.87 million to $2.9 million, with burden time ranging from 3,764 to 4,053 hours for commercial vessels and from $1.16 million to $3.88 million, with burden time of 89,240 hours for for-hire vessels. The cost of Alternative 3 is proportional to that of Alternative 2 based on sample size. Alternative 5 would affect 926 additional commercial vessels, with burden time ranging from 3,009 to 3,241 hours, and 1,552 for-hire vessels, with burden time of about 89,240 hours. Alternative 6 would mainly affect headboat vessels. Using the same sampling technique as for charter vessels, approximately 85 headboats would be sampled per wave (two-month period). The selected alternative of the final rule, Alternative 4, is estimated to cost $5.92 million per year, though the majority of the cost will be borne by the government, any additional reporting and record-keeping activities for the individual business entities are less likely to increase under an observer program since most would be conducted by the observer. Under the observer program, the owner of a vessel selected for observer coverage would be responsible only for the cost associated with providing food and accommodations for the observer. NMFS would cover the cost of providing the observer. Thus, the final rule is expected to best achieve the Council's objectives for bycatch reporting at the least possible cost to the fishery participants.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' As part of this rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all vessel permit holders for the Gulf reef fish fishery.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains a collection-of-information requirement subject to the PRA which has been approved by OMB under control number 0648–0205. Public reporting burden for notification requirements for the purpose of accommodating observer coverage is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *David__Rostker@omb.eop.gov*, or fax to 202–395–7285.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: May 26, 2005.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.4, the second sentence of paragraph (h)(1) introductory text and the first sentence of paragraph (h)(1)(ii) are revised to read as follows:

§ 622.4 Permits and fees.

* * * * *

(h) * * *

(1) * * * In the interim years, renewal is automatic (without application) for a vessel owner or a dealer who has met the specific requirements for the requested permit, license, or endorsement; who has complied with all reporting and data collection requirements, including observer requirements, under the Magnuson-Stevens Act; and who is not subject to a sanction or denial under paragraph (j) of this section. * * *

* * * * *

(ii) * * * If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is ineligible for automatic renewal, the notification will specify the reasons and, if applicable, will provide an opportunity for correction of any deficiencies. * * *

* * * * *

■ 3. In § 622.8, paragraph (a)(3) is added and paragraphs (c)(4) and (c)(5) are revised to read as follows:

§ 622.8 At-sea observer coverage.

(a) * * *

(3) *Gulf reef fish.* A vessel for which a Federal commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a)(3).

* * * * *

(c) * * *

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

[FR Doc. 05–10986 Filed 5–27–05; 2:36 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 105
Thursday, June 2, 2005

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21174; Directorate Identifier 2005–CE–23–AD]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc., Models PA–28–160, PA–28–161, PA–28–180, and PA–28–181 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The New Piper Aircraft, Inc. (Piper) Models PA–28–160, PA–28–161, PA–28–180, and PA–28–181 airplanes that incorporate Petersen Aviation, Inc. Supplemental Type Certificate (STC) SA2660CE installed between April 20, 1998, and April 1, 2005, and incorporate Petersen Aviation, Inc. Service Bulletin SB98–1. This proposed AD would require you to replace the AN894–6–4 bushing screw thread expanders on the gascolator and bushing attached to the inlet of the top fuel pump with NAS1564–6–4J reducers and AN818–6 nuts. This proposed AD results from reports of fuel leaks during the post STC installation tests. We are issuing this proposed AD to prevent fuel fittings used in STC SA2660CE from leaking fuel in the engine compartment, which could result in an engine fire. This condition could lead to loss of control of the airplane.

DATES: We must receive any comments on this proposed AD by August 1, 2005.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* 1–202–493–2251.
- *Hand 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.

To get the service information identified in this proposed AD, contact Petersen Aviation, Inc., 984 K Road, Minden, Nebraska 68959; telephone: (308) 832–2050; facsimile: (308) 832–2311.

To view the comments on this proposed AD, go to *http://dms.dot.gov.* The docket number is FAA–2005–21174; Directorate Identifier 2005–CE–23–AD.

FOR FURTHER INFORMATION CONTACT: James P. Galstad, Aerospace Engineer, FAA, Wichita ACO, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4135; facsimile: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include the docket number, ''FAA–2005–21174; Directorate Identifier 2005-CE–23–AD'' at the beginning of your comments. We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA–2005–21174; Directorate Identifier 2005–CE–23–AD. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES.** You may also view the AD docket on the Internet at *http://dms.dot.gov.* The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

What events have caused this proposed AD? We have received reports of fuel leaks found during post fuel pump checks on Piper Models PA–28–160, PA–28–161, PA–28–180, and PA–28–181 airplanes after STC SA2660CE was incorporated.

STC SA2660CE enables the referenced airplanes to run on leaded and unleaded automotive gasoline, 91 minimum antiknock index (RON+MON).

The STC replaces the Piper electric boost pump with two different electric boost pumps. Subsequently, Petersen Aviation, Inc. Service Bulletin 98–1 provides for installation of a fuel flow bypass that incorporates an o-ring seal fuel fitting (AN894–6–4 bushing screw thread expander) on the flared tube fitting (AN826–6 tee). The internal shape of the AN894–6–4 bushing screw thread expander is intended to use an o-ring seal, but there is no corresponding o-ring seal location on the AN826–6 tee.

The AN894–6–4 bushing screw thread expander has clearance machining cut for the mating screw threads but does not provide a seal against the cone surface of the AN826–6 tee.

What is the potential impact if FAA took no action? If not prevented, fuel fittings used in STC SA2660CE could leak fuel in the engine compartment. Failure of these fittings could result in an engine fire. This condition could lead to loss of control of the airplane.

Is there service information that applies to this subject? Petersen Aviation, Inc. has issued Service Bulletin PA–28–160, –161, –180, –181, Bulletin No. SB–05–2, dated April 12, 2005.

What are the provisions of this service information? The service bulletin includes procedures for replacing the two AN894–6–4 bushing screw thread expanders on the two AN826–6 tees with AN818–6 nuts and NAS1564–6–4J reducers.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. For this reason, we are proposing AD action.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 50 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish this proposed modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work hour × $65 per hour = $65	Petersen Aviation will provide parts at no cost.	Peterson Aviation will cover the cost for labor.	Petersen Aviation will cover the cost for parts and labor.

Authority for This Rulemaking

What authority does FAA have for issuing this proposed rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this proposed rulemaking under the authority described in Subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this proposed AD.

Regulatory Findings

Would this proposed AD impact various entities? 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.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

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. Will 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 summary of the costs to comply with this proposed AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket FAA–2005–21174; Directorate Identifier 2005–CE–23–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, 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 (AD):

The New Piper Aircraft, Inc.: Docket No. FAA–2005–21174; Directorate Identifier 2005-CE–23-AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by August 1, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Model PA–28–160, PA–28–161, PA–28–180, and PA–28–181 airplanes, serial numbers 28–671 through 28–5859, 28–7105001 through 28–7505261, 28–7690001 through 28–8590001, and all serial numbers thereafter, that:

(1) are certificated in any category;

(2) incorporate Peterson Aviation, Inc. Supplemental Type Certificate (STC) SA2660CE installed between April 20, 1998 and April 1, 2005; and

(3) incorporate Peterson Aviation, Inc. Service Bulletin SB98–1.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of reports of fuel leaks during the post STC installation tests. The actions specified in this AD are intended to prevent fuel fittings used in STC SA2660CE from leaking fuel in the engine compartment, which could result in an engine fire. This condition could lead to loss of control of the airplane.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
Replace the two AN894–6–4 bushing screw thread expanders on the two AN826–6 tees (one on the gascolator and the other one attached to a bushing (AN912–2J) attached to the inlet on the top of the top fuel pump) with NAS1564–6–4J reducers and AN818–6 nuts.	At the next 100-hour or annual inspection that occurs following 30 days after the effective date of this AD, whichever occurs first.	Follow Petersen Aviation, Inc. Service Bulletin PA–28–160, –161, –180, –181 Bulletin No. SB 05–2, dated April 12, 2005.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Wichita Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact James P. Galstad, Aerospace Engineer, FAA Wichita ACO, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4135; facsimile: (316) 946–4107.

May I Get Copies of the Documents Referenced in This AD?

(g) To get copies of the documents referenced in this AD, contact Petersen Aviation, Inc., 984 K Road, Minden, Nebraska 68959; telephone: (308) 832–2050; facsimile: (308) 832–2311. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2005–21174; Directorate Identifier 2005–CE–23–AD.

Issued in Kansas City, Missouri, on May 25, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–10948 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket FAA 2005–21078; Airspace Docket 05–ANM–07]

Proposed Establishment of Class E Airspace; Eagle, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would establish Class E airspace at Eagle, CO. Additional Class E airspace is necessary to accommodate aircraft using a new Instrument Landing System or Localizer Distance Measuring Equipment (ILS or LOC.DME) Standard Instrument Approach Procedures (SIAP) at Eagle County Regional Airport. This change is necessary for the safety of Instrument Flight Rules (IFR) aircraft executing the new SIAP at Eagle County Regional Airport, Eagle, CO.

DATES: Comments must be received by July 5, 2005.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number, FAA 2005–21078; Airspace Docket 05–ANM–07, at the beginning of your comments. You may also submit comments through the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final dispositions in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone number 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Western En Route and Oceanic Area Office, Airspace Branch, 1601 Lind Avenue, SW., Renton, WA 98055.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify Docket No. FAA 2005–21078; Airspace Docket 05–ANM–07, and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket FAA 2005–21078; Airspace Docket 05–ANM–07''. The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Western En Route and Oceanic Area Office, Airspace Branch, 1501 Lind Avenue, SW., Renton, WA 98055. Communications must identify both document numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, 202–267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

The Proposal

This action would amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Eagle County Regional Airport, Eagle, CO. Additional Class E airspace extending upward from the surface is necessary to accommodate aircraft using the new ILS or LOC DME SIAP at Eagle County Regional Airport. Additional Class E airspace extending upward from the surface is necessary to

accommodate aircraft using the ILS or LOC DME SIAPs at Eagles County Regional Airport. This Class E airspace is necessary for the safety of IFR aircraft executing the new SIAPs at Eagle County Regional Airport, Eagle, CO. Class E airspace designations are published in paragraph 6002 of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in this order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulations; (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter than will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004 is amended as follows:

3. Paragraph 6002. Class E airspace areas extending upward from the surface of the earth.

* * * * *

ANM WA E Eagle, CO. [New]

Eagle County Regional Airport, CO
(Lat. 39°38′33″ N., long. 106°55′04″ W.)

That airspace extending upward from the surface of the earth within 4.4 mile radius of Eagle County Regional Airport, and within 4.0 miles each side of the 079° radial extending from the 4.4 mile radius to 14 miles northeast of the Eagle County Regional Airport. Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on May 16, 2005.

Danial Mawhorter,

Acting Area Director, Western En Route and Oceanic Operations.

[FR Doc. 05–10905 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–05–025]

RIN 1625–AA09

Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulation governing the Rock Island Railroad & Highway Drawbridge, across the Upper Mississippi River at Mile 482.9, at Rock Island, Illinois. The drawbridge need not open for river traffic and may remain in the closed-to-navigation position from 8 a.m. to 11 a.m. on September 25, 2005. This proposed rule would allow the annually scheduled running of a foot race as part of a local community event.

DATES: Comments and related material must reach the Coast Guard on or before July 5, 2005.

ADDRESSES: You may mail comments and related material to Commander, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832. Commander (obr) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 2.107f in the Robert A. Young Federal Building, Eighth Coast Guard District, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539–3900, extension 2378.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD08–05–025), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like confirmation of receipt, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting, but you may submit a request for a meeting by writing to the Eighth Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On March 29, 2005, the Department of the Army Rock Island Arsenal requested a temporary change to the operation of the Rock Island Railroad & Highway Drawbridge across the Upper Mississippi River, Mile 482.9 at Rock Island, Illinois to allow the drawbridge to remain in the closed-to-navigation position for a three hour period while a foot race is held in the city of Davenport, IA. The drawbridge has a vertical clearance of 23.8 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft that will be minimally impacted by the limited closure period of three hours. Presently, the draw opens on signal for passage of river traffic. The Rock Island Arsenal requested the drawbridge be permitted

to remain closed-to-navigation from 8 a.m. until 11 a.m. on Sunday, September 25, 2005. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects that this temporary change to operation of the Rock Island Railroad & Highway Drawbridge will have minimal economic impact on commercial traffic operating on the Upper Mississippi River. This temporary change has been written in such a manner as to allow for minimal interruption of the drawbridge's regular operation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule will be in effect for only 3 hours early on a Sunday morning, and the Coast Guard expects the impact of this action to be minimal.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 2378.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section

2.B.2 of the Instruction. Therefore this rule is categorically excluded under figure 2–1, paragraph 32(e) of the Instruction from further environmental documentation. Paragraph 32(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of the National Environmental Policy Act (NEPA). Since this proposed regulation would alter the normal operating conditions of the drawbridge, it falls within this exclusion. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 8 a.m. to 11 a.m. on September 25, 2005, temporarily add new § 117.T394 to read as follows:

§ 117.T394 Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois, need not open for river traffic and may be maintained in the closed-to-navigation position.

Dated: May 18, 2005.

R.F. Duncan,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 05–10899 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–05–029]

RIN 1625–AA09

Drawbridge Operation Regulations; Passaic River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the Route 280 Bridge, mile 5.8, across the Passaic River, at Harrison, New Jersey. Under this temporary rule the Route 280 Bridge may remain in the closed-to-navigation position from March 1, 2006 through November 30, 2007. This temporary rulemaking is necessary to facilitate rehabilitation repairs at the bridge

DATES: Comments and related material must reach the Coast Guard on or before August 1, 2005.

ADDRESSES: You may mail comments and related material to Commander (obr), First Coast Guard District Bridge Branch, 408 Atlantic Avenue, Boston, Massachusetts, 02110, or deliver them to the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–05–029), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 ½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background

The Route 280 Bridge has a vertical clearance in the closed position of 35 feet at mean high water and 40 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.739(h). Under the existing operation regulations a 24-hour advance notice is required for bridge openings at all times.

The owner of the bridge, the New Jersey Department of Transportation, requested a temporary change to the drawbridge operation regulations to facilitate rehabilitation maintenance at the bridge.

Under this temporary rule the bridge would remain in the closed-to-navigation position from March 1, 2006 through November 30, 2007.

The Route 280 Bridge has not received any requests to open during the past ten years.

Discussion of Proposal

This proposed change would suspend § 117.207(h) and temporarily add a new paragraph (u).

Under this temporary rule the Route 280 Bridge would remain in the closed position for the passage of vessel traffic from March 1, 2006 through November 30, 2007.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under the regulatory policies and procedures of DHS, is unnecessary.

This conclusion is based on the fact that the bridge has not received a request to open during the past ten years.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities.

The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge has not received a request to open during the past ten years.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environment documentation because it has been determined that the promulgation of operating regulations or procedures for drawbridges are categorically excluded.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From March 1, 2006 through November 30, 2007, paragraph (h) in section 117.739 is suspended and a new paragraph (u) is added to read as follows:

§ 117.739 Passaic River.

* * * * *

(u) From March 1, 2006 through November 30, 2007, the Route 280 Bridge, mile 5.8, may remain in the closed-to-navigation position.

Dated: May 23, 2005.

David P. Pekoske,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 05–10901 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7920–5]

Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Alabama has applied to EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Alabama for RCRA Cluster XIII. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by July 5, 2005.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *E-mail: middlebrooks.gail@epa.gov*.
- *Fax:* (404) 562–8439 (prior to faxing, please notify the EPA contact listed below).
- *Mail:* Send written comments to Gail Middlebrooks at the address listed below.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov*, or e-mail. The Federal *regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comments. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit.

You can view and copy Alabama's application from 8 a.m. to 5 p.m. at the following addresses: Alabama Department of Environmental Management, 1400 Colliseum Blvd., Montgomery, Alabama 36130–1463, (334) 271–7700, and EPA, Region 4, Library, 9th Floor, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Gail Middlebrooks, RCRA Services Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8494.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: May 11, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 05–10994 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 208 and 216

[DFARS Case 2004–D009]

Defense Federal Acquisition Regulation Supplement; Competition Requirements for Federal Supply Schedules and Multiple Award Contracts

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update and clarify requirements for competition in the placement of orders under Federal Supply Schedules and multiple award contracts.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before August 1, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004–D009, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil*. Include DFARS Case 2004–D009 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, (703) 602–0326.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule revises procedures for use of Federal Supply Schedules and multiple award contracts to promote competition in the placement of orders for supplies or services. The proposed changes—

- Revise approval requirements for placement of noncompetitive orders exceeding $100,000 under Federal Supply Schedules for consistency with those at FAR 8.405–6, and extend those requirements to orders under multiple award contracts;
- Apply the same ordering procedures to both supplies and services; and
- Make additional changes to DFARS Subpart 208.4 for consistency with the changes to FAR Subpart 8.4 published in Item V of Federal Acquisition Circular 2001–24 On June 18, 2004 (69 FR 34231).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This proposed rule is not expected 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 proposed changes strengthen and clarify existing requirements for competition in the placement of orders under Federal Supply Schedules and multiple award contracts. Therefore, DoD has not performed an initial regulatory

flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2004–D009.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any 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 208 and 216

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR Parts 208 and 216 as follows:

1. The authority citation for 48 CFR Parts 208 and 216 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Section 208.404 is amended by removing paragraphs (b) and (S–70), and by revising the section heading to read as follows:

208.404 Use of Federal Supply Schedules.

* * * * *

208.404–1 through 208.405–2 [Removed]

3. Sections 208.404–1 through 208.405–2 are removed.

4. Sections 208.405–70, 208.406 and 208.406–1 are added to read as follows:

208.405–70 Additional ordering procedures.

(a) This subsection—

(1) Implements Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) for the acquisition of services, and establishes similar policy for the acquisition of supplies;

(2) Applies to orders for supplies or services under Federal Supply Schedules, including orders under blanket purchase agreements established under Federal Supply Schedules; and

(3) Also applies to orders placed by non-DoD agencies on behalf of DoD.

(b) Each order exceeding $100,000 shall be placed on a competitive basis in accordance with paragraph (c) of this subsection, unless this requirement is waived on the basis of a justification that is prepared and approved in accordance with FAR 8.405–6 and includes a written determination that—

(1) A statute expressly authorizes or requires that the purchase be made from a specified source; or

(2) One of the circumstances described at FAR 16.505(b)(2)(i) through (iii) applies to the order. Follow the procedures at PGI 216.505–70 if FAR 16.505(b)(2)(ii) or (iii) is deemed to apply.

(c) An order exceeding $100,000 is placed on a competitive basis only if the contracting officer provides a fair notice of the intent to make the purchase, including a description of the supplies to be delivered or the services to be performed and the basis upon which the contracting officer will make the selection, to—

(1) As many schedule contractors as practicable, consistent with market research appropriate to the circumstances, to reasonably ensure that offers will be received from at least three contractors that can fulfill the requirements, and the contracting officer—

(i)(A) Receives offers from at least three contractors that can fulfill the requirements; or

(B) Determines in writing that no additional contractors that can fulfill the requirements could be identified despite reasonable efforts to do so (documentation should clearly explain efforts made to obtain offers from at least three contractors); and

(ii) Ensures all offers received are fairly considered; or

(2) All contractors offering the required supplies or services under the applicable multiple award schedule, and affords all contractors responding to the notice a fair opportunity to submit an offer and have that offer fairly considered. Posting of a request for quotations on the General Services Administration's electronic quote system, ''e-Buy'' (*http://www.gsaAdvantage.gov*), is one medium for providing fair notice to all contractors as required by this paragraph (c).

(d) See PGI 208.405–70 for requirements relating to the establishment of blanket purchase agreements under Federal Supply Schedules.

208.406 Ordering activity responsibilities.

208.406–1 Order placement.

Follow the procedures at PGI 208.406–1 when ordering from schedules.

PART 216—TYPES OF CONTRACTS

5. Section 216.505–70 is revised to read as follows:

216.505–70 Orders under multiple award contracts.

(a) This subsection—

(1) Implements Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) for the acquisition of services, and establishes similar policy for the acquisition of supplies;

(2) Applies to orders for supplies or services exceeding $100,000 placed under multiple award contracts;

(3) Also applies to orders placed by non-DoD agencies on behalf of DoD; and

(4) Does not apply to orders for architect-engineer services, which shall be placed in accordance with the procedures in FAR Subpart 36.6.

(b) Each order exceeding $100,000 shall be placed on a competitive basis in accordance with paragraph (c) of this subsection, unless this requirement is waived on the basis of a justification that is prepared and approved in accordance with FAR 8.405–6 and includes a written determination that—

(1) A statute expressly authorizes or requires that the purchase be made from a specified source; or

(2) One of the circumstances described at FAR 16.505(b)(2)(i) through (iv) applies to the order. Follow the procedures at PGI 216.505–70 if FAR 16.505(b)(2)(ii) or (iii) is deemed to apply.

(c) An order exceeding $100,000 is placed on a competitive basis only if the contracting officer—

(1) Provides a fair notice of the intent to make the purchase, including a description of the supplies to be delivered or the services to be performed and the basis upon which the contracting officer will make the selection, to all contractors offering the required supplies or services under the multiple award contract; and

(2) Affords all contractors responding to the notice a fair opportunity to submit an offer and have that offer fairly considered.

(d) When using the procedures in this subsection—

(1) The contracting officer should keep contractor submission requirements to a minimum;

(2) The contracting officer may use streamlined procedures, including oral presentations;

(3) The competition requirements in FAR Part 6 and the policies in FAR Subpart 15.3 do not apply to the ordering process, but the contracting officer shall consider price or cost under

each order as one of the factors in the selection decision; and

(4) The contracting officer should consider past performance on earlier orders under the contract, including quality, timeliness, and cost control.

[FR Doc. 05–10911 Filed 6–1–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AU28

Migratory Bird Hunting; Application for Approval of Tungsten-Tin-Iron Shot as Nontoxic for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Fish and Wildlife Service (Service) hereby provides public notice that Nice Shot, Inc. of Albion, Pennsylvania, has applied for approval of 58 percent tungsten, 38 percent tin, and 4 percent iron shot as nontoxic for waterfowl hunting in the United States. The Service has initiated review of the shot under the criteria set out in Tier 1 of the nontoxic shot approval procedures given at 50 CFR 20.134.

DATES: A comprehensive review of the Tier 1 information is to be concluded by August 1, 2005.

ADDRESSES: The Nice Shot, Inc., application may be reviewed in Room 4091 at the Fish and Wildlife Service, Division of Migratory Bird Management, 4501 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: George T. Allen, Wildlife Biologist, Division of Migratory Bird Management, (703) 358–1825.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of 1918 (Treaty Act) (16 U.S.C. 703–712) and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712) implement migratory bird treaties between the United States and Great Britain for Canada (1916 and 1996 as amended), Mexico (1936 and 1972 as amended), Japan (1972 and 1974 as amended), and Russia (then the Soviet Union, 1978). These treaties protect certain migratory birds from take, except as permitted under the Treaty Act. The Treaty Act authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, the U.S. Fish and Wildlife Service controls the hunting of migratory game birds through regulations in 50 CFR part 20. Use of shot types other than those listed in 50 CFR 20.21(j)(1) for hunting waterfowl and coots and any species that make up aggregate bag limits is prohibited.

Since the mid-1970s, the Service has sought to identify types of shot for waterfowl hunting that are not toxic to migratory birds or other wildlife when ingested. We have approved nontoxic shot types and added them to the migratory bird hunting regulations in 50 CFR 20. We will continue to review all shot types submitted for approval as nontoxic.

Nice Shot has submitted its application with the counsel that it contained all of the specified information for a complete Tier 1 submittal, and has requested unconditional approval pursuant to the Tier 1 time frame. The Service has determined that the application is complete, and has initiated a comprehensive review of the Tier 1 information. After the review, the Service will either publish a Notice of Review to inform the public that the Tier 1 test results are inconclusive or publish a proposed rule for approval of the candidate shot. If the Tier 1 tests are inconclusive, the Notice of Review will indicate what other tests will be required before we will again consider approval of the Tungsten-Tin-Iron shot as nontoxic. If the Tier 1 data review results in a preliminary determination that the candidate material does not pose a significant toxicity hazard to migratory birds, other wildlife, or their habitats, the Service will commence with a rulemaking proposing to approve the candidate shot.

Dated: May 19, 2005.

Matt Hogan,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 05–10909 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 050520137–5137–01; I.D. 050905F]

RIN 0648–AT10

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework 17 to the Atlantic Sea Scallop Fishery Management Plan (Framework 17) developed by the New England Fishery Management Council (Council). Framework 17 would require that vessels issued a general category scallop permit and that intend to land over 40 lb (18.14 kg) of shucked, or 5 bu (176.2 L) of in-shell scallops, install and operate vessel monitoring systems (VMS). Framework 17 would also allow general category scallop vessels with VMS units to turn off (power-down) the VMS units after they have offloaded scallops and while they are tied to a fixed dock or mooring. Finally, Framework 17 proposes to revise the broken trip adjustment provision for limited access scallop vessels fishing in the Sea Scallop Area Access Program. The intent of this action is to provide more complete monitoring of the general category scallop fleet, to reduce VMS operating costs, and to eliminate a provision that may have a negative influence on vessel operator decisions at sea.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) by 5 p.m., local time, on June 17, 2005.

ADDRESSES: Comments should be submitted by any of the following methods:

- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Frameworks 17.''
- Fax: (978) 281–9135.
- E-mail: *ScallopAT10@noaa.gov*.
- Federal e-Rulemaking Portal: *http://www.regulations.gov*.

Written comments regarding the burden-hour estimates or other aspects

of the collection-of-information requirements contained in this proposed rule should be submitted to the Regional Administrator at the address above and to OMB, by e-mail at *David__Rostker@omb.eop.gov*, or fax to (202) 395–7285.

Copies of Framework 17, its Regulatory Impact Review (RIR), including the Initial Regulatory Flexibility Analysis (IRFA), and the Environmental Assessment (EA) are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at *http://www.nefmc.org*.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Policy Analyst, (978) 281–9288; fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

Framework 17 was adopted by the Council on February 1, 2005, and was submitted to NMFS by the Council on March 11, 2005, with a supplement submitted on April 4, 2005. Framework 17 was developed by the Council to address concerns resulting from reports that vessels issued Atlantic scallop open access general category permits were making undocumented scallop landings and violating the 400–lb (181.44–kg)/50–bu (17.62–hL) possession limit restriction. Members of the fishing industry believe that a large amount of scallop landings are unaccounted for because general category scallop vessels are under-reporting or failing to report their landings, and the extent of general category vessel activity in the scallop fishery needs to be more precisely documented. Though much of the evidence to support these claims is anecdotal, landings by general category vessels have been increasing in recent years, and NMFS recently opened several fishery enforcement cases involving potential violations by general category vessels.

Framework 17 proposes to require all general category vessels that land, or intend to land, more than 40 lb (18.14 kg) of shucked, or 5 bu (176.2 L) unshucked scallops, to install and operate a VMS onboard the vessel. The presence of VMS is expected to assist with monitoring of general category vessel activity and the enforcement of the possession limit regulations. Because of the cost of installing and operating VMS, the requirement may also help distinguish the active fleet of general category vessels that target scallops from all of the currently permitted vessels, which numbers over 2,500. VMS will provide better data for fishery management, particularly to specifically identify areas that are more frequently targeted by small vessels fishing outside of the typical scallop fishing areas (e.g., inshore areas of the Gulf of Maine). Transmission of location information through VMS could assist U.S. Coast Guard search and rescue operations by automatically tracking vessel position.

There are currently 2,544 vessels issued general category scallop permits. Of these, 210 already have VMS onboard as a requirement of another fishery. This rule proposes that, to land more than 40 lb (18.14 kg) or 5 U.S. bu (176.2 L) of scallops, vessel owners would be required to purchase and install VMS units on their vessels. The Council estimated that the proposed action would result in at least 223 vessels purchasing VMS units, at an initial cost, including first year operation costs, of up to $4,735 per vessel. These 223 vessels account for almost all of the reported landings by general category scallop vessels. To cover the initial cost of the VMS and first year operating fees, Framework 17 estimates that vessels would need to fish 5 to 6 additional 1–day trips, with scallop landings of 400 lb (181.4 kg) per trip. Yearly costs associated with annual fees, monthly operating fees, position transmission, and trip and power down declarations (continuing costs) would be up to approximately $1,260 per vessel, which could be offset by only a few trips per year in addition to the trips necessary to cover the initial costs.

In order to administer and effectively enforce the new VMS requirement for general category vessels, NMFS proposes to create a new general category scallop permit designation, under its Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), section 305(d) authority. Upon implementation of Framework 17, vessel owners would be required to designate whether they choose to fish as a VMS or non-VMS vessel and would be required to make this designation on permit renewal forms each fishing year.

A VMS power-down provision is also proposed in Framework 17 to accommodate vessels that do not have continuous power sources at their docks or moorings. Many vessels in the general category fleet home port in remote ports with limited shore electrical power. Vessels at docks and moorings without continuous power would likely find it difficult to maintain power to run VMS and supporting systems. This power-down provision would allow vessels to turn off their VMS units and notify NMFS once the vessel is in port and scallops have been offloaded, and the vessel is tied to a permanent dock or mooring. Vessels would have to turn on their VMS units and log into the system before leaving the fixed dock or mooring for any purpose.

Framework 17 also proposes to remove the automatic days-at-sea (DAS) charge and possession limit reduction under the current regulatory provision for limited access scallop vessels that terminate scallop trips in the Area Access Program (the ''broken trip'' provision). Under the current measures, vessels that end Area Access Program trips before catching the total possession limit can resume trips, but the possession limit for the compensation trip is reduced to discourage unnecessary broken trips. Some industry members claim that the potential reduction in their catch under the current broken trip provision compromise safety because vessel captains could choose to remain at sea in hazardous conditions to avoid the reduced possession limit. The Council, therefore, proposed to eliminate the automatic DAS charge to remove the potential that it could result in decisions by vessel captains that compromise safety. Since the reduction in the possession limit is not critical to effective enforcement of the regulations, the Council recommended its removal as a precautionary step to improve safety at sea. Elimination of the broken trip provision would allow vessels that break a scallop trip to fully harvest the remainder of their possession limit on a makeup trip. If approved, the new measure would retroactively be applied to all broken trips that began on or after March 1, 2005, and NMFS would restore all scallop poundage deducted under the existing regulations. This restored poundage could be used on any authorized trip into a specified Access Area during the remainder of the fishing year (through February 28, 2006), as long as the overall possession limit is not exceeded.

Classification

At this time, NMFS has not determined that the action that this proposed rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An IRFA was prepared pursuant to section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact that this proposed rule, if adopted, would have on small entities. A summary of the analysis follows:

Measures in Framework 17 are intended to improve the management of the scallop fishery. A full description of the action and why it is being considered are contained in the preamble to this proposed rule. The Magnuson-Stevens Act and the Atlantic Sea Scallop Fishery Management Plan, which allow for framework adjustments and amendments to improve the management of the scallop fishery, are the legal basis for this action. This proposed rule does not duplicate, overlap or conflict with any relevant Federal rules.

Description of Small Entities to Which the Proposed Rule Will Apply

Framework 17 would affect vessels with limited access and general category scallop permits. The vessels in the Atlantic sea scallop fishery are all considered small business entities because all of them grossed less than $3.5 million according to dealer data for the 2001, 2002, and 2003 fishing years. Therefore, there is no disproportionate impact between small and large vessels.

According to the recent permit data, 289 vessels obtained full-time limited access permits in 2003, including 37 small-dredge and 16 scallop trawl permits. In the same year, there were also 34 part-time and 10 occasional limited access permits in the scallop fishery. In addition, 2,554 permits were issued to vessels in the open access general category. Annual revenue from all species, including scallops, averaged about $814,000 per full-time vessel, $405,800 per part-time vessel, and $121,800 per occasional vessel during the 2003 fishing year. The average annual revenue per vessel that participated in the general category scallop fishery was $235,300 in 2003. The average annual revenue per vessel that would be impacted by this proposed action was estimated to be $165,845 for the 2003 fishing year.

In addition to disproportionality, regulatory impacts on profitability, were evaluated. The profitability criterion applies if the regulation significantly reduces profit for a substantial number of small entities, and is discussed in the Economic Impacts of the Proposed Action section of this IRFA summary.

Proposed Reporting, Recordkeeping, and Other Compliance Requirements

Framework 17 proposes new reporting, recordkeeping, and compliance requirements only for general category scallop vessels. The new requirements in this proposed rule are: (1) Installation of VMS units; (2) documentation of VMS unit installation; (3) notification or application for appropriate general category permit designation; (4) notification via VMS on the day the vessel departs on a fishing trip; and (5) notification through VMS when the vessel is at a fixed dock or mooring and is going to power-down the VMS unit. The total initial cost of compliance is relatively high because of the cost of purchasing and installing the VMS units. There are currently two VMS units available, costing approximately $3,295 for Boatracs and $2,268 for Skymate. The cost of the Skymate unit includes a separate computer system (e.g., compatible laptop), which some vessels may also have to purchase at a cost of approximately $1,000. In addition to purchase cost, VMS units have installation and activation fees, bringing the total initial cost to approximately $3,475 and $2,917 for Boatracs and Skymate units, respectively. Monthly costs for operating and maintaining VMS service are $105 and $53.95 for Boatracs and Skymate units, respectively, resulting in ongoing annual costs of approximately $1,260 for Boatracs and $647 for Skymate. Costs associated with VMS notifications (power-down and trip notifications) are relatively low, at about $180 per vessel per year (based on the cost of a VMS message, equal to $0.79 per VMS message). Costs associated with making a general category permit designation would be one designation per year, with a cost of $0.37 associated with the cost of mailing the designation to NMFS.

Economic Impacts of the Proposed Measures

1. VMS requirement for general category vessels

There were 2,554 vessels with general category permits in the 2003 fishing year; 2,278 of these vessels either did not have any scallop landings or landed no more than 40 lb (18.14 kg) of scallops per trip, and 2,121 of them did not have a VMS. The proposed action is expected to affect at least 223 vessels that do not already have a VMS out of a total of 276 general category vessels that landed over 40 lb (18.14 kg) of scallops per trip during the 2003 fishing year. These 276 vessels accounted for approximately 99.9 percent of the general category scallop landings in 2003. If all 223 vessels choose to install and operate a VMS, total costs to the industry could range between $795,000 to $1,307,000 during the initial year of implementation. Total costs would be higher if additional vessels enter the fishery and land more than 40 lb (18.14 kg) of scallops per trip.

The cost of VMS for each vessel is considered in the economic impact analysis in the Framework 17 document to determine the impact on vessels, given historical and expected landing levels. Costs include the initial cost of purchasing and installing the VMS units and ongoing costs of service fees. The initial investment costs for VMS, including the installation charge, activation fee, and monthly service, are estimated to be $3,565 for Skymate and $4,735 for Boatracs. After this initial investment, the costs of VMS for vessels will decline substantially, and will consist of annual service charges estimated to be $1,260 for Boatracs and $647 for Skymate.

General category vessels that would be impacted by the proposed action are distinguished by their scallop revenue relative to VMS costs. One group consists of 79 to 87 vessels (depending on the VMS unit installed), which could not cover the cost of the VMS units with their landings of scallops if they continue to harvest scallops at their historical level. Scallop landings per trip for this group of vessels was less than 90 lb (40.8 kg), and annual revenue per vessel from scallops averaged about $1,323 to $1,569. Another group consists of 136 to 144 vessels, depending on the VMS unit installed, which historically make scallop landings that generate revenue to equal or exceed the costs of the VMS units. The majority of these vessels targeted scallops and earned, on average, $50,000 or more in scallop revenue during the 2003 fishing year.

The proposed action would have negative economic impacts on vessels if they choose to install a VMS and do not increase scallop landings per trip enough to cover the cost of VMS. Similarly, if vessels that historically landed sufficient amounts of scallops to cover the cost of VMS do not increase scallop landings, the VMS requirement could reduce their profits. Some vessels may choose to lower their scallop landings to the incidental amount (40 lb; 18.14 kg) in order to retain their general category permit without having a VMS onboard. Alternatively, vessels could increase trips and landings to the level that would cover the cost of VMS. This may be the case particularly with vessels that would only need to increase

trips and landings marginally in order to cover the cost of VMS and resume profitable catches. A third group of vessels would be new entrants that would have to make enough landings to cover the cost of VMS units. Such vessels would increase the total number of general category vessels that would be required to be compliant with the VMS requirement, although there is no way to estimate the number of such vessels.

There are several mitigating factors that could minimize the negative economic impacts of VMS implementation for the general category vessels that are required to operate a VMS. The proposed action provides the flexibility to any vessel with a general category permit to retain the permit without having a VMS on board, as long as scallop catch per trip is limited to the incidental amount. Therefore, many vessels that do not land any scallops per trip or land only a small amount of scallops per trip could avoid VMS costs without experiencing a significant amount of revenue loss and without giving up their general category permit. For other general category vessels that already earn significant amounts of revenue from scallop trips in excess of the VMS costs, there could be an opportunity to cover these costs fully or in part by taking more trips and/or by increasing the scallop catch per trip. Between 2,000 to 2,600 lb (907.2 to 1,179.3 kg) of scallops would be necessary to cover the initial and ongoing operational costs of the VMS, depending on the unit purchased, and assuming that scallops constitute the only source of revenue from those trips. This catch would translate into an additional 5 to 7 1–day trips at landings of 400 lb (181.4 kg) of scallops per trip. Vessels would also be able to offset VMS costs through additional revenue from other species landed. In the long term, there may be indirect benefits from better enforcement and monitoring of general category vessel landings, and as a result of the safety benefits associated with VMS position data in case of an accident.

2. VMS power-down exemption

The proposed power-down exemption would allow vessels to turn the VMS off while in port and help to reduce costs associate with the VMS requirement by reducing polling costs and eliminating the cost of generating electricity while the vessel is tied to a dock or mooring without continuous power.

3. Modification of broken trip provision

Eliminating the requirement for a reduction in the scallop possession limit when a broken trip occurs would have positive economic impacts by reducing the losses from broken trips for the limited access scallop vessels that fish under the Area Access Program. The proposed action would prevent such revenue loss because it would allow vessels to fully harvest the uncaught portion of the possession limit on a subsequent trip. Assuming that the number of broken trip applications are approximately the same as they were during 2004 fishing year, approximately $1.6 million in revenue for the scallop fishery could be recovered by eliminating the possession limit reduction.

Economic Impacts of Significant and Other Non-selected Alternatives

The proposed action minimizes the costs for the small business entities operating in the general category scallop fishery as compared to the non-selected alternative 1, under which all vessels with general category permits would be required to operate a VMS. This non-selected alternative would expand the VMS requirement to apply to the 2,278 vessels with general category permits that historically catch no more than 40 lb (18.14 kg) of scallops. The VMS unit costs would require these vessels to either increase their scallop harvest to cover the costs of VMS, or cancel their general category permit, thus losing all scallop revenue. Three other alternatives considered by the Council would have required VMS on general category vessels if the vessel's landings were over 100 lb (45.4 kg), 200 lb (90.7 kg), or 300 lb (136.1 kg) for each alternative. These alternatives would require a smaller subset of vessels to operate VMS, and would result in lower overall costs to the general category fleet compared to the proposed action. On the other hand, exempting a large number of general category vessels would likely not solve the problems in monitoring the possession limit for general category vessels.

The alternative to the power-down exemption would have required VMS operation at all times. It would not minimize economic impacts on small entities compared to the proposed measure. In addition to continuous costs associated with automatic polling of vessel location, requiring vessels to operate VMS units without a power-down provision could present compliance problems for vessels that do not have sufficient power to run the VMS unit while the vessel is tied to a dock or mooring. It may in turn be costly for these vessels to devise a way to keep power supply to the VMS units while the vessel is moored.

Similarly, maintaining the automatic DAS and possession limit charge for broken trips could continue to have negative economic impacts on limited access vessels, and would not minimize economic impacts on small entities.

This proposed rule contains new collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). These requirements would apply to general category vessels only, and have been submitted to OMB for approval. The public reporting burden for these collections of information are estimated to average as follows:

1. Purchase and installation of VMS units, OMB control number 0648–0202 (1 hr per response);

2. Verification of VMS units, OMB control number 0648–0202 (0.083 hr per response);

3. Notification and application for appropriate general category permit designation, OMB control number 0648–0202 (0.5 hr per response);

4. VMS power-down notification, OMB control number 0648–0202 (0.033 hr per response); and

5. VMS re-power and trip notification, OMB control number 0648–0202 (0.033 hr per response).

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and to OMB (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: May 26, 2005.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.4, paragraph (a)(2)(ii) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(2) * * *

(ii) *General scallop permit.* Any vessel of the United States that is not in possession of a limited access scallop permit, and that possesses, or lands per trip, 400 lb (181.44 kg) of shucked meats, or 50 bu (17.62 hL) of in-shell scallops, or less, except vessels that fish exclusively in state waters for scallops, must comply with one of the permit requirements described in paragraph (a)(2)(ii)(A) or (B) of this section, unless otherwise exempted under paragraph (a)(2)(ii)(C) of this section.

(A) *General scallop non-VMS permit.* To possess or land up to, but not more than 40 lb (18.14 kg) of shucked or 5 bu (176.2 L) in-shell scallops per trip that are sold or are intended to be sold, a vessel must apply for and be issued a general scallop non-VMS permit. A vessel issued a general scallop non-VMS permit may not possess or land more than 40 lb (18.14 kg) of shucked or 5 bu (176.2 L) of in-shell scallops at any time.

(B) *General scallop VMS permit.* To possess or land more than 40 lb (18.14 kg) of shucked or 5 bu (176.2 L) of in-shell scallops, up to 400 lb (181.44 kg) of shucked meats, or 50 bu (17.62 hL) of in-shell scallops, a vessel must apply for and be issued a general scallop VMS permit. Issuance of a general scallop VMS permit requires the vessel to have installed an operable VMS unit, as described in § 648.10(b)(1)(iv).

(C) *Vessels without general scallop permits.* No scallop permit is required for a vessel that possess or lands up to 40 lb (18.14 kg) of shucked or 5 bu (176.2 L) per trip, provided such scallops are not, or are not intended to be, sold, traded, or bartered.

* * * * *

3. In § 648.9, paragraph (c)(1) introductory text and paragraph (c)(2)(i)(C) are revised, and paragraphs (c)(1)(iii) and (c)(2)(i)(D) are added to read as follows:

§ 648.9 VMS requirements.

* * * * *

(c) * * *

(1) Except as provided in paragraph (c)(2) of this section, or unless otherwise required by paragraph (c)(1)(ii) or (iii) of this section, all required VMS units must transmit a signal indicating the vessel's accurate position, as specified under paragraph (c)(1)(i) of this section.

* * * * *

(iii) At least twice per hour, 24 hours a day, throughout the year, for vessels issued a general scallop permit and subject to the requirements of § 648.4(a)(2)(ii)(C), or a limited access scallop permit.

* * * * *

(2) * * *

(i) * * *

(C) The vessel has been issued an Atlantic herring permit, and is in port, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times; or

(D) The vessel has been issued a general scallop permit and is required to operate VMS as specified in § 648.10(b)(1)(iv), is not in possession of any scallops onboard the vessel, is tied to a permanent dock or mooring, and the vessel operator has notified NMFS through VMS that the VMS will be powered down, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times. Such a vessel must repower the VMS prior to moving from the fixed dock or mooring.

* * * * *

4. In § 648.10, the section heading and paragraph (b)(1)(iv) are revised to read as follows:

§ 648.10 DAS and VMS notification requirements.

* * * * *

(b) * * *

(1) * * *

(iv) A scallop vessel issued a general scallop permit that possesses, or lands per trip, more than 40 lb (18.14 kg) shucked or 5 bu (176.2 L) in shell scallops, or when fishing under the Sea Scallop Area Access Program specified under § 648.60 and in the Sea Scallop Access Areas described in §§ 648.59(b) through (d);

* * * * *

5. In § 648.14, paragraphs (i)(11) and (i)(12) are added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(11) Fail to have an approved, operational, and functioning VMS unit that meets the specifications of § 648.9 on board the vessel at all times, unless the vessel is not subject to the VMS requirements specified in § 648.10.

(12) If the vessel is not subject to VMS requirements specified in § 648.10, possess more than 40 lb (18.14 kg) shucked or 5 bu (176.2 L) in-shell scallops at any time.

* * * * *

6. In § 648.52, paragraph (c) is revised to read as follows:

§ 648.52 Possession and landing limits.

* * * * *

(c) Owners or operators of vessels with a limited access scallop permit that have declared into the Sea Scallop Area Access Program as described in § 648.60 are prohibited from fishing for or landing per trip, or possessing at any time, more than any sea scallop possession and landing limit specified in or specified by the Regional Administrator in accordance with § 648.60(a)(5).

* * * * *

7. In § 648.60, paragraph (c)(5) is revised to read as follows:

§ 648.60 Sea scallop area access program requirements.

* * * * *

(c) * * *

(5) The Regional Administrator must authorize the vessel to take an additional trip and must specify the amount of scallops that the vessel may land on such trip and the number of DAS charged for such trip, pursuant to the calculation specified in paragraph (c)(5)(i) of this section. Such authorization will be made within 10 days of receipt of the formal written request for compensation.

(i) The amount of scallops that can be landed on an authorized additional Sea Scallop Access Area trip shall equal the possession limit specified in paragraph (a)(5) of this section minus the amount of scallops landed on the terminated trip. For example, in the 2005 fishing year, if a full-time scallop vessel lands 6,500 lb (2,948.4 kg) of scallops and requests compensation for the terminated trip, the possession limit for the additional trip is 11,500 lb (5,216 kg) (18,000 lb (8,164.7 kg) minus 6,500 lb (2,948.4 kg))

(ii) If a vessel is authorized more than one additional trip for compensation into any Sea Scallop Access Area as the result of more than one terminated trip in the same Access Area, the possession limits for the authorized trips may be combined together, provided the total possession limit on a combined compensation trip does not exceed the possession limit for a trip as specified

in paragraph (a)(5) of this section. For example, a vessel that has two broken trips with corresponding compensation trip authorizations of 10,000 lb (4,535.9 kg), 8,000 lb (3,628.7 kg), may combine the authorizations to allow one compensation trip with a possession limit of 18,000 lb (8,164.7 kg).

(iii) A vessel that terminated a 2005 access area trip after March 1, 2005, but before [date of the publication of the final rule], will be issued authorization to harvest the amount of pounds deducted from the possession limit for the additional trip. The Regional Administrator will issue this authorization automatically without request from the vessel owner. Rebated possession limit may be combined with other additional trips as described in paragraph (c)(5)(ii) of this section.

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[FR Doc. 05–10988 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 052605B]

RIN 0648–AT04

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Retention Standard

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notification of availability of FMP amendments; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 79 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). If approved, Amendment 79 would add a management objective to the goals and objectives section of the FMP that would improve the retention of Bering Sea and Aleutian Islands (BSAI) groundfish species where practicable through the establishment of a minimum Groundfish Retention Standard (GRS). This action is intended to promote the management objectives of the Improved Retention/Improved Utilization (IRIU) program, the FMP, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action is necessary to reduce discards and improve utilization in BSAI groundfish fisheries.

DATES: Written comments on Amendment 79 must be received on or before August 1, 2005.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by:

- Mail to P.O. Box 21668, Juneau, AK 99802;
- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK;
- FAX to 907–586–7557;
- E-mail to *BSA79NOA–0648–AT04@noaa.gov* and include in the subject line of the E-mail comment the document identifier: Amendment 79. E-mail comments, with or without attachments, are limited to 5 megabytes; or
- Webform at the Federal eRulemaking Portal: *www.regualtions.gov*. Follow the instructions at that site for submitting comments.

Copies of Amendment 79 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action may be obtained from the NMFS Alaska Region at the address above or from the Alaska Region website at *http://www.fakr.noaa.gov* or by calling the Sustainable Fisheries Division, Alaska Region, NMFS, at (907) 586–7228.

FOR FURTHER INFORMATION CONTACT: *Jeff.Hartman@noaa.gov* or *Jason.Anderson@noaa.gov*. Either may be contacted at (907) 586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** that the FMP or amendment is available for public review and comment. This requirement is satisfied by this notice of availability for Amendment 79.

This proposed action is one of several adopted by the Council to decrease regulatory and economic discards and increase catch utilization in the BSAI groundfish fisheries. Amendment 49 to the FMP was implemented on January 3, 1998 (62 FR 63880), establishing increased retention and utilization (IRIU) standards for pollock and Pacific cod beginning January 3, 1998, and for rock sole and yellowfin sole beginning January 1, 2003. In 2001, the Council determined that cost, market, and logistical constraints would prevent non-American Fisheries Act (AFA) trawl catcher/processors from being able to comply with IRIU requirements for flatfish. In June 2002, the Council developed a problem statement for the development of alternatives to address the pending effective date of IRIU regulations for flatfish. In October 2002, the Council adopted Amendment 75 to the FMP which would have delayed until June 1, 2004, the effective date of IRIU requirements for flatfish harvested in the BSAI. The Council's intent for this delay was to provide additional time for the development of bycatch reduction measures that could be more practically and effectively applied to the non-AFA trawl catcher/processor sector.

At the same time, the Council initiated the analysis of four new FMP amendments that were intended to augment or replace IRIU regulations for BSAI flatfish prior to the June 2004 effective date. Amendment ''B'' would have created flatfish discard limits for the flatfish fisheries; Amendment 76 would exempt fisheries with less than a 5 percent IRIU flatfish bycatch rate from IRIU flatfish regulations; Amendment 79 (the proposed action) would establish a minimum GRS; and Amendment 80 (as modified at the October 2004, Council meeting) would allocate certain target species and prohibited species catch limits to non-AFA trawl catcher/processors and create a regulatory structure under which these vessels may form one or more fishery cooperatives.

NMFS partially approved Amendment 75, by approving the removal of the January 1, 2003, effective date for the IRIU flatfish program from the FMP, and by disapproving the adjusted effective date of June 1, 2004. NMFS's decision on Amendment 75 had the effect of indefinitely delaying the IRIU flatfish program. With the indefinite delay of this program, Amendment 76 no longer had any practical application in the BSAI and Amendment ''B'' was rejected by the Council as infeasible following discussions between industry representatives and fishery managers. However, the Council continued to develop Amendments 79 and 80.

If approved, this proposed amendment would revise the goals and objectives section of the FMP to improve the retention of groundfish where practicable, through establishment of minimum groundfish retention standards. A proposed rule to

implement a GRS program for non-AFA catcher/processors equal to or greater than 125 ft (38.1 m) length overall using trawl gear, including associated monitoring and recordkeeping and reporting requirements, will be published soon in the **Federal Register** for public comment.

Public comments are being solicited on proposed Amendment 79 through the end of the comment period stated (see DATES). All written comments received by the end of the comment period on the amendment will be considered in the approval/partial approval/disapproval decision. Written comments received after that date will not be considered in theapproval/partial approval/disapproval decision on the amendment. To be considered, written comments must be received, not just postmarked or otherwise transmitted, by the close of business on the last day of the comment period.

Dated: May 27, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05–10990 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 70, No. 105
Thursday, June 2, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 05–039–1]

Public Meeting: The Safety of North American Beef and the Economic Effect of BSE on the U.S. Beef Industry

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a roundtable meeting regarding the safety of North American beef and the economic effects of BSE on the U.S. beef industry. The event will bring together USDA officials, producers, packers, and others to discuss the science of BSE, the safety of North American cattle and beef, and the economic impacts of BSE on the U.S. cattle and beef industry. Roundtable panelists will be invited, but the meeting will be open to the public. There will be an opportunity for members of the public to comment.

DATES: The meeting will be held on June 9, 2005, from 9:30 a.m. to 2:30 p.m.

ADDRESSES: The meeting will be held in the Minneapolis-St. Paul, MN, metropolitan area. For the specific address, go to *http://www.usda.gov*.

FOR FURTHER INFORMATION CONTACT: For information regarding meeting logistics or to request special accommodations, contact Annette Maros, Facility Manager, at (612) 336–3249.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture (USDA) will hold a roundtable discussion on June 9, 2005, regarding the safety of North American cattle and beef and the economic effects of BSE on the U.S. cattle and beef industry. The roundtable discussion, entitled ''The Safety of North American Beef and the Economic Effect of BSE on the U.S. Beef Industry,'' will bring together USDA officials, producers, packers, and others to discuss the science of BSE, the safety of North American cattle and beef, and the economic impacts of the detection of BSE on the U.S. cattle and beef industry, including livestock producers and meat packers and processors.

Panelists presenting during the roundtable discussions will be invited, but the meeting will be open to the public. No advance registration is required, but seating is available on a first-come, first-served basis. There will be an opportunity for members of the public to comment. Persons wishing to do so will be asked to sign up and will be accommodated to the extent possible in the order in which they register to speak.

If you require special accommodations, such as a sign language interpreter, please contact Annette Maros at (612) 336–3249.

Done in Washington, DC, this 27th day of May, 2005.

Chuck Connor,

Deputy Secretary of Agriculture.

[FR Doc. 05–11018 Filed 6–1–05; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Mendocino Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Mendocino County Resource Advisory Committee will meet June 17 2005, (RAC) in Covelo, California. Agenda items to be covered include: (1) Approval of minutes, (2) Public Comment, (3) Sub-committees (4) Discussion—items of interest (5) Next agenda and meeting date.

DATES: The meeting will be held on June 17, 2005, from 9:30 a.m. until day trip is completed.

ADDRESSES: The meeting will be held on the Mendocino National Forest. We will travel the M1 Road for the day looking at various proposed projects along the way.

FOR FURTHER INFORMATION CONTACT: Roberta Hurt, Committee Coordinator, USDA, Mendocino National Forest, Covelo Ranger District, 78150 Covelo Road, Covelo CA 95428. (707) 983–8503; EMAIL *rhurt@fs.fed.us*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff by June 13, 2005. Public comment will have the opportunity to address the committee at the meeting.

Dated: May 20, 2005.

Blaine Baker,

Designated Federal Official.

[FR Doc. 05–10917 Filed 6–1–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–588–817)

Electroluminescent Flat Panel Displays from Japan; Final Results of Sunset Review and Revocation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on electroluminescent flat panel displays (EL FPDs) from Japan. *See Initiation of Five–Year (''Sunset'') Reviews*, 70 FR 9919 (March 1, 2005). Because no interested domestic party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking the antidumping duty order on EL FPDs from Japan.

EFFECTIVE DATE: April 11, 2005

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5050.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by scope of the antidumping duty order constitute three classes or kinds of merchandise: (1) active–matrix liquid crystal high information content flat panel displays and display glass therefor; (2) gas plasma high information content flat panel displays and display glass therefor; and (3) electroluminescent high information content flat panel displays and display glass therefor.

1. Active–Matrix Liquid Crystal High Information Content Flat Panel Displays and Display Glass Therefor: Active–matrix liquid crystal high information content flat panel displays (active–matrix LCD FPDs) are large area, matrix addressed displays, no greater than four inches in depth, with a picture element (pixel) count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. Active–matrix LCF FPDs utilize a thin–film transistor array to activate liquid crystal at individual pixel locations. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video. Active–matrix LCD FPD display glass, whether or not integrated with additional components, exclusively dedicated to and designed for use in active–matrix LCD FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*i.e.*, liquid crystal) and contact pads for interconnecting drive electronics.

2. Gas Plasma High Information Content Flat Panel Displays and Display Glass Therefor:

Gas plasma high information content flat panel displays (gas plasma FPDs) are large area, matrix addressed displays, no greater than four inches in depth, with a pixel count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. Gas plasma FPDs incorporate a matrix of electrodes that, when activated, excite a gaseous compound, typically neon and argon, causing it to emit light. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video. Gas plasma FPD display glass, whether or not integrated with additional components, exclusively dedicated to and designed for gas plasma FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*i.e.*, gas plasma) and contact pads for interconnecting drive electronics.

3. Electroluminescent High Information Content Flat Panel Displays and Display Glass Therefor: EL FPDs are large area, matrix addressed displays, no greater than four inches in depth, with a pixel count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. EL FPDs incorporate a matrix of electrodes that, when activated, apply an electrical current to a solid compound of electroluminescent material (*i.e.*, zinc sulfide) causing it to emit light. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video. EL FPD displays glass, whether or not integrated with additional components, exclusively dedicated to and designed for use in EL FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*i.e.*, phosphor) and contact pads for interconnecting drive electronics. The following merchandise is excluded from the scope of these investigations: Passive–matrix liquid crystal high information content flat panel displays and display glass therefor (passive–matrix LCD FPD); segmented flat panel displays; matrix addressed flat panel displays with less than 120,000 pixels; and cathode ray tubes (CRTs). All types of FPDs described above are currently classifiable under subheadings 8543, 8803, 9013, 9014, 9017.90.00, 9018, 9022, 9026, 9027, 9030, 9031, 8471.92.30, 8471.92.40, 8473.10.00, 8473.21.00, 8473.30.40, 8442,40.00, 8466, 8517.90.00, 8528.10.80, 8529.90.00, 8531.20.00, 8531.90.00, and 8541 of the Harmonized Tariff Schedule (''HTS''). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Clarification of Scope:

We find that the continued inclusion in the scope of the antidumping duty order of display glass is warranted, given the apparent exclusion dedication of that subassembly and the fact that it represents that essential character of an FPD. The technology used by an FPD is defined by the technology of the display glass and, therefore, the basic technical characteristics of the completed FPD are also defined by the display glass. In addition, the selection of the other components is a function of the display technology, which is determined by the type of display glass. *See High Information Content Flat Panel Displays and Display Glass Therefor From Japan: Final Determination of Sales at Less Than Fair Value*, 56 FR 32376 (July 16, 1991).

Background

On September 9, 1991, the Department published the antidumping duty order on EL FPDs from Japan in the **Federal Register**. *See High Information Content Flat Panel Displays and Display Glass Therefor From Japan: Antidumping Duty Order*, 56 FR 43741 (September 9, 1991). On April 11, 2000, the Department published its notice of continuation of the antidumping duty order following the first sunset review. *See Continuation of Antidumping Duty Order; Electroluminescent Flat Panel Displays from Japan*, 65 FR 19360 (April 11, 2000).

The Department initiated a second sunset review of this order pursuant to section 751(c) of the Tariff Act of 1930, as amended, (the ''Act''), and 19 CFR 351, in general. *See Initiation of Five–Year (''Sunset'') Review*, 70 FR 9919 (March 1, 2005). As a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for this proceeding to inform them of the automatic initiation of a sunset review of this order. We received no response from the domestic industry by the deadline date. *See* 19 CFR 351.218(d)(1)(i). As a result, the Department determined that no domestic party intends to participate in the sunset review. On March 24, 2005, the Department notified the International Trade Commission (''ITC'') in writing that we intended to issue a final determination revoking the antidumping duty order. *See* 19 CFR 351.218(d)(1)(iii)(B).

Determination to Revoke

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested parties respond to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the order. Because no domestic interested party filed a notice of intent to participate or a substantive response, the Department finds that no domestic interested party is participating in this review. Therefore, we are revoking the antidumping duty order effective the fifth anniversary of the date of the determination to continue the order, consistent with 19 CFR 351.222(i)(2)(i) and section 751(c)(6)(A)(iii) of the Act.

Effective Date of Revocation

Pursuant to sections 751(c)(3)(A) and 751(c)(6)(A)(iii) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after April 11, 2005 (*i.e.*, the fifth anniversary of the date of the publication of the continuation of the order in the **Federal Register**). Entries of subject merchandise prior to the effective date of revocation will continue to be subject

to suspension of liquidation and antidumping and deposit requirements. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This five–year (''sunset'') review and this notice are in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: May 25, 2005.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–2812 Filed 6–1–05; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–825)

Revocation of Antidumping Duty Order on Sebacic Acid from The People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On April 1, 2004, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on sebacic acid from the People's Republic of China (''PRC''). *See Initiation of Five-year (''Sunset'') Reviews*, 70 FR 16800 (April 1, 2004)(''2004 Initiation''). Pursuant to section 751(c) of the Tariff Act from 1930, as amended (''the Act''), the United States International Trade Commission (''ITC'') determined that revocation of the antidumping duty order on sebacic acid from the PRC is not likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Sebacic Acid, Investigation No. 731–TA–653*, 70 FR 28572 (May 18, 2005). Therefore, pursuant to 19 CFR 351.222(i)(1), the Department is revoking the antidumping duty order on sebacic acid from the PRC.

EFFECTIVE DATE: May 26, 2004

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5050.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by this order are all grades of sebacic acid, a dicarboxylic acid with the formula $(CH_2)_8(COOH)_2$, which include but are not limited to CP Grade (500 ppm maximum ash, 25 maximum APHA color), Purified Grade (1000 ppm maximum ash, 50 maximum APHA color), and Nylon Grade (500 ppm maximum ash, 70 maximum ICV color). The principle difference between the grades is the quantity of ash and color. Sebacic acid contains a minimum of 85 percent dibasic acids of which the predominant species is the C_{10} dibasic acid. Sebacic acid is sold generally as a free–flowing powder/flake. Sebacic acid has numerous industrial uses, including the production of nylon 6/10 (a polymer used for paintbrush and toothbrush bristles and paper machine felts), plasticizers, esters, automotive coolants, polyamides, polyester castings and films, inks and adhesives, lubricants, and polyurethane castings and coatings.

Sebacic acid is currently classifiable under subheading 2917.13.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Background

On September 1, 1999, pursuant to 19 CFR 351.218(f)(4), the Department published its notice of continuation of the antidumping duty order on sebacic acid from the PRC, following the first sunset review. *See Continuation of Antidumping Duty Order; Sebacic Acid from the People's Republic of China*, 64 FR 47766, (September 1, 1999).[1] On April 1, 2004, the Department initiated the second sunset review of this order pursuant to section 751(c) of the Act, and 19 CFR part 351, in general. *See* 2004 Initiation. As a result of the second sunset review, the Department found that revocation of the antidumping order would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail were the order to be revoked. *See Sebacic Acid from the People's Republic of China; Final Results of Expedited Sunset Review*, 69 FR 47891 (August 6, 2004).

On May 18, 2005, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on sebacic acid from the PRC would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Sebacic Acid from China*, 70 FR 28572 (May 18, 2005), and USITC Pub. 3775, Inv. No. 731–TA–653 (Second Review)(May 2005).

Determination

As a result of the determination by the ITC that revocation of the antidumping duty order on sebacic acid from the PRC is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d)(2) of the Act, is revoking the antidumping duty order. Pursuant to section 751(c)(6)(A)(iii) of the Act, this revocation is effective May 26, 2004.

Effective Date of Revocation

Pursuant to sections 751(c)(3)(A) and 751(c)(6)(A)(iii) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after May 26, 2004 (*i.e.*, the fifth anniversary of the effective date of the continuation of the order). Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This five-year (''sunset'') review and this notice are in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: May 25, 2005.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–2811 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–DS–S

[1] The Department normally issues its continuation of an order within seven days of the publication of the International Trade Commission's sunset determination in the Federal Register and publishes its continuation notice immediately thereafter. In this case, the publication of the continuation notice was delayed. As a result, the Department explicitly stated that the effective date of the continuation of the order on sebacic acid from the PRC was May 26, 1999.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of Delaware National Estuarine Research Reserve Revised Management Plan Including a Boundary Expansion

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval and availability of the final revised management plan for the Delaware National Estuarine Research Reserve.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce has approved the revised management plan, which includes an expansion of the boundary of the reserve, for the Delaware National Estuarine Research Reserve.

The Delaware Reserve was designated in 1993, pursuant to Section 315 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1461. The reserve has been operating under a management plan approved in 1993. Pursuant to 15 CFR 921.33(c), a state must revise their management plan every five years. The submission of this plan fulfills this requirement and sets a course for successful implementation of the goals and objectives of the reserve.

The Delaware National Estuarine Research Reserve is administered in partnership with the Delaware Department of Natural Resources and Environmental Control. The reserve consists of two component sites that are located thirty miles apart. These components include both brackish and freshwater estuaries and represent the diverse estuarine ecosystems found throughout the Mid-Atlantic region. The Upper Blackbird Creek site in New Castle County is a low salinity brackish or freshwater system that is located in a rural area. The Lower St. Jones River site in Kent County is located just south of the state capital and represents a more saline estuary that has experienced greater impacts from the surrounding development. These diverse settings provide an ideal opportunity to study anthropogenic impacts to natural estuarine and coastal systems and to convey information about the importance of estuarine habitats and functions to the citizens of Delaware.

The mission of the reserve is to preserve and manage the natural resources within the two reserve components for research, to provide education and outreach programs that promote better understanding of Delaware's estuarine and coastal areas, and to promote informed coastal decisionmaking. Goals and objectives to advance this mission are identified within the management plan for administration; facilities and construction; public access; education, interpretation and outreach; environmental research and monitoring; and stewardship.

Administrative goals for the Delaware Reserve include increasing volunteer activities; coordinating with partners to promote science based management; and ensuring that education, research, monitoring, and land management efforts are supported with staff, facilities and operational necessities. Facilities that were constructed over the past three years at the St. Jones component site will be maintained for reserve and for community and partner use.

Education, interpretation and outreach efforts will focus on enhancing public understanding of the function of estuaries and promoting the wise use of estuarine resources to encourage an environmental ethic. Programs for the public, for students, teachers, and coastal decisionmakers will be offered and exhibits at the visitor center will be maintained and updated as needed. The reserve education program will continue to improve the use of Web based tools and public events to promote increased estuarine awareness among target audiences and the general public.

The Delaware reserve's research and monitoring program will focus on anthropogenic impacts that contribute to habitat degradation or loss. The reserve research and monitoring goals are to identify the various types, quality, and quantity of habitats available in the estuary to facilitate proper management and protection; and to identify, monitor, and limit the anthropogenic impacts to the estuarine system. Specifically, the reserve will develop an on site library of reference materials and data; collect baseline data and build a database for use in long term studies; promote the use of the reserve within the research community in the study of anthropogenic changes; disseminate important research and monitoring results about Delaware estuaries to key decisionmakers and the scientific community; and increase monitoring.

Habitat protection and restoration efforts over the next five years will address controlling invasive species, developing best management practices for agricultural lands surrounding the reserve, monitoring land use decisions within the reserve watershed, and developing conservation plans for all reserve owned property.

One hundred and forty seven privately held acres adjacent to the Upper Blackbird Creek component were acquired by the reserve in 2004. Obtaining land adjacent to the Blackbird Creek will ensure that researchers have adequate access to the natural resources of the reserve and will add woodland, marsh and open field upland habitats to this component site. The management plan incorporates the land into the reserve boundary and outlines a plan to phase in public access, education programming, and restoration activities on the new property.

FOR FURTHER INFORMATION CONTACT: Cory Riley at (301) 563–7222 or Laurie McGilvray at (301) 563–1158 of NOAA's National Ocean Service, Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

Dated: May 27, 2005.

Mitchell Luxenberg,

Acting Director, Management and Budget, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 05–10984 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Office of Oceanic and Atmospheric Research; NOAA Ocean Exploration Advisory Working Group

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation for members of the NOAA Ocean Exploration Advisory Working Group.

SUMMARY: The Under Secretary of Commerce for Oceans and Atmosphere has requested the NOAA Science Advisory Board to provide it with timely and expert advice and oversight of the Ocean Exploration Program. The SAB is chartered under the Federal Advisory Committee Act and is the only Federal Advisory Committee with the responsibility to advise the Under Secretary on long- and short-range strategies for research, education, and application of science to resource

management and environmental assessment and prediction. The SAB is forming an external panel to provide general priorities for ocean exploration, including geographic areas of interest as well as subject matter topics; advice concerning emerging ocean exploration-relevant technologies; and to conduct periodic reviews of the program for the purpose of assessing program accomplishments and providing guidance and perspective for the program's future. Nominations to the panel are being solicited. The intent is to select from the nominees; however, the SAB retains the prerogative to name people to the working group that were not nominated if it deems it is necessary to achieve the desired balance. Once selected, the SAB will post the review panel members' names at *http://www.sab.noaa.gov.*

DATES: Nominations must be received by June 23, 2005.

ADDRESSES: Nominations should be submitted electronically to *noaa.sab.exploration@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Michael Uhart: 301–713–9121, ext. 159.

SUPPLEMENTARY INFORMATION: The Ocean Exploration Advisory Working Group will consist of approximately nine individuals from academia, government, industry, and other ocean-related institutions. This group will provide its findings and results to the Science Advisory Board, which will deliberate on the input before forwarding it to NOAA. NOAA is seeking individuals that have national and international reputations; and degrees, or professional qualifications, in: Physical, chemical, or biological oceanography, social sciences, or ocean engineering, technology, and/or operations. They should be familiar with NOAA's organization and Strategic Plan and have scientific credentials and/or relevant experience that will enable them to provide expert advice concerning the Ocean Exploration Program's roles within the context of NOAA's ocean missions and policies. They should be familiar with the organization and management of complex, interdisciplinary science programs. Members will be appointed for three-year terms, renewable once, and serve at the discretion of the Secretary. Initial appointments will include one-third each four- and five-year terms. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and shall be renewable twice if the unexpired term is less than one year.

The Terms of Reference for the review is posted at: *http://www.sab.noaa.gov/Working%20Groups/Working%20Groups.htm.*

Nominations:

Anyone is eligible to nominate and self-nominations will be accepted. Nominations should provide: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) the nominee's area(s) of expertise; and (3) a short description of their qualifications relative to the kinds of advice being solicited. Inclusion of a resume is desirable.

Dated: May 26, 2005.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Atmospheric Administration.

[FR Doc. 05–10929 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

I.D. 033105B

Endangered and Threatened Wildlife; Recovery Plans for Listed Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of the final revision of the recovery plan for the western North Atlantic right whale, *Eubalaena glacialis*, as required by the Endangered Species Act of 1973 (ESA).

ADDRESSES: The final plan is provided on NMFS' Protected Resources internet website at *www.nmfs.noaa.gov/pr/PR3/recovery.html.* Also, requests for a copy of the recovery plan may be submitted to Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Gregory Silber, Ph.D., Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301–713–2322; Fax: 301–427–2522.

SUPPLEMENTARY INFORMATION:

Background

Congress passed the ESA (16 U.S.C. 1531 *et seq.*) to protect species of plants and animals in danger of extinction. NMFS and the U.S. Fish and Wildlife Service (FWS) share responsibility for the administration of the ESA. NMFS is responsible for most endangered and threatened marine mammal species, including the Northern right whale (*Eubalaena glacialis*). Listed endangered and threatened species under NMFS jurisdiction are identified in 50 CFR 222.23(a) and 50 CFR 227.4, respectively. The List of Endangered and Threatened Wildlife, which contains species under the jurisdiction of both agencies, is provided in 50 CFR 17.11(h). The North Atlantic right whale (originally the Northern right whale) is listed as endangered.

Section 4(f)(1) of the ESA requires that recovery plans be developed and implemented for the conservation and survival of endangered and threatened species, unless such plans would not promote the conservation of the species. A plan was prepared at the request of the Assistant Administrator for Fisheries to promote the recovery of North Atlantic right whales.

Comments and Responses

NMFS published a notice of availability of, and request for comments on, the draft revised recovery plan for the North Atlantic right whale in the **Federal Register** on August 31, 2004 (69 FR 53040). We received comments from eight individuals and organizations, and approximately 5500 form letters during the 60-day comment period.

NMFS received a number of suggestions regarding editorial and formatting changes. Generally, the suggestions regarding editorial and formatting changes were accepted and the plan has been modified accordingly. NMFS also received approximately 5500 form letters via e-mail encouraging the implementation of a strengthened recovery plan. The agency appreciates these comments and is moving as swiftly as possible to implement this plan.

Most of the other comments requested an update of, or modification to, the introductory sections of the plan on North Atlantic right whale distribution and abundance, and human impacts. Commenters also provided comments on the reclassification criteria, listing/recovery factors and the implementation schedule, and the recovery narrative. These comments are addressed in the following sections of this notice of availability.

Comments on the Reclassification Criteria

Several comments were received on the reclassification criteria. The text on the reclassification criteria from the 2004 draft recovery plan follows:

North Atlantic right whales may be considered for reclassifying to threatened when all of the following have been met:

I. The population structure of right whales (including, but not limited to, such parameters as abundance, growth rate, age structure, gender ratios) is indicative of a biologically significant increasing population;

II. The population has increased for a period of 20 years at an average rate of increase of 2% per year or more;

III. All five listings factors are addressed; and

IV. Given current and projected conditions, the population has no more than a 1–percent chance of quasi-extinction in 100 years.

Criteria for *delisting* North Atlantic right whales are not included in the recovery plan. Decades of population growth are required before the population could attain a level such that delisting could be contemplated. Conditions related to delisting are now too distant and hypothetical to realistically develop specific criteria. Such criteria will be included in a future revision of the recovery plan before the population is at a level when delisting becomes a reasonable decision.

Comment 1: One commenter suggested that the first criterion was confusing and vague and that the population structure should be made comparable to that of a ''normal'' whale population to consider reclassification. The commenter suggested rewriting this criterion to clarify what the standards mean, and to specify the biological data that would be used to determine if, and when, the criterion is met.

Response: In the final plan, NMFS has revised the first criterion to clarify that this criterion addresses the population ecology and demography of right whales, not their population structure. This criterion is designed to make certain that the population ecology of northern North Atlantic right whales has all of the attributes of a population that is growing; however, NMFS acknowledges that we cannot currently assign specific values to each of the relevant variables. To meet this criterion, the vital rates of northern right whales (e.g., age-specific survival and reproduction, and lifetime reproductive success) will have to be identified, those vital rates will need to be related to the population's growth rate, and the range of those vital rates that would be necessary for the population to grow will have to be determined.

Comment 2: One commenter remarked that the second reclassification criterion sets an unacceptably low standard for reclassification. A two percent annual rate of increase for a small population such as right whales could indicate a population still under considerable stress. The commenter recommended that NMFS reexamine this criterion and increase the amount of time and/or the minimal growth rate that must be met to satisfy this condition.

Response: In the final plan, NMFS has revised the time period (to 35 years) over which the right whale population must increase at a rate of at least 2 percent per year to allow the population to double before this criterion is met. Because this criterion is designed to work in concert with the other three criteria, all four criteria would have to be met before we could propose to reclassify northern right whales from endangered to threatened. NMFS interprets the criterion ''all five listing factors are addressed'' to mean that the human and natural phenomena that currently combine to endanger right whales should no longer impair the species' recovery from endangerment. To reclassify the species, the population would have to sustain a positive growth rate and the known threats to the population would no longer be acting on the population. NMFS has revised the criteria to make this relationship clearer.

Comment 3: One commenter suggested, with regard to the fourth reclassification criterion, that research be undertaken to develop population parameters necessary to run related population models and developing such parameters be listed as being top priority in the plan. However, the same commenter also recommended, that studies to develop model parameters be assigned a lower priority ranking in lieu of implementing more effective protection measures given that reclassification would not be considered for at least 20 years.

Response: NMFS agrees that research will need to be undertaken to identify the population variables for right whales necessary to run existing population models for the species or to develop new population models. To meet the first of the four reclassification criteria, research will have to identify the vital rates of northern right whales, relate those vital rates to the population's growth rate, and determine the range of those vital rates that would be necessary for the population to grow. These are the same variables that would be necessary to run most population models. NMFS understands this concern but disagrees that it is necessary to assign a lower priority to studies to develop model parameters than for implementing effective protection measures for northern right whales because the individuals who are developing the existing population models for northern right whales are different from the individuals who are taking management actions to protect right whales. Thus far, work on population models for right whales has not occurred at the expense of management actions to protect the species. In fact, the population models that have been developed for right whales have helped focus management actions to protect the species. NMFS expects that work on population models will continue to develop concurrent with management action.

Comment 4: Several comments were received on the Listing/Recovery Factors. One commenter recommended modifying the term ''regulatory mechanisms'' in Listing/Recovery Factor D to read ''regulatory mechanisms, non-regulatory programs, and other means''. Another commenter requested clarification of the term ''biologically insignificant'' in Listing/Recovery Factor E and how it will be used. The commenter recommended that PBR be described to explain what ''biologically insignificant'' is at present.

Response: Section 3(a)(1) of the ESA, as amended, identifies five factors for listing species as threatened or endangered. Section (3)(a)(1)(D) of the ESA identifies the fourth factor as ''the inadequacy of existing regulatory mechanisms.'' The listing/recovery factors cited in the plan use the terminology of the statute and thus cannot be changed. To clarify the meaning of the phrase ''result in a level of mortality considered to be biologically insignificant,'' NMFS has replaced this term with ''result in mortality levels that do not limit the population's growth rate.'' Although the commenter recommended using the term ''potential biological removal'' (PBR) to clarify the term ''biologically insignificant,'' PBR is a term from the Marine Mammal Protection Act of 1972, as amended. Because this recovery plan is prepared to comply with section 4 of the ESA, we chose not to transfer terminology from another statute.

Comments on the Implementation Schedule

Comment 5: One commenter recommended that the Implementation Schedule include a more comprehensive list of non-governmental organizations, research organizations, universities, and State agencies that contribute to right whale recovery. The commenter suggested that if these organizations cannot be listed in the Implementation Schedule, then they

should be acknowledged in the section's introductory text. Alternatively, the commenter recommended that the title of the column be changed to read ''Agencies Involved'' if only government entities are listed.

Response: It would be difficult to list all organizations, academic institutions, and other entities involved in right whale-related activities. An attempt to create an exhaustive list may overlook some group. The plan therefore identifies government agencies or government-convened organizations with relevant actions or interests.

Comment 6: One commenter expressed concern that listing an agency as involved in a recovery action commits that agency to provide resources outside the legal authority or environmental compliance obligations of that agency. The commenter also noted that this implies an expectation for those agencies to serve as the primary funding sources or data manager for such actions.

Response: The draft Recovery Plan already contained a disclaimer about agency responsibility under the plan; nonetheless, in response to this comment, the disclaimer in the plan (page iii) has been revised to read: ''Recovery plans delineate reasonable actions, which the best available science indicates are required to recover and/or protect, listed species. The National Marine Fisheries Service, sometimes with the assistance of recovery teams, contractors, State agencies, and others, publishes these plans. Recovery plans do not necessarily represent the views or the official positions or approval of any individuals or agencies involved in the plan formulation, other than the National Marine Fisheries Service. They represent the official position of the National Marine Fisheries Service only after the Assistant Administrator for Fisheries, NOAA (AA), has signed them. Recovery plans are guidance and planning documents only; identification of an action to be implemented by any public or private party does not create a legal obligation beyond existing legal requirements. Nothing in this plan should be construed as a commitment or requirement that any Federal agency obligate or pay funds in any one fiscal year in excess of appropriations made by Congress for that fiscal year in contravention of the Anti-Deficiency Act, 31 U.S.C. 1341, or any other law or regulation. Approved recovery plans are subject to modification as dictated by new findings, changes in species status, and the completion of recovery actions.''

Comment 7: One commenter recommended that NMFS combine activities in the Implementation Schedule with similar objectives, where applicable, to save costs for implementing the recovery plan. For example, the commenter noted that objective 1.1.29 - Consider conducting studies of whale behavior relative to various types of ''alerting'' sounds that may warn sleeping, feeding, or courting whales to the presence of oncoming ships, and assess the desirability of deploying such devices in an environment already heavily polluted by noise - and objective 3.3.4 - Conduct studies to assess the direct and indirect effects of anthropogenic noise on the distribution, behavior, and productivity of right whales - might overlap for some portions of the work required for each objective.

Response: NMFS believes that these objectives do not necessarily overlap since they represent different conditions i.e. objective 1.1.29 refers to introduced detection and deterrent methods that are currently being considered, or will be considered in the future, specifically to minimize ship strikes. Objective 3.3.4, on the other hand, involves studying the effects of existing marine anthropogenic noise, such as from ships or from marine exercises, and their effects on whale behavior. Combining these tasks would dilute the objectives of the respective studies.

Comments on Priorities of Action Items in the Implementation Schedule

NMFS received a number of comments with regard to shifting the priority indication of tasks in the implementation schedule. Priorities in the implementation schedule are assigned as follows:

Priority 1: An action that must be taken to prevent extinction or to prevent the species from declining irreversibly.

Priority 2: An action that must be taken to prevent a significant decline in population numbers or habitat quality, or to prevent other significant negative impacts short of extinction.

Priority 3: All other actions necessary to provide for full recovery of the species.

Comment 8: One commenter suggested changing objective 1.1.5 - Assess the effectiveness and efficiency of the survey programs in attaining the primary goal of reducing ship strikes - from a priority 2 to a priority 1, as without this assessment there is the possibility of repetition and duplicate efforts, which is not the best use of limited resources.

Response: NMFS believes that this action, although an important one, does not meet the criterion of essential to prevent extinction or to prevent the species from declining irreversibly in the context of a recovery plan. Further, this aspect, among others, will be covered under the Ship Strike Reduction Strategy.

Comment 9: Two commenters suggested changing objective 1.1.13 - Conduct risk assessment analyses of various ship routing or speed options to assess best set of vessel traffic management options by area - to priority 1 as this would place more emphasis on this objective and encourage the shipping industry participation and increase buy-in for the Ship Strike Reduction Strategy. One commenter observed that two previous items were priority 1 and it would seem that without a risk assessment of the various options (this item) the previous items couldn't be accomplished.

Response: NMFS does not believe that this action is essential to recovery of the species in the context of a recovery plan. Further, this aspect, among others, will be covered under the Ship Strike Reduction Strategy.

Comment 10: Two commenters suggested that objective 1.1.14 - Assess the potential economic impact of vessel management options - be a priority 1 action due to the crucial nature of effectively communicating the ship strike reduction strategy to corporate and agency management.

Response: NMFS believes that public and private decisionmakers are capable of understanding the legal and biological basis of the recovery plan, and that the type of economic analyses contemplated, while informative for related planning purposes, are not essential to recovery of the species in the context of a recovery plan. Further, this aspect, among others, will be covered under the Ship Strike Reduction Strategy.

Comment 11: One commenter suggested changing objective 1.1.18 - Establish and/or maintain regionally-based liaison positions to work directly with the shipping industry - from priority 2 to 1, as the Jacksonville-based NMFS Shipping Liaison has been an invaluable asset to the open communications between the shipping industry, mariner community, and NMFS and should continue to be funded.

Response: NMFS believes that, while an important function, this action is not essential to prevent extinction or to prevent the species from declining irreversibly.

Comment 12: One commenter recommended changing objective 1.1.33 - Establish or use existing GIS to: (a) conduct analysis of right whale occurrence and distribution; (b) prepare

predictive models of occurrence; (c) determine right whale and ship traffic overlap; (d) analyze patterns of strandings, whale/vessel interactions, and ''near-miss incidents≥; and (e) assess ways to minimize ship/whale interactions - from priority 2 to 1 due to the large scale of coverage this action includes and the direct implications on the management decision-making process.

Response: Although Geographic Information System (GIS) analysis is a valuable tool, NMFS does not believe that this objective is a priority 1 action (essential to prevent extinction or to prevent the species from declining irreversibly) in the context of a general recovery plan.

Comment 13: One commenter suggested that objective 1.2.9 - Expand fisheries observer programs - should be a priority 3 rather than a 2. Expanding the observer program, particularly for the trap/pot fisheries, is an expensive program with limited utility.

Response: NMFS concurs with this comment and the necessary changes have been made.

Comment 14: One commenter recommended objective 3.3.10 - Minimize identified adverse effects from oil, gas, and hard mineral exploration and development - be elevated from a priority 3 to 2, and emphasized the importance of identifying the adverse effects on the species prior to conducting studies to minimize the adverse effects.

Response: NMFS agrees with this comment and has changed the plan accordingly.

Comment 15: One commenter recommended changing objective 3.3.12 - Assess and update existing contingency plans for oil and chemical spills in waters in which right whales occur - from priority 3 to 2. In order to have a usable, productive final plan, NMFS should place an increased priority to further stress the importance of an oil and chemical spill contingency plan relating to right whales in the Southeast U.S.

Response: NMFS has incorporated this change into the plan.

Comment 16: One commenter recommended that objective 3.3.15 - Continue and expand education/public awareness programs - be made a priority 2 or 3, rather than a 1, as this type of activity is not necessary to avert extinction.

Response: NMFS concurs with this comment and the necessary changes have been made.

Comment 17: One commenter observed that some lower priority actions appear to receive more funding than higher priority actions. For example, 1.1.14 - Assess the potential economic impact of vessel management options - (priority 3) appears to be funded at $85,000 over the first three fiscal years; whereas, 1.1.12 - Assess the utility and feasibility of speed restrictions in right whale habitat - (priority 1) appears to be funded at $15,000 for the second fiscal year. It was recommended that explanations for these fiscal differences be articulated in an explanatory narrative for the implementation schedule.

Response: NMFS has provided estimates of cost to complete or execute the task based on best available information and given existing knowledge of agency resources. NMFS points out that the plan (page V–1) states ''Estimates are based on information available at this time; the amount needed to actually complete the task may change as specific actions are pursued.'' Priority levels alone do not determine the amount of funding available for a given task. In addition, the plan provides estimates of overall cost, not commitments to funding levels.

Comment 18: One commenter stated that the Executive Summary, fourth paragraph, indicates that development of demographic recovery criteria must be completed quickly; whereas elsewhere the plan notes that downlisting could not be considered for at least 20 years. The commenter agreed with the need to develop downlisting criteria but disagreed that this was top priority that ranked with the same urgency as implementing improved protection measures. The commenter recommended that this be listed as a second or third priority action.

Response: To meet the first of the four reclassification criteria, the demographic criteria that will be used to monitor and measure changes in the status and trend of right whales will have to be identified. Further, these demographic measures are necessary to evaluate the effectiveness of any measures that are implemented to protect right whales. For both of these reasons, identifying and developing these demographic variables must remain a top priority for the right whale's recovery.

Comments on Background Information Sections

Comments on Brief Overview

Comment 19: One comment was received on page IA–1 recommending the deletion of the statement: ''although precise estimates of abundance are not available'' (first paragraph). While the exact number of right whales is never known, it is believed that most whales have been photo-identified and this represents a total count that is likely very close to the actual population size.

Response: As the commenter notes, the ''exact number'' is not known at this time. That is the same as saying a ''precise estimate'' is unavailable. NMFS has chosen to leave the sentence as it appears in the draft.

Comments on Distribution and Habitat Use

Comment 20: One commenter stated on Page IC–2 that many of the citations for right whale sightings and residency times are outdated (e.g., early 1990s). The commenter mentioned that since the late 1990s, survey effort shows different information on peak sighting times and areas used by whales. The commenter recommended that information on right whale movements (e.g., Kingfisher) be updated in the plan, including recent satellite telemetry data on movement patterns.

Response: The literature discussed is being provided as background information and provides a comprehensive review of the scientific literature for an uninitiated reader. Much of the satellite tagging data are not published or readily available. The paper by B.R. Mate, S.L. Nieukirk, and S.D. Kraus (Journal of Wildlife Management 1997, Volume 61, Number 4: Page 1393–1405) provides a detailed discussion on satellite-monitored movements of northern right whales.

Comment 21: Two commenters recommended changes under 'Western North Atlantic Population' (Page IC–2). One commenter recommended adding: ''Most calving takes place off Georgia and Florida, but limited surveys recently conducted along the mid-Atlantic suggest some mother-calf pairs use the area from Cape Fear, NC to SC as a wintering/calving area as well.'' Another commenter recommended modifying the last sentence of the same paragraph to: ''serious risks, such as collision or entanglement, while in transit between such areas.≥

Response: These changes have been made to the plan.

Comments on Threats

Comment 22: Four comments were received on sections G.1 - Vessel Interactions, and G.2 - Entrapment and Entanglement in Fishing Gear. One commenter suggested that the statement ''ship speed was an important factor in the frequency of occurrence of ship strikes ''should be elaborated upon to state that collision at lower speeds (e.g., below 14 knots) were not as often fatal. Two commenters stated that

information on vessel interactions was outdated and recommended that collision data from 2002 to 2004 be included in the final revised plan. Another commenter recommended the most recent stock assessment be used as the source of data on the number and rate of entanglements in fishing gear.

Response: NMFS has included a conclusion from Laist et al. regarding ship strikes at reduced speeds. NMFS has also updated the collision and entanglement information to include data up to 2004.

Comment 23: One commenter expressed concern regarding implementation of the 500–yard (460 m) approach rule in section G.1. Research was cited showing low compliance with the existing speed guidelines. The commenter supported the promulgation of existing whale watching guidelines as regulations to promote better protection of whales, and compliance with these protective management measures.

Response: NMFS directs the commenter to the response to comment 68 on the 500–yard (460 m) approach rule. NMFS and other partner agencies (including NGOs) have continued to provide outreach and educational materials to both commercial and recreational vessel owners and operators to increase awareness of and compliance with the 500–yard (460 m) approach rule. In January 2000 NMFS issued an Advanced Notice of Proposed Rulemaking (ANPR) for North Atlantic Whale Protection (65 FR 270) to reduce threats from vessel interactions. The ANPR specifically states that, ''to minimize the detrimental effects of directed vessel interactions with Northern Right Whales, NMFS issued an interim final rule prohibiting the approach of a right whale within 500 yards (460 m) on Feb. 13, 1997. Although this rule provides certain exceptions, it generally prohibits vessels and aircraft from approaching a right whale within 500 yards (460 m), and is believed to provide adequate protection to this species from whale watch vessels.'' No changes were made to the plan.

Comment 24: One commenter noted that section G.3 - Habitat Degradation does not include a discussion of the potential impact of additional energy development projects on right whales, and recommended some discussion of these projects.

Response: NMFS has added a discussion with regard to potential energy development under section G.3.

Comment 25: Three comments were received on section G.4 - Noise. One commenter recommended adding a statement that digital tag (DTAG) work was conducted in deep water environments and therefore caution should be used when extending study results to shallow water environs such as in the Southeast U.S. Two commenters stated that approaching right whales to attach DTAGs and then exposing the animals to sound was irreconcilable with the recovery of the species. One commenter expressed concern over harassment and behavioral impacts as well as potential synergistic impacts to the species when tagging is combined with other threats such as food scarcity, entanglement and ship strikes. Commenters felt that the data obtained is not worth the risk to the species.

Response: Some types of research (even those potentially disturbing to right whales) may be needed to help guide management/recovery efforts. NMFS believes that, should some types of data collection be considered harmful, the ESA section 7 consultation process, research permit application, and peer-review processes will reveal this.

Comment 26: Two commenters recommended edits to section G.6 - Underwater Explosive Activities. One commenter suggested that small take is not the proper standard for military readiness activities. Second, the commenter believed that it was inaccurate to state, ''[A]ll Navy operations that introduce loud sounds into the marine environment are subject ''The standard in the law is a prohibition on ''take'', not a prohibition on ''loud noise'', a subjective and potentially confusing term. It was recommended the sentence reading ''In addition, all Navy operations that introduce loud sounds into the marine environment are subject, under the Marine Mammal Protection Act of 1972 (MMPA), to application for and provision of small take letters of authorization from NMFS'', be deleted. Another commenter suggested that the text: ''In addition, the Navy operations that introduce loud sounds into the marine environment are subject, under the MMPA, to application for and provision of the small take letters of authorization from NMFS'' was no longer the case, as Public Law 108–136 The National Defense Authorization Act of 2004 provides 2 processes for the Department of Defense (DOD) to receive exemptions for Navy actions if they are necessary for military readiness or national security. The commenter expressed concern over exemptions and recommended that NMFS work closely with DOD to address Navy activities in right whale habitat.

Response: NMFS has modified text in section G.6 accordingly.

Comments on Conservation Measures

Comment 27: One commenter stated that rather than listing the average number of right whales killed annually in the lobster fishery in section H.2.1 - List of Fisheries, NMFS should report the percentage of total deaths that this represents.

Response: This is a matter of presentation only, i.e., the actual data are provided. Therefore, NMFS has chosen to leave the language in the section as is.

Comment 28: Several comments were received on section H.2.2.1 - Atlantic Large Whale Take Reduction Team and Plan (ALWTRT and ALWTRP). One comment noted that section H.2.2.1 currently states that an Environmental Impact Statement (EIS) is in preparation, citing a June 2003 FR document. As of November 2004, the EIS was still not published. The commenter requested that the plan be updated to reflect the current situation. Two commenters stated that the recovery plan should describe recent recommendations of the TRT and ongoing efforts to revise the TRP.

Response: At the time of this writing, an EIS is still in preparation. The TRT provides recommendations to NMFS regularly. For latest developments arising from this process, the reader is referred to the website: *http://www.nero.noaa.gov/whaletrp/index.htm*

Comment 29: One comment was received on section H.2.2.2 - Atlantic Offshore Cetacean Take Reduction Team (AOCTRT) and Plan, and the statement that the drift net fishery was closed ''based on the [AOCTRT] Team's recommendations and concerns about right whales.'' As the Team did not recommend closure of the fishery in its plan, the commenter recommended that this be corrected in final Plan.

Response: NMFS has modified text in section H.2.2.2 accordingly.

Comment 30: One commenter recommended changing the text in section H.3 - Efforts to disentangle right whales, to read, ''In the Southeast U.S., responders are available to assist and disentanglement equipment caches have been established at key locations.≥

Response: NMFS agrees and has modified text in section H.3 accordingly.

Comment 31: One commenter noted that the language in section H.3 indicating that numerous whales have been disentangled but two attempts were unsuccessful gave the impression that disentanglement efforts are far more effective than they actually are. This

section should note that: disentanglement efforts are successful in only a small percentage of cases; it has not been possible to disentangle most entangled right whales; and that long-term entanglements are a source of serious injuries.

Response: NMFS has added text to section H.3 based on these comments.

Comment 32: One commenter stated that information on workshops and meetings held since 1998 should be included in section H.4 - Efforts to Reduce Mortality or Disturbance from Ship Activities. This includes the submission of the Russell Report.

Response: A description of all events, reports, and activities on this issue may be too voluminous for this plan. The reader is referred to the website *http://www.nero.noaa.gov/shipstrike/* for reports on the subject.

Comment 33: Three comments were received on section H.4.2 - Aircraft Surveys in the Southeastern U.S. One commenter stated that mariner advisories recommend using ''reduced'' speed, or refer mariners to *Coast Pilot*, which recommends using ''reduced'' speed. The commenter requested that NMFS check the accuracy of the reported advice and modify the text accordingly. Two commenters recommended that section H.4.2, be modified to read: ''immediately relayed to area mariners for their use in avoiding whales.'' Also they requested that NMFS specify Southeast U.S. survey lines as being East-West survey lines spaced at 3–nautical mile intervals.

Response: NMFS agrees and has modified text in section H.4.2 accordingly.

Comment 34: Another comment was received on section H.4.2, stating that this discussion should include information on the sightability of whales in the Southeast and the consequent limits of surveys as a means of reducing risk through real-time communications with vessels.

Response: NMFS has modified section H.4.2 of the plan to incorporate this comment.

Comment 35: Two comments were received on section H.4.3 - Aircraft Surveys in the Northeastern U.S. One commenter recommended that information on surveys in Massachusetts be updated to include results obtained since 1999. Another commenter recommended that this section stress the importance of opportunistic sightings, as reports from whale watch boats have played an important role in documenting entanglements in the Northeast.

Response: NMFS has modified section H.4.3 of the plan to incorporate these comments.

Comment 36: Two commenters stated that section H.4.4 - Updating Navigational Publications, needed to be updated. One commenter suggested that some of the information and charts in the draft plan say, ''will be revised'', which has already been done. Another commenter stated that the information on Coast Pilot is out of date. The commenter pointed out that in 2004, the NMFS Northeast Regional Office in collaboration with the NEIT has developed major revisions and this should be included in the plan.

Response: NMFS views the updating of nautical charts and publications as an ongoing process and has modified text in section H.4.4 of the plan to reflect these comments and to include recent updates.

Comment 37: Two commenters pointed out the draft plan lacked information on the North Atlantic Right Whale Ship Strike Strategy Advanced Notice of Proposed Rulemaking (ANPR). These commenters also suggested addition of information on the actions by the Canadian government in modifying shipping lanes to reduce collisions of ships with whales.

Response: NMFS has modified the plan to include information on the ANPR in section H.4.8. NMFS has also added section H.4.9 to include information on Canadian actions to modify shipping lanes.

Comments on the Recovery Strategy

Comment 38: Two comments were received on Page II, Recovery Strategy, stating that the discussion fails to underscore the need to modify and improve measures that have been tried to date and which have not successfully reduced vessel or entanglement injuries and deaths. The section should also underscore the urgency of developing measures to reduce ship strikes and entanglements that are more effective than those implemented under the previous recovery plan.

Response: NMFS has added the following text to section II, - ''Actions taken in the past have not significantly reduced the rate of human-related deaths and serious injury. Therefore, rigorous and urgent action is needed to reduce these threats.'' This language is consistent with language in the Executive Summary and in section IA.

Comments on the Recovery Program Narrative

Several comments focused on expanding the Recovery Narrative. These are discussed below.

Comment 39: One commenter suggested that the language of objective 1 - Minimize sources of human-caused death, injury, and disturbance should be revised to include ''significant reduction'' or ''elimination'' of anthropogenic threats.

Response: NMFS agrees and has revised objective 1 to read, ''Significantly reduce'' anthropogenic threats.

Comments on Reducing Ship Collisions with Right Whales

Comment 40: A number of comments were received on objective 1.1 - Reduce ship collisions with right whales. One commenter recommended that the general goals be made more specific to the regions in which right whales are resident or migratory. Another commenter similarly stated that the recovery plan needs to describe specific management actions that NMFS is prepared to pursue, or that are underway currently, for each of the three regions of the eastern seaboard where Northern right whales feed, breed, calve and migrate. A third commenter suggested that the section be revised to include the steps necessary to implement the NOAA Ship Strike Reduction Strategy. For example, it should note the need for developing new speed and routing regulations for waters off the East coast ports, port access route studies, the preparation of supporting documents such as an EIS, and the development of a cooperative agreement with Canada.

Response: NMFS has considered including these specific actions in the plan. However, NMFS believes that while these and other steps may have merit, introducing and attempting to implement specific measures in the context of a recovery plan may actually restrict our ability to respond to these threats and new information. The timeframes in which actions to reduce adverse affects from human activities and response to certain events is often shorter than the 5–year revision schedule expected for this plan. Moreover, specific measures are being identified and implemented through other processes. For example, at the time of this writing, NMFS is developing and expects to implement measures identified in a ship strike reduction strategy. A number of the actions identified by commenters, and a host of others, are expected to be implemented through the strategy.

In addition, NMFS identifies, assesses, develops, and implements fishing operation regulations through the Atlantic Large Whale Take Reduction program a dynamic process.

Through this process, which includes such things as consultations of Federal actions under section 7 of the ESA, its fishing gear advisory groups, various workshops, and others means, NMFS has implemented a suite of restrictions, and is in the process of implementing, or is contemplating, others. For example, at the time of this writing, steps are being taken to issue fishing gear regulations under the Atlantic Large Whale Take Reduction Plan; additional steps are expected in the coming months.

NMFS believes that the wording in the plan is sufficiently rigorous without requiring or pre-judging specific actions (e.g., specific types of changes to fishing operations). The plan currently requires identifying steps to reduce the effects of human activities (i.e., entanglements and ship collisions), monitor the program being used, and if not sufficiently rigorous, implement more stringent measures to reduce or eliminate threats.

Comment 41: One commenter suggested that in addition to the proposed measures in objective 1.1.8 - Use acoustic detection technology (e.g., ''pop-up'' buoys), surveys, and other technologies as available to monitor right whale occurrence and distribution in waters off the mid-Atlantic States - NMFS should also support and pursue the development and implementation of real-time passive acoustic techniques as a means of detecting right whales. It was recommended that NMFS develop and incorporate such progressive technology to strengthen monitoring and enforcement of ship strike management measures and use acoustic detection technology throughout the range of NARW habitat to assist in protection of right whales.

Response: The use of passive acoustic devices and other technologies is either being used, planned, or contemplated. As noted above, to identify as a task or action the use of specific technologies or measures in the plan will pre-judge and therefore, by committing to a certain avenue, may preclude development or use of some more effective technique. Finally, use of passive acoustic devices and other technologies is the subject of funding and studies already underway, and/or considered via the Ship Strike Reduction Strategy.

Comment 42: One commenter stated that objective 1.1.10 - Collect standardized data during aerial surveys on ''close calls'' between ships and whales - should specify how data could be collected on ''close calls.''

Response: NMFS has modified objective 1.1.10 to specify data collection methods for ''close calls''.

Comment 43: One commenter suggested mentioning the need to conduct a Port Access Routing Study and identifying agencies responsible for doing so under objective 1.1.11 - Assess the utility and feasibility of ship routing changes in right whale habitat.

Response: A Port Access Routing Study is being considered as part of a larger ship strike reduction strategy. NMFS views including it in objective 1.1.11 as being overly specific in the context of a recovery plan.

Comment 44: Two commenters stated that in objective 1.1.11, discussing options for altering shipping in the Southeast makes it incorrectly appear that this is the only area of significant concern. This paragraph also suggests one specific option, which is too limiting, and does not consider other options such as speed restrictions. It was recommended that NMFS spend an equal amount of energy to establish ship strike mitigation measures in the Northeast U.S. (NEUS) as in the Southeast U.S. (SEUS). One commenter recommended omitting the statement about altering course near specific ports in the SE, and instead including a general discussion of the advantages of routing and speed restrictions and/or the ANPR as part of the process toward regulating ships throughout the range of right whales. If this is not possible, the commenter recommended that NMFS discuss risk in each area (Northeast, mid-Atlantic, Southeast) and provide examples of options for each of the areas.

Response: Although the SEUS is mentioned in the paragraph, NMFS indicates that management options should be considered in all areas; and, they are being considered in NMFS' Ship Strike Reduction Strategy as indicated in its Advanced Notice of Proposed Rulemaking (ANPR). As stated in the plan, measures for the SEUS were illustrated because of the high level of traffic and aggregation of whales that occur there and the importance of the area as a calving/nursery area. Examples provided for the SEUS are illustrative of measures that could be undertaken in other areas.

Comment 45: Two comments were received on objective 1.1.14 - Assess the potential economic impact of vessel management options. One commenter stated that the phrase ''if economic burdens are small'', implies that the shipping industry will not agree to changes if economic burdens are not small, but there is no clarification of the term ''small''. The commenter recommended removing this statement from the plan. One commenter requested that this section include mention of the economic analyses that were undertaken prior to the drafting of this section.

Response: The plan has been modified to incorporate these comments.

Comment 46: One commenter suggested that objective 1.1.15 - Work with mariners, the shipping industry, and appropriate State and Federal agencies to develop and implement a regionally-based set of measures to reduce the threat of ship strikes - was obsolete since the industry has been involved in all discussions that have resulted in the development of risk reduction measures. The commenter recommended changing language in this section.

Response: NMFS believes that ongoing industry dialogue is important to develop and implement ship strike reduction protection measures. The language has not been changed in the plan.

Comment 47: One commenter noted that there is currently no requirement for vessel operators to report ship collisions with right whales and the commenter recommended that NMFS include a new task for developing requirements for reporting vessel collisions with large whales since such reports were vital for improving information on conditions causing ship collisions with whales and how to avoid them.

Response: NMFS has added objective 1.1.17 to the plan to address this concern. Please note that this addition changes the numbering of subsequent objectives.

Comment 48: One commenter recommended updating objective 1.1.18 - Establish regionally-based liaison positions to work directly, and maintain a dialog, with the shipping industry, discuss feasibility of various management measures, foster industry cooperation, and conduct related activities - since the establishment and filling of some regional shipping liaison positions has already occurred, for example, in the Southeast.

Response: NMFS believes in the importance of the liaison role and, although these positions have been filled, this activity is ongoing. The title of this objective has been modified to reflect the same.

Comment 49: One commenter recommended updating objective 1.1.22 - Continue to implement mandatory ship reporting systems along the East coast of the U.S. - to include information on the new Automated Information System (AIS) that is being required in 2005 for all ships along the eastern seaboard to assist in assuring

national security. The commenter also recommended that this section include a meaningful discussion of compliance with this system and efforts by the USCG to enforce it, given that the mandatory ship reporting system has been in place since 1999.

Response: A discussion of the Automated Information System (AIS) would be out of context in this section, inasmuch as this objective is in regard to the Mandatory Ship Reporting Systems (MSRS). Compliance with, and efforts to improve compliance, already appears in section 1.1.23.

Comment 50: Five comments were received on objective 1.1.26 - Conduct studies of active acoustic (e.g., SONAR) and passive acoustic devices (e.g., ''pop-up buoys''), and other underwater acoustic technologies on southern right whales to determine their feasibility and efficiency in detecting submerged whales. One commenter recommended including results of recent experimental work on pop-up buoys to help explain their benefits and limitations. Another commenter requested that an additional task be added to identify the need for tagging studies or other studies to determine the frequency that whales of different ages and sexes vocalize in different parts of their range. A third commenter suggested that passive acoustic detection technologies could be particularly useful in helping avoid collisions, could trigger and perhaps suspend management measures such as speed or routing in areas where right whales occur seasonally, and thereby would help ensure that economic costs to vessel operators are limited to periods when such protection needs are most important. Two commenters believed that SONAR technologies should not be tested through controlled exposure experiments on southern right whales. They recommended that mitigation technologies using sound should be avoided, and that alternative, promising technologies such as automated passive acoustic detection should be used to mitigate vessel strikes with right whales.

Response: The response to comment 41 discusses passive acoustic devices. With regard to comments on tagging studies and SONAR technologies, NMFS believes the task is sufficiently direct as stated and that determining the study design to assess the utility of a particular technology is outside the scope of this document. The reference to southern right whales has been removed.

Comment 51: Four comments were received on objective 1.1.29 - Consider conducting studies of whale behavior relative to various types of ''alerting'' sounds that may warn sleeping, feeding, or courting whales to the presence of oncoming ships, and assess the desirability of deploying such devices in an environment already heavily polluted by noise. One commenter recommended updating the section on the need to test whale response to so-called ''alerting'' devices. The commenter suggests that this section include this updated information and a caution on the utility of these devices. Three commenters objected to the use of acoustic alarms as a management tool. The commenters stated that these were unnecessary and harmful to the right whale leading to greater risk of ship strike. It was recommended that this action be omitted from the recovery plan. Additionally, the commenters were opposed to testing this technology on southern right whales, and highly discouraged this type of substitution in recovery plans.

Response: NMFS recognizes the biological concerns and drawbacks of using such a device; and the need to explore all means to reduce the likelihood of ship strikes. NMFS' corresponding planning objective is to assess the feasibility and desirability (given the biological concerns) of such devices through controlled studies. Therefore, NMFS has modified the task to indicate the studies should be ''considered''. As noted in response to comment 55 above, the reference to southern right whales has been removed.

Comment 52: One commenter requested that objective 1.1.35 - Using benign techniques, conduct studies of whale responses to ship noise and to ships of various types and speeds be modified to include the statement ''Incorporate these findings into comprehensive hydrodynamic studies to assess the potential risk of collision of various ship types and speeds with whales depending on whale responses.''

Response: NMFS believes that a recovery plan is not the appropriate vehicle to identify the specifics of study designs for directed research.

Comments on Reducing Injury and Mortality Caused by Fisheries and Fishing Equipment

Comment 53: One comment was received on objective 1.2.4 - Conduct studies of gear modifications that reduce the likelihood of entanglement, mitigate the effects of entanglements, and enhance the possibility of disentanglement - on the statement that acoustic deterrents be investigated. The commenter believes that acoustic deterrents are not an appropriate avenue for research and should be removed from this section. Further, in an October 2004 workshop of gear modification co-sponsored by NMFS and MMC, acoustic deterrents were not mentioned as a risk reduction strategy.

Response: NMFS has chosen to maintain the text as written inasmuch as the task as the task is about ''gear modifications that reduce the likelihood of entanglement'' and the amplifying text provides examples of studies that ''might include'' a number of possibilities.

Comment 54: One commenter recommended that objectives 1.2.8 - Continue, expand, and improve procedures for responding to reports of entangled whales - and 1.2.10 - Continue to review, evaluate, and act upon reports from fishermen and fishery observers of fishery interactions with right whales - mention the important role that whale watch boats play as reporters and responders (standing by) for entangled right whales.

Response: Section 1.2.10 is specific to fisheries and fishing observer programs, and section 1.2.8 is intentionally stated broadly to include all reporters of entanglement without singling out one type of participant in particular.

Comment 55: One commenter stated in objective 1.2.9 - Expand fisheries observer programs - that an expanded observer program (in the lobster fishery) is expensive and of little use in quantifying entanglement rates or educating fishermen in disentanglement due to the low catch per unit effort.

Response: NMFS concurs and has removed the specific reference to lobster fisheries in objective 1.2.9.

Comment 56: Two commenters recommended adding a task to investigate methods to encourage groups to stand by entangled whales until disentanglement teams can arrive.

Response: NMFS concurs and has added objective 1.2.15 to the plan to address these comments. Please note that this addition changes the numbering of subsequent objectives.

Comment 57: One commenter requested that objective 1.2.19 - Determine whether measures to reduce entanglement are effective - include the analysis of gear removed from entangled whales as a means of monitoring efficacy of risk reduction measures for right whales. The commenter also recommended that this gear be available to scientists and fishermen and others who wish to inspect it to learn more about the entanglement.

Response: NMFS has added text in objective 1.2.19 to ''analyze gear removed and determine the fishing industry component and technique used.'' To this point, the analyses are done routinely.

Comments on Education and Outreach Programs

Comment 58: One commenter requested the first subtitle under objective 1.3 i.e. Providing Relevant and Timely Information - be changed to ''Provide Relevant and Timely Information''. The commenter believed that action items should be developed related to getting real time information out to mariners and fishermen and perhaps others.

Response: NMFS has modified the subtitle under objective 1.3 in response to this comment.

Comment 59: One comment was received recommending that objective 1.3.1 - Continue and expand efforts to inform mariners - and objective 1.3.3 - Raise awareness on regulatory requirements - also include education of regulatory requirements in the action description.

Response: NMFS agrees and has modified objectives 1.3.1 and 1.3.3 accordingly.

Comments on Reducing Human Impact to Habitat

Comment 60: One commenter suggested that energy development be added to the list in section 3.3.1 - Conduct studies to determine the direct and indirect effects of activities and impacts associated with coastal development on the distribution, behavior, and productivity of right whales. The commenter also suggested that NMFS mention the recent workshops held by NMFS in 2004 dealing with the impact of shipping noise on whales.

Response: Section 3.3.1 was modified to include oil and gas exploration and development. Information on these workshops can be found at*http://www.shippingnoiseandmarinemammals.com/*.

Comment 61: One commenter recommended adding an objective to conduct ESA section 7 consultations on activities that involve anthropogenic noise that may have an adverse impact on right whales.

Response: NMFS concurs and has added objective 3.3.3 to provide for section 7 consultations on these activities. Please note that this addition changes the numbering of subsequent objectives.

Comment 62: One commenter recommended that objective 3.3.9 - Conduct studies to assess possible adverse effects of oil, gas, and hard mineral exploration and development and other industrial activities - include ''other energy-related development''. The commenter requested that NMFS require formal section 7 consultations under ESA for any energy-related development.

Response: NMFS has included a provision to conduct section 7 consultations for Federally authorized or funded industrial activities under this section.

Comment 63: One commenter suggested that objective 3.3.13 - Conduct studies to assess the short- and long-term effects of whale-watching on right whales - contradicts the 500–yard (460 m) approach rule notably with regard to high-speed vessels, and the entire spirit of the ship strike mitigation strategy. The commenter stated that it is not clear in objectives 3.3.13 through 3.3.15, if the intent is to observe right whale behavior when vessels are engaged in whale watching at distances greater than 500 yards (460 m). These actions appear to apply to the whale watching industry in general (both commercial and recreational) and the commenter objected to any whale watching being allowed on right whales until the recovery criteria for delisting have been met irrefutably.

Response: Vessels engaged legally in whale watching activities (or when traveling to/from whale watch locations) have struck whales, including right whales. In some cases, citizens uninformed about the 500–yard (460 m) no approach rule, approach and potentially disturb right whales. This task is aimed at assessing the impact of whale watching activities, both within and outside the 500–yard (460 m) mandatory limit as well as those on other species, to determine if they are having detrimental impacts on the population.

Comment 64: One comment was received stating that NMFS should address commercial whale-watching vessels and the potential threats they pose to right whales and other species due to the nature of their business. The commenter stated that the current voluntary measures are not effective and that the recovery plan should address threats from commercial whale-watching activities.

Response: NMFS has modified objective 3.3.14 to incorporate this comment.

Comment 65: One comment, received on 3.3.15 - Continue and expand education/public awareness programs to ensure that commercial and recreational vessel operators are aware of applicable regulations and guidelines - stated that right whale watching is prohibited by the 500–yard (460 m) no approach rule and so action items are not needed in the recovery plan to address whale watching.

Response: See response to comment 63 above.

Comment 66: One commenter stated that in objective 3.3.15 it was unclear if NMFS meant that the National Park Service should educate the public visiting coastal parks (in that case National Marine Sanctuaries should be included) or if NMFS means that they might assist in designing public education efforts.

Response: NMFS has clarified the language in objective 3.3.15 by adding, ''In some areas, the National Park Service and National Marine Sanctuary Program interpretive staff could provide valuable assistance in this regard.''

Comment 67: One commenter recommended including the need for an evaluation of the impacts of the large quantity of right whale research that is being conducted to assure that it is accurate, minimally intrusive, non-duplicative and appropriate. The commenter states that NMFS is planning to evaluate these impacts and that an EIS will look at assessing research that is, has been, or may be proposed. The commenter requests that a discussion of this planned effort by NMFS should be part of the recovery plan.

Response: NMFS noted that at the time of this writing, right whale research is being assessed in an EIS. In addition, NMFS has added objective 3.3.16 on the possible negative impacts of whale research. Please note that this addition changes the numbering of subsequent objectives.

Comment 68: One commenter recommended adding an objective to provide for ESA section 7 consultations on Federal activities that have the potential to affect right whales.

Response: NMFS agrees and has added objective 3.3.17. Please note that this addition changes the numbering of subsequent objectives.

Comments on Monitoring Right Whale Occurrence and Habitat Use

Comment 69: Two comments were received on objective 4.4 - Monitor right whale occurrence and habitat use pattern in known high-use areas - requesting that this section state the importance of regular, periodic surveys in the winter through summer offshore of Massachusetts to the North of the Great South Channel where increased sightings of right whales have correlated with increased effort. Additionally, two commenters stated that surveys are needed in the mid-Atlantic in the fall through late winter, where increased effort due to migratory corridors and habitat use. These objectives should be added to this section.

Response: NMFS concurs and has modified the titles of all survey objectives to read ''annual'' instead of specifying seasonal surveys. NMFS has also added objective 4.4.6 to conduct annual right whale surveys in waters off the U.S. mid-Atlantic States.

Comment 70: Two commenters suggested additional assessment of Cape Fear, North Carolina to South Carolina as possible calving areas.

Response: NMFS agrees and has added objective 4.4.9 to the plan. Please note that this addition changes the numbering of subsequent objectives.

Other Comments on the Recovery Narrative

Comment 71: Few comments were received regarding the Mandatory Ship Reporting System (MSRS). One commenter stated that the current Plan would not ensure enforcement of the MSRS, which is considered the key measure for reducing vessel impact on whale numbers. Another commenter stated that NMFS should ensure that MSRS compliance is high, and that NMFS should take strong enforcement measures to achieve that high level of compliance. In the Step-Down Outline, the action that the Federal Government should ''[m]onitor compliance with the mandatory ship reporting system and take steps to improve compliance as necessary'' should be changed so that emphasis is placed on action to enforce compliance, rather than just monitoring compliance.

Response: As noted in response to comment 49, the U.S. Coast Guard (using direct communications with mariners and letters of citation) is ensuring compliance with the MSRS.

Comment 72: One comment was received stating that management and monitoring tasks should address large recreational vessels and non-regulatory programs.

Response: The management and monitoring tasks currently address all vessels 65 feet (19.8 m) or longer.

Comment 73: One comment was received regarding the stated population size of right whales used routinely throughout the plan. As of data incorporated through 2003, the number of presumed living animals is 342. This number includes the high number of calves born from 2001–2003, and only half of those have been added to the catalog. Thus, this population number should increase over the next few years as these juveniles are photo-identified and added to the catalog. The commenter suggested that the plan include a discussion of the catalog total and a statement that a re-analysis of population models has not yet been done with this new spurt of calving to understand whether the population is static, increasing or decreasing, prior to finalizing the recovery plan.

Response: In preparing the plan, NMFS used population numbers contained in annual Stock Assessment Reports, the International Whaling Commission reports, and scientific literature. NMFS notes that not all calves are ''recruited'' into the population and that calf and juvenile mortality can be relatively high and, further, that regardless of recent birth rates the population still remains alarmingly low. Nonetheless, in response to this and other comments, portions of the text have been updated regarding population numbers.

Comment 74: One commenter recommended that NMFS expedite updates to all Take Reduction Plans once there has been a take in excess of the incidental take statement in the relevant Biological Opinion accompanying an ESA section 7 consultation.

Response: This comment does not pertain to the recovery plan, per se.

Comment 75: One commenter objected to the reference that right whale entanglement is ''nearly inevitable.'' (Pg. IVB–15) Although the commenter acknowledges that NMFS is trying to be realistic that no system is perfect, the commenter recommends that the wording be changed to ''may still occasionally occur'' so that the plan conveys the caveat without implying that no meaningful solution is possible.

Response: NMFS has changed this passage by striking the sentence that contained the phrase ''nearly inevitable''.

Comment 76: Two comments were received on gear replacement programs in fisheries. One commenter recommended that NMFS take a more active role in trade-in programs or gear replacement programs to reduce entanglements. Another commenter suggested that NMFS develop financial incentive programs to encourage the use of whale-safe gear and to strengthen the cooperation between competing interests.

Response: NMFS notes that although these comments do not appear to pertain directly to the recovery plan, both types of programs described are underway. No changes to the Plan were made.

Recovery Plan Implementation Teams

Comment 77: One commenter suggested that several actions in the implementation schedule were assigned inappropriately to the Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT), specifically actions numbered: 3.1.2, 3.2.1, 3.3.1, 3.3.5, 4.3, 4.6.1, 4.6.2, 4.6.3, 4.6.4, and 5.6.

Response: Actions 4.6.1, 4.6.2, 4.6.3, and 4.6.4 have been modified and currently do not involve the NEIT. NMFS believes that the other actions are ongoing tasks that will be enhanced by NEIT involvement.

Comment 78: Two comments were received on section H.1.1 - Southeastern U.S. Implementation Team (SEIT). One commenter noted that Florida is currently the Chair of the SEIT, and that this position rotates between Florida and Georgia. Another commenter recommended that the following text be inserted: ''Additionally, these two agencies (USCG and GDNR) developed and implemented procedures for broadcasting right whale locations over NAVTEX. In 1999, the USCG extended transmission range of NAVTEX to include the entire Southeast U.S. coastal area by installing a NAVTEX transmission tower near Savannah at the request of the SEIT.''

Response: NMFS has updated section H.1.1 based on these comments.

Comment 79: Another commenter requested clarification on whether measures implemented in Canada will be assessed under the proposed Conservation Agreement and if the NEIT will be involved.

Response: This approach is under consideration and it is too early to determine how the proposed conservation agreement will be addressed and what it will contain. No changes were made to the Plan.

Comment 80: Five comments were received on section H.1.2 - Northeastern U.S. Implementation Team (NEIT). Two commenters stated that the mandate and membership of the NEIT have changed since the draft plan was revised. One commenter stated that the NEIT was established to implement recovery tasks for both right whales and humpback whales. The focus of this team has since narrowed to activities related to ship collisions and the responsibility for entanglement related mortality has shifted to a take reduction team. The section should be updated with language on the current status and role of the NEIT. One commenter urged NMFS to be more proactive in utilizing and empowering the NEIT to implement the recovery plan. Two commenters recommended that ship strikes be the priority focus of the NEIT's future work. One commenter recommended that the plan specify that the NEIT play a greater role in survey and data collection, especially when data will be for real-

time and retrospective management purposes.

Response: Text has been added, and the section has been updated, to reflect the change in status and role of the NEIT.

Comment 81: One commenter questioned the effectiveness of the SEIT and NEIT, and recommended that NMFS pursue an independent evaluation of the NEIT and SEIT. The commenter felt that this assessment would be helpful in advancing the team process to accomplish more for right whales.

Response: NMFS agrees that these teams can and should be effective. Objective 5.3 indicates that the effectiveness of the teams will be periodically evaluated, and ways to make them more effective will be identified.

Miscellaneous Comments

Comment 82: One commenter requested clarification of whether the terms ''adequacy'' and ''effectiveness'' are equivalent. ''Effectiveness'' is used in objective 1.1.16 - Assess effectiveness of ship strike measures and adjust, as necessary.

Response: The section mentioned by the commenter use the term ''effectiveness''. No reference to ''adequacy'' was found in the section; therefore no changes were made to the plan.

Comment 83: One commenter expressed concern about the plan's message on right whale recovery that it gives the impression that what is most needed is monitoring the effectiveness of existing measures and taking further steps as may become necessary and possible. NMFS is currently commencing an in-depth process of developing major new management initiatives for both entanglement and ship collision risks. However, the commenter noted that the draft plan does not mention the need for or the existence of these major initiatives.

Response: NMFS believes that the Plan does an adequate job explaining the lack of recovery of right whales, the severity of threats from human activities and the need for aggressive steps to reduce the threats. With regard to this comment, no changes were made to the Plan.

Comment 84: One commenter recommended that NMFS adopt, urgently implement, and rigorously enforce the revised Recovery Plan.

Response: NMFS appreciates this comment and is moving to do so. No changes were made to the Plan.

Comment 85: One commenter expressed support for the ship strike strategy, and the imposition and enforcement of speed restrictions in areas where right whales are located.

Response: NMFS appreciates this comment although it does not appear to pertain directly to the Plan. The agency is moving as swiftly as possible to reduce the threat of ship strikes.

Comment 86: Two commenters expressed concern that lack of scientific information or certainty as to the effects of human activities on right whales would become an excuse for delaying regulation of such activities. The commenters recognized that science was essential, but that the lack of science should not delay measures to protect the species and its habitat, given the critical status of this species.

Response: NMFS appreciates these comments and recognizes the need to move decisively and without delay to reduce threats and the agency is attempting to do so. At the same time it is committed to using the best scientific data available in defining management measures.

Comment 87: One comment was received on 3.3.10 - Take steps to minimize identified adverse effects from oil, gas, and hard mineral exploration and development - reinforcing that in the Southeast U.S. this is an extremely vital objective due to the presence of mothers and highly vulnerable calves in the coastal waters during winter months. No changes were recommended.

Response: No changes were made to the Plan.

Comment 88: One commenter expressed concern regarding the statement reading ''Navy has consulted with NMFS under section 7 of the ESA on the potential effect of some of its operations on protected species'' on page IG–4. The commenter noted that the Plan omits that the Navy has refused to consult with NMFS on its operations out of Norfolk, which result in over 3,000 transits per year and dwarf the commercial operations in that area. The commenter stated that the ESA legally mandates section 7 consultations, and that NMFS should contact the Navy about engaging in consultation immediately.

Response: As noted earlier, NMFS inserted objective 3.3.17, which calls for section 7 consultations on all Federal activities.

Comment 89: One comment was received that strongly agreed with action 1.2.1 - Develop and implement strategies to modify fishing operations and gear to reduce the likelihood of entanglement, mitigate the effect of entanglements and enhance the possibility of disentanglement, and assess the effectiveness of such strategies. The commenter supported the idea that NMFS should pursue and implement universal gear requirements for high-risk fisheries and expand time/area closures and/or restrictions. It was also recommended that NMFS consider fisheries closures where feasible.

Response: No changes were made to the Plan.

Comment 90: One comment expressed concern regarding section 3.2 - Assess the need for modifying critical habitat boundaries. The commenter was concerned that overlap of critical habitat in the Southeast with the Navy's Jacksonville Operating Area and its implications on potential restrictions to the Navy's training or operations in open ocean areas. No recommended changes were presented.

Response: No changes were made to the plan, as this comment did not appear to pertain directly to modifications to the Recovery Plan. NMFS notes however, that critical habitat assessments and determinations are underway at the time of this writing. Determinations will be made based on the needs of the endangered population.

Authority

The authority for this action is section 4(f) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: May 25, 2005.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–10987 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052505B]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; committee meeting.

SUMMARY: The New England Fishery Management Council's (Council) Herring Oversight Committee along with the Atlantic States Marine Fisheries Commission (ASMFC) will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, June 20, 2005, at 9:30 a.m.

ADDRESSES: *Meeting address*: The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME.

Council address: New England Fishery Management Council, 50 Water Street, Mill #2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

Agenda for Monday, June 20, 2005

- Review and consider management alternatives to be included in the Draft Environmental Impact Statement (DSEIS) for Amendment 1 to the Herring Fishery Management Plan (FMP).
- Consider and approve the Amendment 1 DSEIS for public hearings and recommend preferred management alternatives/measures for Council consideration.
- Review and approve for public comment Draft Amendment 2 to the ASMFC Interstate Fishery Management Plan for Atlantic Herring.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people withdisabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 27, 2005.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05–10989 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of intent to evaluate—rescheduled public meeting.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces a revised time and location for a public meeting previously included in an announcement of intent to evaluate the performance of the Puerto Rico Coastal Management Program. Notice was previously given in the **Federal Register** on March 9, 2005, of the date of the site visit for the evaluation of the Puerto Rico Coastal Management Program and the date, local time, and location of the public meeting. Notice is hereby given of the revised local time and revised location of the public meeting during the site visit.

The Puerto Rico Coastal Management Program evaluation site visit will be held June 20–24, 2005. One public meeting will be held during the week. The public meeting will be held on Wednesday, June 22, 2005, at 6 p.m. at the Puerto Rico Environmental Agencies Building, Road 8838, Km 6.3, Sector El Cinco, Rio Piedras, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, (301) 713–3155, extension 118.

Federal Domestic Assistance Catalog 11.419. Coastal Zone Management Program Administration.

Dated: May 24, 2005.

Mitchell Luxenberg,

Acting Director, Management and Budget, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 05–10985 Filed 6–1–05; 8:45 am]

BILLING CODE 3510–08–P

COMMISSION OF FINE ARTS

Sunshine Act Meeting

The next meeting of the Commission of Fine Arts is scheduled for 16 June 2005 at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 27 May 2005.

Thomas Luebke,

Secretary.

[FR Doc. 05–11036 Filed 5–31–05; 10:36 am]

BILLING CODE 6330–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agenda and Priorities; Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public hearing.

SUMMARY: The Commission will conduct a public hearing to receive views from all interested parties about its agenda and priorities for Commission attention during fiscal year 2007, which begins October 1, 2006. Participation by members of the public is invited. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal year 2007 will become part of the public record.

DATES: The hearing will begin at 10 a.m. on June 21, 2005. Written comments, requests from members of the public desiring to make oral presentations, and the written text of any oral presentations must be received by the Office of the Secretary not later than June 14, 2005.

ADDRESSES: The hearing will be in room 420 of the Bethesda Towers Building, 4330 East-West Highway, Bethesda, Maryland 20814. Written comments, requests to make oral presentations, and texts of oral presentations should be captioned ''FY 2007 Agenda and Priorities'' and e-mailed to *cpsc-os@cpsc.gov,* mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or

delivered to that office, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: For information about the hearing or to request an opportunity to make an oral presentation, e-mail, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; e-mail *rhammond@cpsc.gov,* telephone (301) 504–6833; facsimile (301) 504–0127.

SUPPLEMENTARY INFORMATION: Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and, to the extent feasible, to select priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities, the Commission conduct a public hearing and provide an opportunity for the submission of comments.

The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The Commission is formulating its budget request for fiscal year 2007, which begins on October 1, 2006. Accordingly, the Commission will conduct a public hearing on June 21, 2005 to receive comments from the public concerning its agenda and priorities for fiscal year 2007. The Commissioners desire to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; consumer advocates; and health and safety officers of state and local governments.

The Commission is charged by Congress with protecting the public from unreasonable risks of injury associated with consumer products. The Commission administers and enforces the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*); the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*); the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*); and the Refrigerator Safety Act (15 U.S.C. 1211 *et seq.*). Standards and regulations issued under provisions of those statutes are codified in the Code of Federal Regulations, title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers, its staff and budget are limited. Section 4(j) of the CPSA directs the Commission to establish an agenda for action each fiscal year and, if feasible, to select from that agenda some of those projects for priority attention.

Persons who desire to make oral presentations at the hearing on June 21, 2005, should e-mail, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, e-mail *rhammond@cpsc.gov,* telephone (301) 504–6833, facsimile (301) 504–0127 not later than June 14, 2005. Presentations should be limited to approximately ten minutes.

Persons desiring to make presentations must submit the text of their presentations to the Office of the Secretary not later than June 14, 2005. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on June 21, 2005 and will conclude the same day. Written comments on the Commission's agenda and priorities for fiscal year 2007, should be received in the Office of the Secretary not later than June 14, 2005.

Dated: May 27, 2005.

Rockelle S. Hammond,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 05–10967 Filed 6–1–05; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0214]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Special Contracting Methods

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2005. DoD proposes that OMB extend its approval for use through September 30, 2008.

DATES: DoD will consider all comments received by August 1, 2005.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0214, using any of the following methods:

- Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include OMB Control Number 0704–0214 in the subject line of the message.
- *Fax:* (703) 602–0350.
- *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, (703) 602–0326. The information collection requirements addressed in this notice are available electronically via the Internet at: *http://www.acq.osd.mil/dpap/dars/dfars/index.htm.* Paper copies are available from Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION: *Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 217, Special Contracting Methods, and related provisions and clauses at DFARS 252.217–7012, Liability and Insurance, DFARS 252.217–7018, Change in Plant Location—Bakery and Dairy Products, DFARS 252.217–7026, Identification of Sources of Supply, and 252.217–7028, Over and Above Work; OMB Control Number 0704–0214.

Needs and Uses: Contracting officers use the information required by the provisions and clauses prescribed in DFARS Part 217 as follows:

The clause at DFARS 252.217–7012 is used in master agreements for repair

and alteration of vessels. Contracting officers use the information required by paragraph (d) of the clause to determine if the contractor is adequately insured. Contracting officers use the information required by paragraphs (f) and (g) of the clause to keep informed of lost or damaged property for which the Government is liable, and to determine the appropriate course of action for replacement or repair of the property.

Contracting officers use the information required by the clause at DFARS 252.217–7018 to determine the place of performance under contracts for bakery and dairy products. This information helps to ensure that food products are manufactured and processed in sanitary facilities.

Contracting officers use the information required by the provision at DFARS 252.217–7026 to identify the apparently successful offeror's sources of supply so that competition can be enhanced in future acquisitions. This collection complies with 10 U.S.C. 2384, Supplies: identification of supplier and sources, which requires the contractor to identify the actual manufacturer or all sources of supply for supplies furnished under contract to DoD.

Contracting officers use the information required by the clause at 252.217–7028 to determine the extent of ''over and above'' work before the work commences. This requirement allows the Government to review the need for pending work before the contractor begins performance.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 785,244.

Number of Respondents: 49,944.

Responses Per Respondent: Approximately 1.5.

Annual Responses: 75,944.

Average Burden Per Response: Approximately 10.3 hours.

Frequency: On occasion.

Summary of Information Collection

Each provision or clause requires the offeror or contractor to submit certain information:

a. Paragraph (d)(3) of the clause at DFARS 252.217–7012 requires the contractor to show evidence of insurance under a master agreement for vessel repair and alteration. Paragraphs (f) and (g) of the clause require the contractor to notify the contracting officer of any property loss or damage for which the Government is liable, and to submit to the contracting officer a request for reimbursement of the cost of replacement or repair with supporting documentation.

b. Paragraphs (b) and (c) of the clause at DFARS 252.217–7018 require the offeror or contractor to obtain contracting officer approval before changing the place of performance of a contract for bakery or dairy products.

c. Paragraph (b) of the provision at DFARS 252.217–7026 requires the apparently successful offeror to identify its sources of supply.

d. Paragraphs (c) and (e) of the clause at DFARS 252.217–7028 require the contractor to submit to the contracting officer a work request and a proposal for ''over and above'' work.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. 05–10912 Filed 6–1–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Contract Financing: Performance-Based Payments

AGENCY: Department of Defense (DoD).

ACTION: Response to public input.

SUMMARY: The Director of Defense Procurement and Acquisition Policy (DPAP) recently completed an internal assessment regarding the use of performance-based payments as a method of financing for DoD contracts. This assessment has resulted in recommendations for revisions to policy, guidance, and training on the use of performance-based payments.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, DPAP Policy Directorate, by telephone at (703) 847–7486, or by e-mail at *david.capitano@osd.mil.*

SUPPLEMENTARY INFORMATION: As part of the internal assessment, DPAP published a **Federal Register** notice on September 9, 2004 (69 FR 54651), requesting the views of interested parties on what they believe are potential areas for improving DoD's use of performance-based payments. Seven sets of public comments were received in response to the DPAP request.

The DoD internal assessment resulted in 47 recommendations for revisions to the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), the DoD User's Guide to Performance-Based Payments (User Guide), and DoD training programs. The anticipated completion dates for these actions are as follows:

- FAR Revisions—Final FAR Rule: July 2006
- DFARS Revisions—Final DFARS Rule—August 2006
- Revised User Guide—August 2006
- Revised DoD Training Programs—August 2006

A summary of the public comments and the DPAP responses are as follows:

A. Training on Methods of Designing Performance-Based Payment Milestones

Comment: One respondent states that the greatest needs are for training of contracting officers and requiring activity personnel on the methods of designing performance-based payment milestones that are (1) truly performance based and (2) tied effectively to incentives, where appropriate. The training should also emphasize the ''preferred method'' status of performance-based payments, and the collaborative effort (between contracting officers and the requiring activity/end user) that is necessary to design effective and meaningful performance-based payment schemes.

DPAP Response: DPAP plans to amend the current DoD training materials to address the design of milestones and to emphasize the preferred status of performance-based payments.

B. Performance-Based Payments as the Method of Preferred Financing

Comment: One respondent believes that progress payments are preferable over performance-based payments. While progress payments are based on costs incurred, milestones for performance-based payments are highly influenced by the contractor and are skewed in their favor. The number of milestones on many programs may be greater than the line items on a contract, and the fact that the milestones are negotiated/established at the beginning of the contract does not take into account the fact that the contract changes over the lifetime. This makes many milestones dubious and/or unnecessary as the contract matures. This respondent also states that the time necessary to establish these milestones requires a number of additional negotiations during the life of the contract, which adds time to administration rather than streamlining the effort. While establishing milestones is supposed to flag problem contracts when a milestone is missed or not billed, the respondent believes that the loss position in a progress payment catches many more people's attention, since a single milestone could be lost in a myriad of milestones established in the contract. As such, the respondent believes that the policy of utilizing performance-based payments as the financing vehicle of choice is a bad idea.

Another respondent states that DPAP should issue policy stating that performance-based payments are the preferred method of financing on fixed-price contracts when the contractor concurs.

A third respondent states that progress payments are easier for the contract specialist because all the contract specialist has to do is make sure the FAR and DFARS progress payment clauses are in the solicitation. Conversely, performance-based payments are a tremendous amount of extra work. General milestones are included in the solicitation, and once award is made, detailed performance-based payment milestones must be negotiated. The respondent asserts that, in most cases, the milestones cannot be finalized in a competitive procurement. Depending on who gets the award, manufacturing processes may be different and events occur at different times. The respondent believes that, having used performance-based payments on five contracts, the experience will make it easier to use such payments in the future.

DPAP Response: Performance-based payments generally require more up-front work than progress payments. However, this is offset by the reduced administrative effort that results from the elimination of cost verifications. In addition, performance-based payments increase competition, since some commercial firms do not have accounting systems that are acceptable for progress payments. As such, performance-based payments should continue to be the preferred method of financing. To emphasize this preferred status, the FAR may need to provide a more assertive requirement for the use of performance-based payments. For example, when a contractor proposes performance-based payments but the contract includes progress payments, the FAR could require a contracting officer to document in the contract file why performance-based payments were not used. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

C. Indefinite-Delivery/Indefinite-Quantity Contracts

Comment: One respondent notes that establishing performance-based payments under indefinite-delivery/indefinite-quantity contracts at the ''contract'' level rather than the ''order'' level results in an administrative quagmire for both the Defense Contract Management Agency and the Defense Finance and Accounting Service. The respondent recommends this issue be addressed as it has in the areas of progress payments. The respondent asserts that the similarity of each is highlighted at FAR 32.1001(c) and (d), Policy. These provisions state, in pertinent part, that ''Performance-based payments are fully recoverable, in the same manner as progress payments * * *.'' The provisions further state ''For Government accounting purposes, the Government should treat performance-based payments like progress payments based on costs under Subpart 32.5.'' The respondent recommends adding a paragraph to FAR 52.232–32, Performance-Based Payments, that is substantially the same as that at FAR 52.232–16(m), Progress Payments.

DPAP Response: FAR coverage may be needed to address indefinite-delivery/indefinite-quantity contracts, particularly with regard to if/how performance-based payments are established (*i.e.*, contract vs. order level). DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

D. Lesser of Cost and Performance Payment

Comment: One respondent states that FAR 32.1002 sets forth the basis or bases upon which performance-based payments might be made, none of which involve cost. There are instances where contract provisions have been included where performance-based payments are limited to the lesser of a specified performance-based payment schedule amount or incurred costs. The respondent asserts that this is inconsistent with the intent of performance-based payments.

DPAP Response: The benefits of performance-based payments are significantly reduced when there is a requirement to use the lesser of cost or the value of the performance payment. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

E. Responsible Official for Reviewing/Approving Performance-Based Payments

Comment: The respondent notes that, under FAR 32.1007(a), the contracting officer responsible for administration of the contract shall also be responsible for review and approval of performance-based payments. Where contracts are administered by other than the Procuring Contracting Officer (PCO), the contract administration function of reviewing and approving/disapproving contractors' requests for either performance-based payments or progress payments are normally not retained by the PCO, but delegated to the Administrative Contracting Officer (ACO). However, there have been instances where review and approval of performance-based payments are not delegated to ACOs, notwithstanding the delegation of all other contract administration functions. The respondent asserts that this is an inefficient practice, given the ACOs' presence in or proximity to contractor manufacturing facilities, and familiarity with contractors' business and other systems. The respondent recommends that FAR 42.302(a) (or alternatively DFARS 242.302) require that performance-based payments be delegated to the ACO, unless the PCO can demonstrate compelling circumstances as to why the function should not be delegated.

DPAP Response: FAR 32.1007(a) requires that the contracting officer responsible for administering the contract also be the one responsible for reviewing and approving the performance-based payments. However, FAR 42.302(a)(12) is a function that may be retained by the PCO, *i.e.*, not delegated to the ACO. Thus, the ACO could administer most of the contract, but the PCO could retain the review/approval function for performance-based payments. In such cases, the contracting officer responsible for administering the contract would not be the same as the contracting officer responsible for reviewing/approving performance-based payments. DPAP has recommended that this possible inconsistency in the existing FAR provisions be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

F. Valuation of Performance-Based Payment Events

Comment: One respondent recommends that valuation of performance-based payment events receive increased emphasis, because the respondent believes it continues to be a weakness of contracting officers.

DPAP Response: The User Guide currently discusses the need for valuations to be commensurate with work performed, but does not include specific examples. DPAP plans to amend the User Guide and training to provide examples of inappropriate valuations (*e.g.*, front or back-loading of payments).

G. Increased Education and Emphasis on Use of Performance-Based Payments

Comment: One respondent notes the reluctance of some PCOs to include performance-based payments, even when the contract is a good candidate for use of such payments. This respondent recommends more education and emphasis on the use of performance-based payments. Another respondent also recommends more education. This respondent asserts that ''contractors and DoD Buying Commands truly are unaware of the benefits of performance-based payments and especially how to structure a performance-based payment contract to achieve the mutual benefits performance-based payments provide. Progress payments are most acquisition personnel's (Government and private) comfort zone. They understand them and have used them for years.'' This respondent suggests increasing education via a ''Performance-Based Payment Road Show'' presented by the Office of the Secretary of Defense (OSD), with assistance from DoD personnel who have a wealth of performance-based payment experience and knowledge. This respondent suggests presentations by OSD personnel to contractors would also be beneficial.

DPAP Response: Increased training will facilitate the use and effectiveness of performance-based payments. DPAP will review the current training plan and revise it as necessary to maximize the effectiveness of DoD's performance-based payment training.

H. Advantages/Disadvantages of Performance-Based Payments

Comment: One respondent identifies the following advantages and disadvantages of performance-based payments:

Advantages of Performance-Based Payments

- Performance-based payments drive the Program Team to focus on performance events and consequently the related performance-based payments billing.
- Performance-based payments help maintain the program schedule. Progress payments do not provide an insight into schedule performance.
- Performance-based payments provide the contractor an opportunity for increased cash flow; if the billing event is completed ahead of schedule, then payment is received earlier.
- Performance-based payments reduce the cost of administration and streamlined oversight. Progress payments require a separate system approval by the Government. Material Management and Accounting Systems are not required for performance-based payment contracts.

Disadvantages of Performance-Based Payments

- Use of performance-based payments requires the agreement of both parties to the contract. This complicates the source selection process and can disadvantage the offeror seeking the use of performance-based payments.
- Additional effort is required to track each performance-based payments event due date and monitor completion status of each event. This is particularly difficult in a production build environment. The performance-based payments billing schedule is often made more complicated than necessary.
- Despite the Government's policy that performance-based payments is the preferred method of financing, certain contracting officers have not fully adopted the practice. This puts the contractor offering performance-based payments at a disadvantage in a competitive source selection, and could even cause the offeror to be declared non-responsive.

DPAP Response: DPAP is in the process of updating the User Guide. As part of this update, each of these potential advantages and disadvantages will be reviewed and, as appropriate, included in the Guide.

I. Performance-Based Payments ''Required'' Rather Than ''Preferred''

Comment: One respondent notes that the FAR language stating ''performance-based payments are the *preferred* Government financing method when the contracting officer finds them practical'' provides considerable discretion for the Contracting Officer to include progress payments, which are much easier to include in the solicitation. The respondent recommends revising FAR 32.1001(a) to require performance-based payments. The respondent asserts that there should be very few circumstances where progress payments are used. This respondent states that the OSD(AT&L) policy letter of November 13, 2000, requested that performance-based payments be the sole financing method by fiscal year 2005. The respondent recommends that OSD(AT&L) issue an update to the November 13, 2004, policy letter. The letter should emphasize performance-based payments as the ''mandatory'' form of contract financing.

DPAP Response: It is not advisable to mandate a particular form of contract financing. However, the FAR could provide a more assertive requirement for the use of performance-based payments. In particular, the FAR should be reviewed to determine whether more emphasis should be added to the ''preferred'' use of performance-based payments. For example, when a contractor proposes performance-based payments, but the contract includes progress payments, the FAR could require a contracting officer to document in the contract file why performance-based payments were not used. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

J. FAR 52.232–28, Invitation To Propose Performance-Based Payments

Comment: One respondent states that FAR 52.232–28, Invitation to Propose Performance-Based Payments, requires the contracting officer to include evaluation criteria in competitive solicitations. The respondent believes this not only increases the complexity of the evaluation, but also discourages offerors from proposing performance-based payments due to the potential downgrading of the proposal. The respondent recommends revising FAR 52.232–28 to delete Alternate I, thereby eliminating the penalty for offering performance-based payments.

DPAP Response: The regulations should not penalize or discourage contractors that propose performance-based payments. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

K. Facilitating Implementation of Performance-Based Payments

Comment: One respondent states that use of performance-based payments can be facilitated if performance-based payments discussions between the PCO and the contractor begin immediately after a proposal is submitted. A PCO may require additional detail (expenditure profile by contract line item) or may want to talk to the ACO. By the time pre-award negotiations begin, the PCO should be well aware of the performance-based payments financing request with no opportunity for ''delay pending availability of supplemental data or outstanding questions.'' In certain situations, it may be feasible to delegate responsibilities for establishing the performance-based payments criteria to the ACO. This respondent states that performance-based payments can be further facilitated by requiring a detailed performance-based payments plan and

supporting expenditure profile to be submitted with the proposal.

DPAP Response: DPAP plans to amend the User Guide and training to emphasize the need to address performance-based payments as early in the acquisition process as practical, including during pre-award negotiations.

L. Developing Performance-Based Payment Billing Events

Comment: One respondent recommends updating the DoD Guide on Performance-Based Payments to provide additional examples on how to develop billing events. Emphasis should be on milestones relative to the expenditure profile, and not individual contract line item prices and schedules. A second respondent recommends mandatory training on how to establish payment criteria.

A third respondent recommends issuing guidance stating that, as part of the acquisition planning and contract formation process, each performance-based payments event shall be formulated so that it is objective, quantifiable, and as easy to measure as possible. For example, tying performance-based payments events to already defined program reviews, tests, or manufacturing plan milestones or other events on the integrated program schedule for manufacturing activities is often the best course. For services, tying performance-based payments events to program reviews, key performance milestones, or other suitable events is good business practice. This respondent also notes that defining a performance-based payments event as ''100% completion'' of tasks should be avoided, since there are frequently minor action items left open even when a major milestone is otherwise considered accomplished. This respondent recommends revising FAR 32.1007(d), which prohibits payment of performance-based payments for incomplete performances to address cases where the milestones are materially met, but not by a 100 percent standard. This respondent recommends that FAR be revised to ''allow for Contracting Officer (CO) discretion for payment of partial amounts of performance-based payments when a specified milestone is not met.'' This respondent states that this change would address those instances when a milestone is not achieved by a very small margin.

DPAP Response: DPAP plans to amend the User Guide and training to address the development of the performance metrics, including the targeting of milestone requirements that are integral and necessary to completion of the contract. However, it is not advisable to provide for partial payments of performance-based payments milestones. The solution to this issue is in the development of the milestone metrics. If there are minor tasks that are not an integral part of the milestone completion, the metric for the milestone could list these minor tasks and state that they are not part of the milestone completion requirements. This would ensure that the parties agree up-front on what the metrics are, rather than arguing later about ''partial payment.'' In addition, partial payment raises an issue of how to make such a payment (how do the parties determine how much of the payment is made) and significantly reduces the effectiveness of performance-based payments, which are predicated on satisfactory performance of the milestone requirement.

M. Increasing Use of Performance-Based Payments

Comment: One respondent states that current policy and regulatory implementation of performance-based payments are generally adequate. DoD policy clearly states that performance-based payments are the preferred form of contract financing employed by the Government. However, the initial effort involved in identifying objective payable events may cause some contracting officers to remain reluctant to adopt the use of performance-based payments. The respondent recommends adopting a policy stipulating that, for all major fixed-price production programs in which the end item delivery cycle exceeds 12 months, the contracting officer must obtain a waiver from the head of the contracting activity in order to use progress payments rather than performance-based payments.

DPAP Response: It is not advisable to require a waiver to use performance-based payments or progress payments. This decision should be made by the contracting officer.

N. Revising Milestones

Comment: One respondent notes that sometimes new leadership (program manager or PCO) wishes to revise the initially established events, which tends to negate the benefits of performance-based payments by adding administrative effort. The respondent recommends issuing a policy stating that previously established milestones or criteria should remain stable unless payments are in violation of the general restrictions on financing payments in FAR Part 32.

DPAP Response: It is not advisable to preclude the contracting officer's ability to modify performance-based payments events. Note that in the absence of a change in contract performance requirements, modifying the performance-based payments events generally requires mutual agreement of the parties.

O. Verification of Incurred Cost for Performance-Based Payments

Comment: One respondent recommends prohibiting verification of incurred costs as part of performance-based payments. The respondent states that one important advantage of performance-based payments is the elimination of Government auditing of incurred costs. In addition, it is not clear what the Government intends to do with the incurred cost information. Regardless of the costs incurred to achieve a performance milestone, the payment terms in the contract will prevail. If there is a need to limit payments to a percentage of incurred costs, the original contract terms should establish progress payments as the correct contract payment mechanism. The respondent is concerned that the language at FAR 32.1004(a)(3)(ii) may be causing contracting officers to request incurred cost data for each milestone. The respondent notes that the second sentence of this paragraph states that ''the contracting officer may request expenditure profile information to confirm that the contractor's investment is sufficient.'' The respondent recommends that the FAR be revised and/or guidance be issued to make it clear that the expenditure profiles may only be requested during the contract pre-award stage.

DPAP Response: Including verification of costs incurred as a requirement for payment significantly diminishes the value of performance-based payments. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

P. Single Financing and Liquidation Rate

Comment: One respondent recommends establishing one financing and liquidation rate. The respondent believes that one rate will make it much simpler for DoD and the contractor to administer, pay, and close out contracts.

DPAP Response: It is important for the contracting officer to have the flexibility in the negotiation of the contract financing and liquidation rates, rather than forcing a single financing and liquidation rate for all contracts.

Q. Financing Rates Should Provide Financing Incentives for Performance-Based Payment Use

Comment: One respondent recommends that the financing rates for performance-based payments offer incentives above that which could be achieved with the no-risk, administratively burdensome 80 percent progress payment option. The FAR currently states that performance-based financing must be prudent and must not exceed 90 percent of the contract price. The respondent asserts that there have been numerous situations where the actual performance-based payments rates awarded provide lower effective financing than the 80 percent progress payment option. This trend is a disincentive for contractors to accept the risks associated with meeting performance-based financing events. The respondent recommends that DPAP issue guidance to the field advising PCOs to use performance-based payments rates that offer true financial incentives. The guidance should state that the 90 percent rate will be used on an ordinary basis and that lower rates should be used only when significant justification exists.

DPAP Response: Providing performance-based payments financing at or below the effective rate for progress payments inhibits the use of performance-based payments. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

R. Use of Production Lead Times In Lieu of Performance Events

Comment: One respondent recommends permitting performance-based payments based on production lead times for mature programs with reliable production processes, rather than using performance events. The respondent states that this is a common commercial practice and is appropriate in situations when the lead times and production processes are well known. The respondent asserts that this would result in a contract that is both simple to award and simple to administer, since the effort to validate and approve events would be eliminated.

DPAP Response: The passage of time is not an acceptable performance-based event, even when the lead times and production processes are well known. When the production processes are well known, it should not be difficult to establish objective performance milestones in a manner that requires minimal validation effort.

S. Eliminate Requirement To Bill at Contract Line and Accounting Classification Reference Number (ACRN) Level

Comment: One respondent recommends simplifying the contract administration and payment process by eliminating the requirement for contractors to bill and for the Defense Finance and Accounting Service (or other payment offices) to pay performance-based payments financing requests by contract line and ACRN. The respondent asserts that performance-based payments financing should be treated the same as progress payment financing by having the DoD payment systems allocate the billing amount to all ACRNs on the contract. The respondent asserts that adoption of this recommendation would eliminate the need for preparation of complex billings and the maintenance of manual spreadsheets by the contractor and DoD.

DPAP Response: The current DFARS case, Payment and Billing Instructions (DFARS Case 2003–D009), addresses the respondent's concern (proposed rule published at 69 FR 35564 on June 25, 2004). This case will revise the DFARS to provide the contracting officer with twelve options, including the ability to have the payment office allocate the costs at the contract line item/ACRN level.

T. Segregation of Billings Into Multiple Invoices

Comment: One respondent recommends permitting billings to be segregated into multiple invoices where a problem with a funding source, accounting station, or foreign military sales customer is expected to delay payment. The respondent believes that this option provides contractors with the ability to receive payment on time for a portion of the billing when problems arise with a particular funding source, accounting station, or foreign military sales customer, while also minimizing reconciliation efforts and the risk of expiring funds.

DPAP Response: DPAP has established a DFARS case to address instances in which a portion of the invoice is payable but other portions are not due to problems with a funding source, accounting station, or foreign military sales customer.

U. Corrected or Delayed Billings of Prior Month Do Not Preclude New Billings

Comment: One respondent recommends that guidance be issued stating that a corrected or delayed billing from a prior month does not preclude a contractor from issuing a new billing for performance-based payment events achieved in a subsequent month.

DPAP Responsee: DPAP plans to amend the User Guide and training to address the processing of current invoices when there are corrected and/or delayed billings from a prior period.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. 05–10910 Filed 6–1–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF ENERGY

[Docket No. EA–178–B]

Application To Export Electric Energy; Edison Mission Marketing and Trading, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Edison Mission Marketing and Trading, Inc. (EMMT) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before July 5, 2005.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Electricity Delivery & Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Steven Mintz (Program Office) 202–586–9506 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On May 29, 1998, the Department of Energy (DOE) issued Order No. EA–178 authorizing EMMT's predecessor, Citizens Power Sales, LLC (CP Sales) to transmit electric energy from the United States to Mexico as a power marketer. On May 3, 2000, in Order No. EA–178–A, DOE renewed the CP Sales authorization to export electric energy to Canada for a five-year term that expired on May 3, 2005.

Subsequently, EMMT's parent, Edison Mission Energy, acquired CP Sales on

July 3, 2000. In that transaction, CP Sales merged with EMMT, with EMMT as the surviving entity. EMMT has transacted under CP Sales' export authorization since that date.

On April 4, 2005, EMMT filed an application with DOE for renewal of the export authority contained in Order No. EA–178–A for an additional five-year term. EMMT proposes to export electric energy to Mexico and to arrange for the delivery of those exports over the international transmission facilities presently owned by San Diego Gas & Electric, El Paso Electric Company, Central Power & Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the EMMT application to export electric energy to Mexico should be clearly marked with Docket EA–178–B. Additional copies are to be filed directly with Joseph C. Bell, Jolanta Sterbenz, Geo. F. Hobday, Jr., Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004–1109, *And* Robert F. Viola, Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110–1776, *And* Karen A. Bell, Assistant Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110–1776.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.fe.doe.gov.* Upon reaching the Home page, select ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on May 27, 2005.

Anthony J. Como,

Senior Advisor to the Director for Regulatory Programs, Office of Electricity Delivery & Energy Reliability.

[FR Doc. 05–10954 Filed 6–1–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, June 16, 2005; 5:30 p.m.–9:30 p.m.

ADDRESSES: 111 Memorial Drive, Barkley Centre, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: William E. Murphie, Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (859) 219–4001.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

5:30 p.m. Informal Discussion

6 p.m. Call to Order

- Introductions
- Review of Agenda
- Approval of May Minutes

6:05 p.m. Deputy Designated Federal Officer's Comments

6:25 p.m. Federal Coordinator's Comments

6:30 p.m. Ex-officios' Comments

6:40 p.m. Public Comments and Questions

6:50 p.m. Task Forces/Presentations

- Waste Disposition Task Force
- Water Quality Task Force
- Long Range Strategy/Stewardship Task Force
- Community Outreach Task Force

—DUF6 Project Overview

7:50 p.m. Public Comments and Questions

8 p.m. Break

8:10 p.m. Administrative Issues

- Review of Work Plan
- Review of Next Agenda

8:20 p.m. Review of Action Items

8:25 p.m. Subcommittee Reports

- Executive Committee

—Chairs Meeting Recap

8:40 p.m. Final Comments

9:30 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact David Dollins at the address listed below or by telephone at (270) 441–6819. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 115 Memorial Drive, Barkley Centre, Paducah, Kentucky between 8 a.m. and 5 p.m., on Monday thru Friday or by writing to David Dollins, Department of Energy, Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6819.

Issued at Washington, DC on May 27, 2005.

R. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05–10953 Filed 6–1–05; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–335–005]

ANR Pipeline Company; Notice of Compliance Filing

May 25, 2005.

Take notice that, on May 19, 2005, ANR Pipeline Company (ANR) submitted a compliance filing pursuant to the Commission's April 20, 2005 Order on Rehearing and Compliance Filing in Docket Nos. RP02–335–003 and RP02–335–004.

ANR states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2783 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–065]

Dominion Transmission, Inc.; Notice of Filing

May 25, 2005.

Take notice that on May 20, 2005, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective June 20, 2005:

Thirteenth Revised Sheet No. 1300,
Seventh Revised Sheet No. 1400,
Third Revised Sheet No. 1416.

DTI states that the purpose of this filing is to revise DTI's Tariff to remove references to negotiated rate transactions with Sithe Energy Marketing, LP (Sithe) for which the underlying contracts have terminated. DTI also proposes to amend Sheet No. 1300 to eliminate the reference to a non-conforming service agreement with Sithe that has terminated.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2789 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–350–000]

Enbridge Pipelines (AlaTenn) L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

May 25, 2005.

Take notice that on May 20, 2005, Enbridge Pipelines (AlaTenn) L.L.C. (AlaTenn) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Original Sheet No. 199, to become effective June 20, 2005.

AlaTenn states it is filing this tariff sheet to reflect currently effective service agreements which do not conform with its form of service agreement.

AlaTenn states that copies of its filing have been mailed to all affected customers of AlaTenn and any interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2787 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–351–000]

Enbridge Pipelines (Midla) L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

May 25, 2005.

Take notice that on May 20, 2005, Enbridge Pipelines (Midla) L.L.C. (Midla) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective June 20, 2005:

Third Revised Sheet No. 1A,
Original Sheet No. 190.

Midla states it is filing this tariff sheet to reflect currently effective service agreements which do not conform with its form of service agreement.

Midla states that copies of its filing have been mailed to all affected customers of Midla and any interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2788 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–363–011]

North Baja Pipeline, LLC; Notice of Compliance Filing

May 25, 2005.

Take notice that, on May 20, 2005, North Baja Pipeline, LLC (NBP) submitted a compliance filing to restate its recourse rates after securing long-term financing pursuant to the Commission's January 16, 2002 Order Issuing Certificate, NGA Section Authority and Presidential Permit in Docket Nos. CP01–22–000, *et al.*

NBP states that copies of the filing were served on parties on the official service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2784 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–117–000]

Old Dominion Electric Cooperative Complainant v. The Potomac Edison Company d/b/a Allegheny Power, Respondent; Notice of Complaint Filing

May 25, 2005.

Take notice that on May 23, 2005, Old Dominion Electric Cooperative (''Old Dominion'') filed a Complaint against the Potomac Edison Company d/b/a Allegheny Power. In its Complaint, Old Dominion requests that the Commission direct Allegheny to revise its rates charged to Old Dominion for subtransmission/distribution service so that such rates are calculated on a rolled-in, as opposed to direct assignment, basis.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protest must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 14, 2005.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2777 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–51–003]

Paiute Pipeline Company; Notice of Compliance Filing

May 25, 2005.

Take notice that on May 20, 2005, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets to be effective December 9, 2003:

2nd Sub Second Revised Sheet No. 100
Substitute Original Sheet No. 101A

Paiute also submitted the following tariff sheets to be effective June 19, 2005:

Third Revised Sheet No. 25A
Third Revised Sheet No. 25B

Paiute indicates that the purpose of its filing is to comply with the Commission's Order issued on April 20, 2005 in Docket Nos. RP04–51–001 and RP04–51–002.

Paiute states that copies of its filing have been served upon all of its customers and interested state regulatory commissions, as well as upon all parties to this proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2785 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–349–000]

Questar Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 25, 2005.

Take notice that on May 20, 2005, Questar Pipeline Company (Questar), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix 1 to the filing, with an effective date of June 21, 2005.

Questar states that this filing reflects various redundant language and grammar cleanup, miscellaneous corrections and clarifications. Questar states that minor provisions have been added.

Questar state that copies of this filing were served upon Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2786 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–354–000]

Southwest Gas Corporation; Notice of Petition of Southwest Gas Corporation for a Declaratory Order and Expeditious Treatment of Petition

May 27, 2005.

Take notice that on May 24, 2005, Southwest Gas Corporation (Southwest), filed in Docket No. RP05–354–000, pursuant to Rule 207(a)(2) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), a petition for a declaratory order requesting that the Commission clarify General Terms and Conditions (GT&C) section 20.8 of El Paso Natural Gas Company's Tariff.

Southwest states that GT&C section 20.8 requires that shipper endeavor to take gas ratably through the gas day and to keep variations in hourly takes to the minimum feasible. Southwest avers that El Paso and its shippers disagree on the meaning of this tariff section and that the uncertainty is creating planning uncertainty and possibly delaying El Paso's construction of necessary infrastructure improvements. Southwest asks the Commission to clarify that GT&C section 20.8 does not constitute a fixed obligation of shipper to take 1/24 ratably throughout the gas day, nor does it limit daily firm service rights by imposing an inflexible uniform hourly service limitation. Southwest further requests expeditious action, including a shortened notice and answer period, so that the Commission's ruling can be obtained by June 30, 2005, or as soon thereafter as possible.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

A person does not have to intervene in order to have comments considered. A person must file with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this petition. The Commission will consider these comments in determining the appropriate action to be taken; but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's Rules require that persons filing comments in opposition to the petition provide copies of their protests only to the party or parties directly involved in the protest.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time June 3, 2005.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2798 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–107–007]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

May 25, 2005.

Take notice that on May 19, 2005, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed in Appendix A and B to the filing.

Williston Basin states that Appendix A of the filing contains revised tariff sheets reflecting Williston Basin's rates approved in the April 19, 2005 Commission Order for the period August 1, 2004 through April 18, 2005. Williston Basin further states that it is also filing revised tariff sheets in Appendix B, reflecting the rates set forth by the April 19, 2005 Commission Order to be effective April 19, 2005.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2782 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–84–000, et al.]

FirstEnergy Corp, et al.; Electric Rate and Corporate Filings

May 25, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. FirstEnergy Corp, on Behalf of the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company, FirstEnergy Solutions Corp., and FirstEnergy Nuclear Generation Corp.

[Docket No. EC05–84–000]

Take notice that on May 19, 2005, FirstEnergy Corp., on behalf of The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company (Penn Power), and The Toledo Edison Company (collectively, FirstEnergy Operating Companies), FirstEnergy Solutions Corp. (Solutions), and FirstEnergy Nuclear Generation Corp. (Nuclear Genco) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization to transfer the FirstEnergy Operating Companies' ownership interests in Units 1 and 2 of the Beaver Valley Generating Station, the Davis-Besse Nuclear Generating Station, and the Perry Nuclear Generating Station (collectively, Nuclear Assets) to Nuclear Genco, which is a newly-formed generation-only company that is affiliated with the FirstEnergy Operating Companies. Applicants state that it further requested authorization for the stock of Nuclear Genco, which initially will be owned by Penn Power, to be transferred to Solutions after the asset transfers have occurred, such that Nuclear Genco will become a direct, wholly-owned subsidiary of Solutions.

Comment Date: 5 p.m. eastern time on June 9, 2005.

2. TransCanada PipeLines Limited, TransCanada Power Services Ltd., TransCanada Power, L.P., TransCanada Energy Ltd., TransCanada Power Marketing Ltd., TC Power Operations Ltd., TransCanada PipeLines Services Ltd., TCPL International Investments Inc., 701671 Alberta Ltd., 812287 Alberta Ltd., 812269 Alberta Ltd., EPCOR Power Projects (Washington) Inc.

[Docket No. EC05–85–000]

Take notice that on May 23, 2005, TransCanada PipeLines Limited (TCPL), TransCanada Power Services Ltd. (TCPS), TransCanada Power, L.P. (TCP), TransCanada Energy Ltd. (TCE), TransCanada Power Marketing Ltd. (TCPM), TC Power Operations Ltd. (TCPOL), TransCanada PipeLines Services Ltd. (TCPLS), TCPL International Investments Inc. (TCPLII), 701671 Alberta Ltd. (70167), 812287 Alberta Ltd. (Acquire LP Co), 812269 Alberta Ltd. (Acquire GP Co) and EPCOR Power Projects (Washington) Inc. (EPCOR US Co) (jointly, Applicants) filed pursuant to section 203 of the Federal Power Act an application requesting authorization for the sale and transfer to Acquire GP Co and Acquire LP Co of: (i) The outstanding shares in TCPS which currently are held by TCPL; and (ii) the limited partnership interests in TCP which currently are held by TCPL and TCE. Applicants also requested authorization for the sale and transfer of certain management agreements from TCPM and TCPOL to EPCOR US Co.

Comment Date: 5 p.m. Eastern Time on June 11, 2005.

3. PJM Interconnection, L.L.C.

[Docket No. ER05–1010–000]

Take notice that on May 23, 2005, PJM Interconnection, L.L.C. (PJM) submitted for filing an unexecuted interconnection service agreement and an unexecuted construction service agreement among PJM, Neptune Regional Transmission System, L.L.C. and Jersey Central Power & Light Company a FirstEnergy company. PJM requests an effective date of May 20, 2005.

PJM states that copies of this filing were served upon the parties to the agreements and the state regulatory commissions within the PJM region.

Comment Date: 5 p.m. on June 3, 2005.

Standard Paragraph

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (19 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at http://www.ferc.gov. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protests to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available to review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2790 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filings

May 25, 2005.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER03–9–005; ER98–2157–006.

Applicants: Westar Energy, Inc. and Kansas Gas and Electric Company.

Description: Westar Energy, Inc. and Kansas Gas and Electric Company submits a mitigation proposal tailored to Westar's particular circumstances that will eliminate their ability to exercise market power control areas of Westar, Midwest Energy, Inc etc under ER03–9.

Filed Date: 05/23/2005.

Accession Number: 20050525–0006.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2005.

Docket Numbers: ER04–1069–001.

Applicants: American Transmission Systems, Incorporated.

Description: American Transmission Systems, Incorporated submits Substitute First Revised Sheet 16A to FERC Electric Tariff, Third Revised Volume 1 under ER04–1069.

Filed Date: 05/20/2005.

Accession Number: 20050524–0112.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–428–002;
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc submits Third Revised Sheet 156B et al to FERC Electric Tariff, Original Volume 2 to be effective 3/9/05 under ER05–428.
Filed Date: 05/20/2005.
Accession Number: 20050524–0149.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–463–002.
Applicants: Mendota Hills, LLC.
Description: Mendota Hills, LLC submits a compliance filing pursuant to the letter order issued by FERC on 3/3/05 granting their request for market-based rate authority under ER05–463.
Filed Date: 05/20/2005.
Accession Number: 20050524–0119.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–569–001.
Applicants: Midwest Independent Transmission System Operator, Inc. on behalf of Indianapolis Power & Light Company.
Description: Midwest Independent Transmission System Operator, Inc et al submits the Second Amended and Restated Interconnection Operating and Maintenance Agreement with DTE Georgetown, LP and Midwest ISO under ER05–569.
Filed Date: 05/20/2005.
Accession Number: 20050524–0075.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–752–001.
Applicants: Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC and Midwest Independent Transmission System Operator, Inc submits their responses to FERC's 5/6/05 information request under ER05–752.
Filed Date: 05/20/2005.
Accession Number: 20050524–0118.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–993–000.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc on behalf the Entergy Operating Companies submits First Revised Sheet 120 and 121 to FERC Electric Tariff, Second Revised Volume 3, pursuant to Section 205 of the Federal Power Act etc under ER05–993.
Filed Date: 05/20/2005.
Accession Number: 20050524–0116.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–994–000.
Applicants: Florida Power & Light Company.
Description: Florida Power & Light Co submits Original Sheet 505 to FERC Electric Tariff, Volume 8 under ER05–994.
Filed Date: 05/20/2005.
Accession Number: 20050524–0113.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–995–000.
Applicants: MidAmerican Energy Company.
Description: MidAmerican Energy Co submits notices of cancellation of Agreements with Electric and Water Utility Board of the City of Eldridge, Iowa pursuant to 18 CFR 35.15 and 131.53 under ER05–995.
Filed Date: 05/20/2005.
Accession Number: 20050524–0114.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–996–000.
Applicants: NJR Energy Services Company.
Description: NJR Energy Services Co submits a notice of cancellation of its FERC Electric Rate Schedule 1, pursuant to 18 CFR 35.15 under ER05–996.
Filed Date: 05/20/2005.
Accession Number: 20050524–0115.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–997–000.
Applicants: Cook Inlet Power, L.P.
Description: Cook Inlet Power, LP submits a Notice of Cancellation of its market-based rate tariff, FERC Rate Schedule 1, to be effective 5/20/05 under ER05–997.
Filed Date: 05/20/2005.
Accession Number: 20050524–0151.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–998–000.
Applicants: Cook Inlet Energy Supply L.L.C.
Description: Cook Inlet Energy Supply, LLC submits a Notice of Cancellation of its market-based rate tariff, FERC Rate Schedule 1, to be effective 5/20/05 under ER05–998.
Filed Date: 05/20/2005.
Accession Number: 20050524–0150.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER95–1441–021.
Applicants: ConocoPhillips Company.
Description: Triennial Market Power Analysis of ConocoPhillips Company, as well as revisions to its market-based rate schedule under ER95–1441.
Filed Date: 05/20/2005.
Accession Number: 20050524–0117.
Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2005.

Docket Numbers: ER05–902–001.
Applicants: Virginia Electric and Power Company.
Description: Virginia Electric and Power Co dba Dominion Virginia Power submits Substitute Original Sheet 4 to Third Revised FERC Rate Schedule 132 under ER05–902.
Filed Date: 05/19/2005.
Accession Number: 20050523–0149.
Comment Date: 5 p.m. Eastern Time on Thursday, June 09, 2005.

Docket Numbers: ER05–1009–000.
Applicants: MidAmerican Energy Company.
Description: MidAmerican submits a Facilities Agreement with the City of Ames, Iowa dated 4/26/05 under ER05–1009.
Filed Date: 05/23/2005.
Accession Number: 20050525–0003.
Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other and the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the

appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlinSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2791 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC05–54–000, et al.]

Wisconsin Public Service Corporation, et al.; Electric Rate and Corporate Filings

May 24, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Wisconsin Public Service Corporation

[Docket No. AC05–54–000]

Take notice that on May 5, 2005, Wisconsin Public Service Corporation (WPSC) tendered for filing Notification of its intention to use deferred accounting in connection with the incremental costs which are being incurred as a result of a forced outage at the Kewaunee Nuclear Power Plant.

WPSC states that copies of this filing were served on WPSC's wholesale customers.

Comment Date: June 8, 2005.

2. Arthur Kill Power LLC

[Docket No. EG05–66–000]

Take notice that on May 19, 2005, Arthur Kill Power LLC (Arthur Kill) tendered for filing an application for redetermination of exempt wholesale generator status pursuant to section 32 of the Public Utility Holding Company Act of 1935 and part 365 of the Commission's regulations.

Arthur Kill states that it is a limited liability company that will be engaged either directly or indirectly and exclusively in the business of owning and operating an electric generation facility located in New York.

Comment Date: 5 p.m. Eastern Time on June 9, 2005.

3. New York Independent System Operator, Inc.

[Docket No. EL05–84–001, ER05–572–001]

Take notice that on May 16, 2005, the New York Independent System Operator, Inc. (NYISO) has provided service agreements designations under its Open Access Transmission Tariff to Niagara Mohawk Power Company in compliance with the Commission's April 15, 2005 Order in Docket Nos. ER05–572–000 and EL05–84–000.

YISO states that it has served a copy of its filing on the official service lists.

Comment Date: 5 p.m. Easter Time on June 3, 2005.

4. Entergy Services, Inc.

[Docket Nos. EL95–33–006, ER00–2854–005, EL00–66–004]

Take notice that on May 18, 2005, Entergy Services, Inc., on behalf of the Entergy Operating Companies, Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered its compliance filing in response to the orders in *Louisiana Public Service Commission and the Council of the City of New Orleans* v. *Entergy Corporation, et., al* 106 FERC ¶ 61,228 (2004); 111 FERC ¶ 61,080 (2005).

Comment Date: 5 p.m. Easter Time on June 17, 2005.

5. Condon Wind Power, LLC

[Docket No. ER02–305–005]

Take notice that on May 18, 2005 Condon Wind Power, LLC (Condon) submitted for filing revised market-based rate tariff in compliance with the Commission's order issued April 18, 2005, *AES Huntington Beach, LLC, et al.*, 111 FERC ¶ 61,079. (2005).

Comment Date: 5 p.m. on June 8, 2005.

Standard Paragraph

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (19 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to long on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protests to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available to review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TYY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2792 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF05–6–000]

Transcontinental Gas Pipe Line Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Leidy to Long Island Expansion Project, Request for Comments on Environmental Issues and Notice of Scoping Meetings

May 25, 2005.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Transcontinental Gas Pipe Line Corporation's (Transco) planned Leidy

to Long Island Expansion Project located in Pennsylvania, New Jersey, and New York. This notice announces the opening of the scoping process we will use to gather input from the public and interested agencies on the projects. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on June 24, 2005.

Comments may be submitted in written form or presented verbally at the public meetings detailed below. Further details on how to submit written comments are provided in the public participation section of this notice. In lieu of sending written comments, you are invited to attend the public scoping meetings that are scheduled as follows:

Wednesday, June 15, 2005, 7 p.m. (EST)

Days Inn, 50 Sheraton Road, Danville, PA 17821, 570–275–5510.

Thursday, June 16, 2005, 7 p.m. (EST)

Ramada Limited, 2989 Hamilton Boulevard, Highway 287, South Plainfield, NJ 07080, 908–753–8900.

This notice is being sent to affected landowners; Federal, state, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

Summary of the Proposed Project

Transco proposes to expand its natural gas transmission system to provide 100,000 dekatherms per day of firm transportation capacity from the Leidy Hub in Pennsylvania to Long Island, New York. More specifically, Transco seeks authority to:

- Construct approximately 4.2 miles of 42-inch-diameter pipeline loop in Lycoming County, Pennsylvania (Hughesville Loop);
- Construct approximately 5.7 miles of 42-inch-diameter pipeline loop in Luzerne County, Pennsylvania (Berwick Loop);
- Construct approximately 3.5 miles of 42-inch-diameter pipeline loop in Somerset County, New Jersey (Neshanic Loop);
- Uprate and replace approximately 1.7 miles of 42-inch-diameter pipeline in Middlesex County, New Jersey (Morgan Replacement);
- Construct and operate a new 10,000-horsepower compressor station in Middlesex County, New Jersey;
- Uprate approximately 35 miles of existing 26-inch-diameter pipeline both on and offshore of Monmouth County, New Jersey, and Queens and Nassau Counties, New York (Lower Bay Uprate), with no replacement work anticipated; and
- Upgrade existing meter and regulator facilities.

Location maps depicting Transco's proposed facilities and alternate sites are provided in Appendix 1.[1]

Currently Identified Environmental Issues

At this time no formal application has been filed with the FERC. For this project, the FERC staff has initiated its NEPA review prior to receiving the application. The purpose of our NEPA Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC.

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities, environmental information provided by Transco, and comments gathered from concerned citizens at Transco's open houses. This preliminary list of issues may be changed based on your comments and our analysis.

- Compressor station proximity to residential neighborhoods;
- Morgan Replacement proximity to planned residential developments;
- Safety concerns of the compressor station and pipeline;
- Potential impacts on land included in the New Jersey Department of Environmental Protection Green Acres Program;
- Potential impacts on Farmland Preservation Property;
- Potential impacts on Shickshinny Creek; and
- Potential impacts on wetlands.

The EA Process

The FERC will use the EA to consider the environmental impact that could result if it issues Transco a Certificate of Public Convenience and Necessity.

This notice formally announces our preparation of the EA and the beginning of the process referred to as ''scoping.'' We[2] are soliciting input from the public and interested agencies to help us focus the analysis in the EA on the potentially significant environmental issues related to the proposed action.

Our independent analysis of the issues will be included in an EA that will be prepared for the project. Our evaluation will also include possible alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern.

The EA will be mailed to federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; affected landowners; other interested parties; local libraries and newspapers; and the FERC(s official service list for this proceeding. A 30-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

We are currently involved in discussions with other jurisdictional agencies to identify their issues and concerns. These agencies include the U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, New Jersey Department of Environmental Protection, Pennsylvania Department of Environmental Protection, and the U.S. Department of Transportation. By this notice, we are asking these and other federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposals. Your comments should focus on the potential environmental effects, reasonable alternatives and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please mail your comments so that they will be received in Washington, DC on or before June 24, 2005 and carefully follow these instructions:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site (excluding maps) at the ''eLibrary'' link or from the Commission(s Public Reference Room or call (202) 502–8371. For instructions on connecting to eLibrary refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Office of Energy Projects.

• Label one copy of the comments for the attention of Gas Branch 3, DG2E; and

• Reference Docket No. PF05–6–000 on the original and both copies.

Please note that the Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

When Transco submits its application for authorization to construct and operate the Leidy to Long Island Expansion Project, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

Environmental Mailing List

If you wish to remain on the environmental mailing list, please return the Mailing List Retention Form included in Appendix 2. If you do not return this form, you will be taken off our mailing list.

Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select (General Search(from the eLibrary menu, enter the selected date range and (Docket Number((*i.e.*, PF05–6–000), and follow the instructions. Searches may also be done using the phrase (Leidy to Long Island Expansion(in the (Text Search(field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information. Finally, Transco has established an Internet Web site for its project at *http://www.williams.com/northeast expansion.* The website includes a project overview, contact information, regulatory overview, and construction procedures.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2781 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

May 25, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12575–000.

c. *Date filed:* March 1, 2005.

d. *Applicant:* South Fork Irrigation District and Hot Springs Valley Irrigation District.

e. *Name and Location of Project:* The proposed West Valley Pumped Storage Project would be located in Modoc and Lassen Counties in California and would use the Bureau of Land Management's Moon Lake Dam.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant contact:* Mr. Donald R. Pope, 2037 E. Phillips Place, Littleton, CO 80122–3228, (303) 905–4954.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12575–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed pumped storage project would use the existing 16-foot-high, 1,100-foot-long earthen Moon Lake Dam and the Moon Lake Reservoir, having a surface area of 3,000 acres, a storage capacity of 35,000 acre-feet, and normal water surface elevation of 5,500 feet msl (which would serve as the upper reservoir). The proposed project would consist of: (1) A new 90-foot-high, 650-foot-long concrete dam; (2) a new reservoir having a surface area of 184 acres, a storage capacity of 8,280 acre-feet, and normal water surface elevation of 4,950 feet msl (this proposed reservoir would serve as the lower reservoir and would be connected by tunnel to the upper reservoir); (3) a new powerhouse within the tunnel, containing four generating units with a total installed capacity of 264 MW; (4) a new 5-mile-long, 203–KV transmission line; and (5) appurtenant facilities. The proposed project would have an annual generation of 542,880 MWh.

k. *Location of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and

reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2778 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

May 25, 2005

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12583–000.

c. *Date filed:* April 4, 2005.

d. *Applicant:* City of Brawley, California.

e. *Name and Location of Proposed Project:* The proposed Colorado River Aqueduct Desalination and Salton Sea Water Supply Project would be located on the Colorado River Aqueduct Wasteway No.1, and Salton Sea, in Riverside and Imperial Counties, California. The Colorado River Aqueduct is owned by the Metropolitan Water District of Southern California, Wasteway No. 1 and is administered by the U.S. Bureau of Reclamation. The Salton Sea is managed by the Salton Sea Authority.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant contact:* Mr. Michael J. Clinton, Brawley FERC Associates, LLC, 8635 W. Sahara Ave., #588, Las Vegas, NV 89117, (702) 255–1536.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12583–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an

issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. Description of Project: The proposed project would consist of: (1) A proposed impoundment having a surface area of 10 acres and storage capacity of 50 acre-feet and normal water surface elevation of 1670 feet msl, (2) two proposed 48-inch-diameter steel penstocks, 18.8-mile-long and 4-mile-long, (3) a proposed powerhouse containing two generating units having a total installed capacity of 7.4 MW, (5) a proposed tailrace emptying into the Salton Sea, (6) a proposed 8-mile-long, 12.5 kV transmission line, and (7) appurtenant facilities. The proposed project would have an annual generation of 64,000 MWh.

k. Location of Application: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2779 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted For Filing and Soliciting Comments, Protests, and Motions To Intervene

May 25, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12584–000.

c. *Date filed:* April 19, 2005.

d. *Applicant:* Loyalhanna Hydroelectric Company LLC.

e. *Name and Location of Project:* The proposed Loyalhanna Hydroelectric Project would be located at the existing U.S. Corps of Engineers' Loyalhanna Dam located on Loyalhanna Creek, near the Town of Saltsburg, Westmoreland County, Pennsylvania. The proposed project would utilize federal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

g. *Applicant contact:* Mr. Clifford Phillips, Advanced Hydro Solutions LLC, 150 North Miller Road, Suite 450 C, Fairlawn, OH 44333, (330) 869–8451.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12584–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Loyalhanna Dam and would consist of: (1) A new 200-foot-long, 10-foot-diameter penstock; (2) a new 50-foot-long, 30-foot-wide, 20-foot-high powerhouse containing one or two generating units for a total installed capacity of 2.0–MW; (3) a new exhaust apron; (4) a new 3,960-foot-long, 14.7–kV transmission line; and (5) appurtenant facilities.

k. *Location of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2780 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD05–11–000 and ER02–1656–000]

Energy Infrastructure and Investment in California; California Independent System Operator Corporation; Supplemental Notice of Conference

May 25, 2005.

As previously announced, the Federal Energy Regulatory Commission (FERC or Commission) in conjunction with the state agencies will hold a conference on energy infrastructure and investment on Thursday, June 2, 2005 in San Francisco, California. Attached is a more detailed agenda and list of panelists.

The one-day meeting will begin at 9 a.m. (PST), and conclude shortly after 3 p.m. All interested parties are invited to attend.

Although registration is not a strict requirement, in-person attendees are asked to register for the conference on-line by close of business on May 31, 2005 at *http://www.ferc.gov/whats-new/registration/infra-06-02-form.asp*. There is *no* registration fee. For additional information, please contact Sarah McKinley in the Office of External Affairs at *sarah.mckinley@ferc.gov*.

Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–266–6646) for a fee. They will be available for the public on the Commission's eLibrary system and on the calendar page posting for this event seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity for remote listening of the conference via Real Audio or a Phone Bridge Connection for a fee. Persons interested in making arrangements should contact David Reininger or Julia Morelli at Capitol Connection (703–933–3100) as soon as possible or visit the Capitol Connection Web site at *http://www.capitolconnection.org* and click on ''FERC.''

Linda Mitry,

Deputy Secretary.

Conference Agenda—California Public Utilities Commission, 505 Van Ness Ave, San Francisco, California

June 2, 2005

9–9:45 a.m. Opening Remarks and Introductions:

Chairman Pat Wood, Federal Energy Regulatory Commission (FERC)

Commissioner Nora Mead Brownell, FERC

Commissioner Joseph T. Kelliher, FERC

President Michael R. Peevey, California Public Utilities Commission (CPUC)

Commissioner Dian Grueneich, CPUC

Commissioner John Bohn, CPUC

Commissioner Susan P. Kennedy, CPUC

Chairman Joe Desmond, California Energy Commission (CEC)

Commissioner John L. Geesman, CEC

President and Chief Executive Officer Yakout Mansour, California Independent System Operator Corporation (CAISO)

9:45—10 a.m. Presentation: Current Infrastructure and Supply and Demand, Jeff Wright, Office of Energy Projects, FERC

10—10:45 a.m. Presentation: Grid Operations and Transmission Expansion Planning, Jim Detmers, Vice President of Grid Operations, CAISO

- CAISO outlook for 2005 and 2006
- CAISO grid operations

✓ Seasonal import/export considerations and coordination

✓ Magnitude and variability of system and localized constraints

✓ Generation deliverability

10:45–11 a.m. Break

11–12:30 p.m. Roundtable: Supply and Demand Side: Investment and Infrastructure

This panel will address the regulatory and market structures needed for an end-state market that provides signals for investment.

After remarks by the opening panelist, other panelists will each have an opportunity to give a prepared 3 minute presentation. With the completion of all presentations, there will be an opportunity for question and answer and panel discussion.

Panelists should address:

- Projected California Resource Additions for 2006–2010—Who is building?

✓ Technology and Communications infrastructure to incent Demand Response

✓ Renewable Energy Resources

✓ Conventional Generation

- Capacity markets

✓ How do capacity markets contribute to a stable investment environment? Are capacity markets facilitating investment in other regions of the United States?

- Current Investment Climate

✓ What is the perception of California from Wall Street as it relates to investing in generation resources?

- Credit and Contracting

✓ What are appropriate/standard credit requirements on contracts for physical generating facilities?

✓ How should requirements vary depending on the seller's financial condition?

✓ Should credit requirements for energy-only contracts differ from credit requirements for contracts for physical generating facilities. If so, how?

✓ Are there standards developing in the market of which parties should be aware?

Panelists:

Steven Stoft, Consultant to the CPUC

Mike Florio, Senior Staff Attorney, The Utility Reform Network

Gary Ackerman, Executive Director, Western Power Trading Forum

Brian Chin, Energy Merchant Equity Analyst, Smith Barney Citigroup

Steve Schleimer, Vice President of Regulatory Affairs for Western Region, Calpine

Pedro Pizarro, Vice President of Power Procurement, SoCal Edison

Brian Silverstein, VP, Operations & Planning & Chief Engineer, Bonneville Power Administration

Curtis Kebler, Vice President, U.S. Power Trading, Goldman Sachs & Co.

12:30–1:30 p.m. Lunch

1:30–3 p.m. Roundtable: Transmission

After brief presentations by the opening 3 panelists describing their respective agencies' roles in the transmission expansion and planning process, other panelists will each have an opportunity to give a prepared 3 minute presentation. With the completion of all presentations, there will be an opportunity for question and answer session and panel discussion.

Panelists will address:

- Who is building and why?
- What are the biggest hurdles to expansion and what are the ways to overcome them?
- Ownership: individual or joint and implications for cost recovery
- Who is funding: private/public partnerships?
- Does the availability of long term rights impact investment?
- The role of the CAISO and the impact of the CAISO's TEAM
- Cost recovery

Panelists:

Armando J. Perez, Director of Grid Planning, CAISO

Tom Flynn, Deputy Director, Office of Governmental Affairs, CPUC

Don Kondoleon, Manager, Transmission Evaluation Program, CEC

David Parquet, Vice President, Babcock & Brown Power Operating Partners, LLC

Steve Metague, Director of Electric Transmission Rates, PG&E

Christopher J. Leslie, Executive Director, Macquarie Securities (USA) Inc.

Jerry Smith, Electric Utility Engineer, Arizona Corporation Commission

Jim Avery, Senior Vice President of Electric Transmission, SDG&E

Nancy Day, Board of Directors, Los Angeles Economic Development Corporation

3 p.m. Closing

[FR Doc. E5–2776 Filed 6–1–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OAR–2003–0052, FRL–7920–7]

Agency Information Collection Activities: Proposed Collection; Comment Request; Risk Management Program Requirements and Petitions To Modify the List of Regulated Substances Under Section 112(r) of the Clean Air Act, EPA ICR Number 1656.12, OMB Control Number 2050–0144

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2005. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 1, 2005.

ADDRESSES: Submit your comments, referencing docket ID number OAR–2003–0052, to EPA online using EDOCKET (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 6102T, Air Docket, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sicy Jacob, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8019; fax number: (202) 564–2625; email address: *jacob.sicy@epa.gov,*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OAR–2003–0052, which is available for public viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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 Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov./edocket.*

Affected entities: Entities potentially affected by this action are chemical manufacturers, petroleum refineries, water treatment systems, non-chemical manufacturers, etc.

Title: Risk Management Program Requirements and Petitions To Modify the List of Regulated Substances under section 112(r) of the Clean Air Act.

Abstract: The 1990 CAA Amendments added section 112(r) to provide for the prevention and mitigation of accidental releases. Section 112(r) mandates that EPA promulgate a list of ''regulated substances,'' with threshold quantities and establish procedures for the addition and deletion of substances from the list of ''regulated substances.'' Processes at stationary sources that contain a threshold quantity of a regulated substance are subject to accidental release prevention regulations promulgated under CAA section 112(r)(7). These two rules are codified as 40 CFR part 68. Part 68 requires that sources with more than a threshold quantity of a regulated substance in a process develop and implement a risk management program and submit a risk management plan to EPA. The compliance schedule for the part 68 requirements was established by rule on June 20, 1996. Burden to sources that are currently covered by part 68, for initial rule compliance, including rule familiarization and program implementation were accounted for in ICR 1656.03. Sources submitted their first RMPs on June 21, 1999. The next compliance deadline was June 21, 2004, five years after the first submission. Some of the sources revised and submitted their RMPs between the mandatory deadlines. These sources were then assigned a five-year compliance deadline based on the date of their revised plan submission. The next submission of RMPs for all sources is by June 21, 2009. The period covered by this ICR is between the two mandatory deadlines (2004 and 2009). Therefore, in this ICR, EPA has accounted for only on-going program implementation costs for all sources that are currently covered by part 68 requirements, compliance costs for new sources that may become subject to the regulations, and burden for sources that re-submit RMP before the next compliance deadline.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Burden Statement: The public reporting burden will depend upon the regulatory program tier into which sources are categorized. The number of sources regulated by 40 CFR part 68 is approximately 15,305. As explained above, because of the schedule for certain activities established in part 68, some burden and costs do not routinely occur in the three-year time period covered by this ICR. For example, most sources will not have to revise their RMPs or update their process hazard analyses, hazard reviews and offsite consequence analysis until the next reporting deadline, June 2009. Therefore, in this ICR, EPA has accounted for only on-going program implementation costs, rule familiarization and program implementation costs for new sources that may become subject to the regulations, and re-submission costs for few of the sources that have already submitted RMPs.

In 2003, EPA received RMPs from 332 new sources in various sectors. EPA assumes that there will be 332 new sources that may become subject to the regulations during the period covered by this ICR. These sources may need to become familiar with the regulations, develop prevention programs and prepare and submit RMPs. EPA estimates that the burden to become familiar with the regulations and to submit a RMP range from 10 to 40 hours for the various sectors covered by the regulations. The unit burden for prevention program documentation for new sources range from 70 to 95 hours for sources in various sectors. The total annual burden for new facilities to become familiar with the regulations, develop prevention program documentation and prepare and submit RMPs is 23,200 hours at a cost of $796,250 dollars (69,600 hours at a cost of $2,388,750 dollars for three years).

During the two reporting years, June 1999 and 2004, EPA received about 34 Confidential Business Information (CBI) claims. EPA assumes that there maybe 34 claims submitted annually during the period covered by this ICR from any new sources that may become subject to the regulations. The estimated unit burden for developing and submitting CBI is 9.5 hours. The total annual burden for CBI claims is 323 hours at a cost of $14,670 dollars (970 hours at a cost of $44,010 for three years).

Based on the number of revised RMPs received recently, EPA assumes that about 1,050 sources may submit revised RMPs annually during the period covered by this ICR. Some of the sources may only need to revise a section of the RMP that they already submitted. The estimated total annual burden for these sources submitting revised RMPs within the period covered by this ICR is 13,300 hours at a cost of $434,794 dollars (39,900 hours at a cost of $1,304,382 dollars for three years).

Sources that have already submitted RMPs (15,305) are required to maintain documentation and update certain elements in their risk management plan. Some of the sources are covered by the Occupational Safety and Health Act (OSHA) Process Safety Management (PSM) regulations, and are already required to do some of the requirements. The total annual estimated burden for on-site documentation for non-PSM sources is 57,095 hours at a cost of $2,024,754 dollars (173,502 hours at a cost of $6,074,262 dollars for three years).

During the period covered by this ICR, there will be 15 states that have obtained delegation to implement the program. The total annual burden estimated for 15 states is 6,160 hours at a cost of $221,000 dollars (18,480 hours at a cost of $663,000 for three years).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: May 26, 2005.

Dana S. Tulis,

Acting Director, Office of Emergency Management.

[FR Doc. 05–10996 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7920–3]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Consent Decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a draft Consent Decree to address claims raised by Blue Skies Alliance, Downwinders at Risk, Public Citizen, and Sierra Club (''Blue Skies'') in a citizen suit filed in the United States District Court for the Northern District of Texas. *Blue Skies Alliance et. al* v. *United States Environmental Protection Agency*, Civil Action No. 3:04–CIV–2169–N (N.D. TX). This lawsuit, filed pursuant to section 304(a) of the Clean Air Act (''CAA''), 42 U.S.C. 7604(a), alleged that EPA failed to perform the following nondiscretionary duties: Determine whether the Dallas/Fort Worth ozone nonattainment area (''DFW'') had attained the 1-hour national ambient air quality standard (''NAAQS'') and take final action by the statutory deadline on two state implementation plan (''SIP'') revisions for DFW. The proposed Consent Decree provides that EPA will take final action on certain SIP revisions within a specified period of time.

DATES: Written comments on the proposed settlement agreements must be received by July 5, 2005.

ADDRESSES: Submit your comments, identified by docket ID number OGC–2005–0006, online at *http://www.epa.gov/edocket* (EPA's preferred method); by e-mail to *oei.docket@epa.gov*; mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

SUPPLEMENTARY INFORMATION: The Blue Skies Alliance filed suit under section 304(a) of the CAA, 42 U.S.C. 7604(a), in the United States District Court for the

Northern District of Texas. *Blue Skies Alliance et. al* v. *United States Environmental Protection Agency*, Civil Action No. 3:04–CIV–2169–N (N.D. TX). In the complaint, Blue Skies alleged that EPA: (1) Failed to perform a nondiscretionary duty to determine whether the DFW had attained the 1-hour NAAQS pursuant to section 181(b)(2) of the CAA, 42 U.S.C. 7511(b)(2); and (2) failed to perform a nondiscretionary duty to take final action by the statutory deadline, pursuant to section 110(k)(2) of the CAA, 42 U.S.C. 7410(k)(2), on the Post-1996 Rate of Progress SIP for DFW and the attainment demonstration SIP for DFW submitted to EPA on April 25, 2000.

The proposed Consent Decree provides that no later than December 1, 2005, EPA shall sign for publication in the **Federal Register** a notice(s) of final rulemaking to approve or disapprove, in whole or in part, three programs that were submitted as part of the attainment demonstration SIP: (1) The Texas Emission Reduction Plan SIP revision, (2) the Voluntary Mobile Source Emission Reduction Program SIP revision, and (3) the Transportation Control Measures SIP revision. Once EPA has completed these obligations, and the actions have been published in the **Federal Register**, the case will be dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed Consent Decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed Consent Decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the Consent Decree will be final.

Dated: May 25, 2005.

Richard B. Ossias,

Acting Associate General Counsel.

[FR Doc. 05–10992 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2005–0088; FRL–7706–1]

Pesticides; Revised Fee Schedule for Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is publishing a revised list of pesticide registration service fees applicable to specified pesticide applications and tolerance actions. Under the Pesticide Registration Improvement Act (PRIA), the registration service fees for covered pesticide registration applications received on or after October 1, 2005, increase by 5 percent from the fees originally published in the March 17, 2004, **Federal Register** Notice (69 FR 12772). This revised fee schedule becomes effective on October 1, 2005. The publication of this fee schedule is required by section 33(b)(6)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Consolidated Appropriations Act of 2004.

FOR FURTHER INFORMATION CONTACT: Elizabeth Leovey, (7501C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; fax number: (703) 308–4776; e-mail address: *leovey.elizabeth@epa.gov@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you register pesticide products, or engage in animal or crop production, food processing or public health activities that use pesticides. Potentially affected entities may include, but are not limited to:

- Crop production - NAICS Code 111
- Animal production - NAICS Code 112
- Food processing - NAICS Code 311
- Pesticide manufacturers - NAICS Code 32532

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit III. of this document. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action under docket identification number OPP–2005–0088. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background

A. What Action is the Agency Taking?

The Consolidated Appropriations Act of 2004, signed by President Bush on January 23, 2004, established a new section 33 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), creating a registration service fee system for applications for specified pesticide

registration, amended registration, and associated tolerance actions. Under this system, the Agency began charging registration service fees for covered applications received on or after March 23, 2004, and for certain pending applications received before that date. EPA is required to make a determination on the application within the decision times specified. The fee system is authorized until September 30, 2010, although the decision times under the system do not apply to applications received after September 30, 2008.

Under new FIFRA section 33(b)(3), EPA was required to publish a schedule of the fees and decision times for review of a covered application. This schedule was to be the same as that published in the Congressional Record of September 17, 2003, pages 11631 through 11633. The Agency published this schedule in the **Federal Register** on March 17, 2004 (69 FR 12772).

Under FIFRA section 33(b)(6), the fee amounts will increase as of October 1, 2005 by 5%. This notice provides the revised fee schedule for applications received on or after October 1, 2005.

B. What is the Agency's Authority for Taking this Action?

The Agency is authorized to issue this notice under section 33(b)(6)(B) of FIFRA.

III. Elements of the Fee Schedule

This unit explains how EPA has organized the fee schedule identified in the statute and how to read the fee schedule tables, and includes a key to terminology published with the table in the Congressional Review. EPA's organization and presentation of the fee schedule information does not affect the categories of registration service fees, or the structure or procedures for submitting applications or petitions for tolerance.

A. The Congressional Record Fee Schedule

The fee schedule published in the Congressional Record of September 17, 2003, identifies the registration service fees and decision times and is organized according to the organizational units of the Office of Pesticide Programs (OPP) within the Environmental Protection Agency (EPA). Thereafter, the categories within the organizational unit sections of the table are further categorized according to the type of application being submitted, the use patterns involved, or, in some cases, upon the type of pesticide that is the subject of the application. The categories of fee differ by Division. Not all application types are covered by, or subject to, the fee system.

B. Fee Schedule and Decision Review Times

The table in the Congressional Record is presented as a single table for all Divisions and actions. In issuing today's notice, EPA has reformatted the information to be more user-friendly, using the format utilized in the March 17, 2004, **Federal Register** Notice (69 FR 12772). EPA has divided the single table from the Congressional Record into 11 tables, organized by OPP Division and by type of application or pesticide subject to the fee. These tables only list the decision time review periods for fiscal years 2006, 2007, and 2008 as these are the only applicable review periods for applications received on or after October 1, 2005. Unit IV presents fee tables for the Registration Division (RD) (tables 1 through 5), Unit V presents fee tables for the Antimicrobials Division (AD) (tables 6 through 8), and Unit VI presents fee tables for the Biopesticides and Pollution Prevention Division (BPPD) (tables 9 through 11).

C. How to Read the Tables

1. Each table consists of the following columns:

- Column A numbers the fee categories. There are 90 categories spread across the three Divisions. There are 37 RD categories, 20 AD categories and 33 BPPD categories. For tracking purposes, OPP has numbered the 90 categories in sequential order, beginning with RD categories, followed by AD and BPPD categories. This is a change from the sequence of the Congressional Record. The categories are prefaced with a letter designation indicating which Division of OPP is responsible for applications in that category (R= Registration Division, A=Antimicrobials Division, B=Biopesticides and Pollution Prevention Division).
- Column A-1 cross-references the Congressional Record category number for convenience. However, EPA will be using the categories as numbered in Column A in its tracking systems.
- Column B describes the categories of action. The key in this unit is unchanged from that published in the Congressional Record.
- Columns C through E list the decision times in months for each type of action for Fiscal Years 2006 though 2008. Certain AD decision times are referred to the decision times in FIFRA section 3(h), and thus may be stated differently. The decision review periods in the tables are based upon EPA fiscal years (FY), which run from October 1 through September 30.
- Column F lists the registration service fee for the action.

2. The tables use a number of abbreviations and acronyms, statutory citations and other terminology that may be unfamiliar to registrants and the public. The following terms are defined in footnotes to the Congressional Record table.

- EUP - Experimental Use Permit
- Fast-track - An application that qualifies for expedited processing under FIFRA section 3(c)(3)(B)(i)(I).
- GW - Ground Water
- Me-too product - A new product registration of an already registered active ingredient.
- PHI - Pre-Harvest Interval
- PPE - Personal Protective Equipment
- REI - Restricted Entry Interval
- SAP - FIFRA Scientific Advisory Panel
- SW - Surface Water

IV. Registration Division Fee Schedules

The Registration Division (RD) is responsible for the processing of pesticide applications and associated tolerance petitions for pesticides that are termed ''conventional chemicals,'' excluding pesticides intended for antimicrobial uses. The term ''conventional chemical'' is a term of art that is intended to distinguish synthetic chemicals from those that are of naturally occurring or non-synthetic origin, synthetic chemicals that are identical to naturally-occurring chemicals and microbial pesticides.

TABLE 1.—REGISTRATION DIVISION - NEW ACTIVE INGREDIENTS

RD—New Active Ingredients						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $

TABLE 1.—REGISTRATION DIVISION - NEW ACTIVE INGREDIENTS—Continued

RD—New Active Ingredients						
A	A – 1	B	C	D	E	F
			FY 06	FY 07	FY 08	
R1	56	Food use[1]	24	24	24	498,750
R2	57	Food use, reduced risk[1]	21	21	21	498,750
R3	58	Food use Experimental Use Permit request submitted simultaneously with application for registration[1] (decision time for Experimental Use Permit and temporary tolerance same as # R4)	24	24	24	551,250
R4	59	Food use Experimental Use Permit, with temporary tolerance, submitted before application for registration ($315K credited toward new AI registration)	18	18	18	367,500
R5	60	Food use Submitted after an Experimental Use Permit[1] (decision time begins after EUP and temporary tolerance are granted)	14	14	14	183,750
R6	61	Non-food use, outdoor[1]	21	21	21	346,500
R7	62	Non-food use, outdoor[1] Reduced risk	18	18	18	346,500
R8	63	Non-food use, outdoor[1] Experimental Use Permit request submitted simultaneously with application for registration (decision time for EUP same as #R9)	21	21	21	383,250
R9	64	Non-food use, outdoor Experimental Use Permit submitted before application for registration ($220.5K credited toward new AI registration)	16	16	16	257,250
R10	65	Non-food use, outdoor Submitted after Experimental Use Permit[1] (decision time begins after EUP has been granted)	12	12	12	126,000
R11	66	Non-food use, indoor[1]	20	20	20	199,500
R12	67	Non-food use, indoor[1] Reduced risk	17	17	17	199,500

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

TABLE 2.—REGISTRATION DIVISION - NEW USES

RD—New Uses						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
R13	68	First food use Indoor food/food handling[1]	21	21	21	157,500
R14	69	Additional food use Indoor food/food handling	21	15	15	36,750
R15	70	First food use[1]	21	21	21	210,000
R16	71	First food use Reduced risk[1]	18	18	18	210,000
R17	72	Each additional new food use	22	15	15	52,500
R18	73	Each additional new food use Reduced risk	20	12	12	52,500

TABLE 2.—REGISTRATION DIVISION - NEW USES—Continued

RD—New Uses						
A	A – 1	B	C	D	E	F
R19	74	Additional new food uses, bundled, 6 or more	22	15	15	315,000
R20	75	Additional new food uses, bundled, 6 or more Reduced risk	20	12	12	315,000
R21	76	New food use With Experimental Use Permit and temporary tolerance (no credit toward new use registration)	19	12	12	38,850
R22	77	New food use With Experimental Use Permit, crop destruct basis	6	6	6	15,750
R23	78	New use Non-food, outdoor	20	15	15	21,000
R24	79	New use Non-food, outdoor Reduced risk	18	12	12	21,000
R25	80	New use Non-food, outdoor With Experimental Use Permit (no credit toward new use registration)	6	6	6	15,750
R26	81	New use Non-food, indoor	12	12	12	10,500
R27	82	New use Non-food, indoor Reduced risk	9	9	9	10,500

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

TABLE 3.—REGISTRATION DIVISION - IMPORT TOLERANCES

RD—Import Tolerances						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
R28	83	Import tolerance New active ingredient or first food use[1]	21	21	21	262,500
R29	84	Import tolerance Additional new food use	22	15	15	52,500

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

TABLE 4.—REGISTRATION DIVISION - NEW PRODUCTS

RD—New Products						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
R30	85	New product Me-too product Fast track	3	3	3	1,050
R31	86	New product Non-fast track (includes reviews of product chemistry, acute toxicity, public health pest efficacy)	6	6	6	4,200

TABLE 4.—REGISTRATION DIVISION - NEW PRODUCTS—Continued

RD—New Products						
A	A – 1	B	C	D	E	F
R32	87	New product Non-fast track, new physical form (excludes selective citations)	12	12	12	10,500
R33	88	New manufacturing use product Old AI Selective citation	12	12	12	15,750

TABLE 5.—REGISTRATION DIVISION - AMENDMENTS TO REGISTRATION

RD—Amendments						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
R34	89	Non-fast-track (includes changes to precautionary label statements, source changes to an unregistered source)[1]	4	4	4	3,150
R35	90	Non-fast track (changes to REI, PPE, PHI, rate and number of applications, add aerial application, modify GW/SW advisory statement[1]	12	8	8	10,500
R36	91	Non-fast track, isomers	18	18	18	252,000
R37	92	Cancer reassessment, applicant-initiated	18	18	18	157,500

[1] EPA-initiated amendments shall not be charged fees.

V. Antimicrobials Division Fee Schedules

The Antimicrobials Division (AD) is responsible for the processing of pesticide applications and associated tolerances for conventional chemicals intended for antimicrobial uses, that is, uses that are defined under FIFRA 2(mm)(1)(A), including products for use against bacteria, protozoa, non-agricultural fungi, and viruses. AD is also responsible for a selected set of conventional chemicals intended for other uses, including most wood preservatives and antifoulants.

The AD fee tables use the same terminology as listed in Unit III.

TABLE 6.—ANTIMICROBIALS DIVISION - NEW ACTIVE INGREDIENTS

AD—New Active Ingredients						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
A38	36	Food use, with exemption[1]	24	24	24	94,500
A39	37	Food use, with tolerance[1]	24	24	24	157,500
A40	38	Non-food use, outdoor FIFRA sec 2(mm) uses [1]	FIFRA section 3(h) decision times			78,750
A41	39	Non-food use, outdoor, other uses[1]	21	21	21	157,500
A42	40	Non-food use, indoor FIFRA sec 2(mm) uses [1]	FIFRA section 3(h) decision times			52,500
A43	41	Non-food use, indoor, other uses[1]	20	20	20	78,750

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

TABLE 7.—ANTIMICROBIALS DIVISION - NEW USES

AD—New Uses						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
A44	42	New use First food use, with exemption[1]	21	21	21	26,250
A45	43	New use First food use, with tolerance[1]	21	21	21	78,750
A46	44	New food use, with exemption	15	15	15	10,500
A47	45	New food use, with tolerance	15	15	15	26,250
A48	46	New use Non-food, outdoor FIFRA sec 2(mm) uses	FIFRA section 3(h) decision times			15,750
A49	47	New use, non-food, outdoor, other uses	15	15	15	26,250
A50	48	New use Non-food, indoor FIFRA sec 2(mm) uses	FIFRA section 3(h) decision times			10,500
A51	49	New use Non-food, indoor Other uses	12	12	12	10,500
A52	50	Experimental Use Permit	9	9	9	5,250

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

TABLE 8.—ANTIMICROBIALS DIVISION - NEW PRODUCTS AND AMENDMENTS

AD—New Products and Amendments						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
A53	51	New product, me-too, fast track	3	3	3	1,050
A54	52	New product, non-fast track, FIFRA section 2(mm) uses	FIFRA section 3(h) decision times			4,200
A55	53	New product, non-fast track, other uses	6	6	6	4,200
A56	54	New manufacturing use product, old AI, selective citation	12	12	12	15,750
A57	55	Amendment, non-fast track[1]	4	4	4	3,150

[1] EPA-initiated amendents shall not be charged fees.

VI. Biopesticides and Pollution Prevention Division Fee Schedules

The Biopesticides and Pollution Prevention Division (BPPD) is responsible for the processing of pesticide applications for biochemical pesticides, microbial pesticides, and plant-incorporated protectants (PIPs).

The fee tables for BPPD are presented by type of pesticide rather that by type of action: Microbial and biochemical pesticides, straight chain lepidopteran pheromones (SCLPs), and plant-incorporated protectants (PIPs). Within each table, the types of application are the same as those in other divisions and use the same terminology as in Unit III.

TABLE 9.—BPPD - MICROBIAL AND BIOCHEMICAL PESTICIDES

BPPD—New Products and Amendments						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
B58	3	New AI Food use, with tolerance[1]	18	18	18	42,000
B59	4	New AI Food use, with exemption[1]	16	16	16	26,250
B60	5	New AI Non-food use[1]	12	12	12	15,750
B61	6	Experimental Use Permit Food use, with temporary tolerance exemption	9	9	9	10,500
B62	7	Experimental Use Permit, Non-food use	6	6	6	5,250
B63	8	New use First food use, with exemption	12	12	12	10,500
B64	9	New use First food use, with tolerance[1]	18	18	18	15,750
B65	10	New use, non-food	6	6	6	5,250
B66	11	New product Me-too Fast-track	3	3	3	1,050
B67	12	New product Non-fast-track	4	4	4	4,200
B68	13	Amendment[2] Non-fast-track	4	4	4	4,200

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first use are covered by the base for that applicaiton.
[2] EPA-initiated amendments shall not be charged fees.

TABLE 10.—BPPD - STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES (SCLPS)

BPPD—Straight Chain Lepidopteran Pheromones						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
B69	14	New AI Food or non-food use[1]	6	6	6	2,100
B70	15	Experimental Use Permit New AI or new use	6	6	6	1,050
B71	16	New product Me-too Fast-track	3	3	3	1,050
B72	17	New product, non-fast-track	4	4	4	1,050
B73	18	Amendment, non-fast-track[2]	4	4	4	1,050

[1] All uses (food and non-food) included in any original application or petition for a new active ingredient or a first use are covered by the base for that applicaiton.
[2] EPA-initiated amendments shall not be charged fees.

TABLE 11.—BPPD - PLANT-INCORPORATED PROTECTANTS (PIPS)

BPPD—Plant Incorporated Protectants						
A	A – 1	B	C	D	E	F
EPA No.	CR No.	Action	Fiscal Year			Fee $
			FY 06	FY 07	FY 08	
B74	19	Experimental Use Permit Non food/feed or crop destruct No Scientific Advisory Panel review required (if submitted before new AI package, $26.25K credit toward new AI registration)	6	6	6	78,750
B75	20	Experimental Use Permit, with temporary tolerance or exemption No Scientific Advisory Panel review required (if submitted before new AI package, $50.5K credit toward new AI registration)	9	9	9	105,000
B76	21	Experimental Use Permit New AI Non-food/feed or crop destruct Scientific Advisory Panel review required (if submitted before new AI package, $78.75K credit toward new AI registration)	12	12	12	131,250
B77	22	Experimental Use Permit New AI Set temporary tolerance or exemption Scientific Advisory Panel review required (if submitted before new AI package, $105K credit toward new AI registration)	15	15	15	157,500
B78	23	Register new AI Non-food/feed No Scientific Advisory Panel review required	12	12	12	131,250
B79	24	Register new AI Non-food/feed Scientific Advisory Panel review required	18	18	18	236,250
B80	25	Register new AI Temporary tolerance or exemption exists No Scientific Advisory Panel review required	12	12	12	210,000
B81	26	Register new AI Temporary tolerance or exemption exists Scientific Advisory Panel review required	18	18	18	315,000
B82	27	Register new AI Set tolerance or exemption No Scientific Advisory Panel review required	15	15	15	262,500
B83	28	Register new AI Experimental Use Permit request Set tolerance or exemption No Scientific Advisory Panel review required	15	15	15	315,000
B84	29	Register new AI Set tolerance or exemption Scientific Advisory Panel review required	21	21	21	367,500
B85	30	Register new AI With Experimental Use Permit request Set tolerance or exemption Scientific Advisory Panel review required	21	21	21	420,000
B86	31	Experimental Use Permit Food use Amendment	6	6	6	10,500
B87	32	New use[1]	9	9	9	31,500
B88	33	New product[2]	9	9	9	26,250
B89	34	Amendment, seed production to commercial registration	12	9	9	52,500

TABLE 11.—BPPD - PLANT-INCORPORATED PROTECTANTS (PIPS)—Continued

BPPD—Plant Incorporated Protectants						
A	A – 1	B	C	D	E	F
B90	35	Amendment, non-fast-track[3] (except #B89 above)	6	6	6	10,500

[1] Example: Transfer of existing PIP trait by traditional breeding, such as from field corn to sweet corn.
[2] Example: Stacking PIP traits within a crop using tradtional breeding techniques.
[3] EPA-initiated amendments shall not be charged fees.

VII. How to Pay Fees

Applications (or other types of requests) should be submitted to the Agency, at the address given in Unit VIII below. The applicant should identify the category number (1 through 90) that he believes applies to the action, explain why that category applies, and specify the amount of fee due for that particular action. These notations should be made in the comments section of the application form (EPA Form 8570-1), or in a submittal letter. If the applicant is applying for a fee waiver, the applicant should provide sufficient documentation as described in FIFRA section 33(b)(7). The applicant for a fee waiver may want to consult the Agency's fee waiver guidance for further information (*http://www.epa.gov/pesticides/fees/questions/waiver.htm*). The applicant should not send payment at the time of application.

Thereafter, EPA performs a screen on the application to determine that the category is correct, and assigns a unique identification number to each covered pesticide registration application for which payment is expected. EPA notifies the applicant of the unique identification number together with instructions for submitting payment. This information is sent by mail and by either e-mail or fax at the applicant's request.

After receiving EPA's acknowledgment of the application and its unique identification number, the applicant may submit payment of the fee to the address provided in the acknowledgment. All payments should be in U.S. currency by check, bank draft, or money order drawn to the order of the Environmental Protection Agency, and should include the unique identification number assigned to the application.

VIII. Addresses

New covered applications should be identified in the title line with the mail code ''REGFEE.''

A. By USPS Mail

Mail applications and payments to: Document Processing Desk (REGFEE), Office of Pesticide Programs (7504C), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460–0001

B. By Courier

Couriers and delivery personnel should bring correspondence to: Document Processing Desk (REGFEE), Office of Pesticide Programs,U.S. Environmental Protection Agency, Room 266A, Crystal Mall #2, Arlington, Va 22202–4501.

Couriers and delivery personnel must present a valid picture identification card to gain access to the building. Hours of operation for the Document Processing Desk are 8 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

List of Subjects

Environmental protection, Administrative practice and procedures, Pesticides and pests.

Dated: May 24, 2005.

Susan B. Hazen,

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

[FR Doc. 05–10998 Filed 6–1–05; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL ELECTION COMMISSION

Sunshine Act; Meetings

* * * * *

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 26, 2005, 10 a.m. meeting open to the public. This meeting was cancelled.

* * * * *

DATE AND TIME: Tuesday, June 7, 2005 at 10 a.m.

PLACE: 999 E. Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, June 9, 2005, at 10 a.m.

PLACE: 999 E. Street, NW., Washington, DC. (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Advisory Opinion 2005–05:
Representative Ray LaHood by Rex Linder, Treasurer of Friends of Ray LaHood.
Final Rules and Explanation and Justification for Inflation Adjustments to Civil Penalties.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 05–11131 Filed 5–31–05; 3:30 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may obtain copies of agreements by contacting the Commission's Office of Agreements at 202–523–5793 or via email at *tradeanalysis@fmc.gov.* Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011648–010.

Title: APL/Lykes/TMM Space Charter and Sailing Agreement.

Parties: American President Lines, Ltd./APL Co. Pte Ltd. (''APL''); Lykes Lines Limited, LLC (''Lykes''); and TMM Lines Limited, LLC (''TMM'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell, LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes Lykes' name to CP Ships USA, LLC effective June 1, 2005, deletes TMM from the agreement effective July 1, 2005, makes corresponding changes throughout the agreement, updates Article 5.11 regarding further agreements, and restates the agreement.

Agreement No.: 011743–005.

Title: Global Transportation Network Agreement.

Parties: APL Co. Pte. Ltd.; American President Lines, Ltd.; Companhia Libra de Navegacao; Compania Sud-Americana de Vapores, S.A.; CP Ships (U.K.) Ltd.; Crowley Liner Services, Inc.; Hanjin Shipping Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Lykes Lines Limited, LLC; Mitsui O.S.K. Lines, Ltd.; Montemar Maritima, S.A.; Norasia Container Lines Limited; Senator Lines GmbH; TMM Lines Limited, LLC; Wan Hai Lines Ltd.; Yangming Marine Transport Corp.; Zim Integrated Shipping Services, Ltd.

Filing Party: Eric C. Jeffrey, Esq.; Goodwin Procter LLP; 901 New York Avenue, NW.; Washington, DC 20001.

Synopsis: The amendment changes the name of Lykes Lines Limited, LLC to CP Ships USA, LLC effective June 1, 2005, and deletes TMM Lines Limited, LLC as a party to the agreement effective July 1, 2005.

Dated: May 27, 2005.

By Order of the Federal Maritime Commission.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. 05–10979 Filed 6–1–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

SCM Global, Inc., 1201 Corbin Street, 2nd Floor, Elizabeth, NJ 07201. *Officers:* David Dvinov, Vice President (Qualifying Individual), Yevgeniy Karp, President

United Cargo International, Inc., 23482 Foley Street, Unit A, Hayward, CA 94545. *Officers:* Rudy M. Abilar, Secretary (Qualifying Individual), Leticia A. Hayashi, CEO

United Logistics (LAX) Inc., 719 S. Nogales Street, Suite A8, City of Industry, CA 91748. *Officer:* Ray Kao, President, (Qualifying Individual)

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Consumers Shipping & Travel, 2400 Barnum Avenue, Stratford, CT 06615. Bertram Palmer, Sole Proprietor

Shore Line International LLC, 1745 Merrick Road, Merrick, NY 11566. *Officer:* Peter Foret, President (Qualifying Individual)

K & R Logistics Inc., 9111 S. La Cienega Blvd., #105, Inglewood, CA 90301. *Officers:* Nai-Hua Ann Lee Hou, Vice President (Qualifying Individual), Keith Lee, President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

Transnuclear, Inc., Four Skyline Drive, Hawthorne, NY 10532. *Officers:* Alan S. Hanson, President (Qualifying Individual), William D. Gallo, Sr. Vice President

Oconca Shipping (N.Y.) Inc., 161–15 Rockaway Blvd., Suite #307, Jamaica, NY 11434. *Officer:* Yuan Li, Director (Qualifying Individual)

Transphere, Inc., Suite J, Interchange Commerce Park, 38281 Schoolcraft Road, Livonia, MI 48150. *Officers:* Chetan Koradia, President (Qualifying Individual), Smita Koradia, Vice President

Trans Global Services, L.L.C., 1550 Wilson Blvd., #701, Arlington, VA 22209. *Officer:* Ravi Raj Singh, President (Qualifying Individual)

Nations Express, Inc., 1328–B Crossbeam Drive, Charlotte, NC 28217. *Officers:* Daniel R. Dukesherer, Vice President (Qualifying Individual), William R. Frazier, President

Dated: May 27, 2005.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. 05–10978 Filed 6–1–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 15, 2005.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Mark L. Smith and Ann E. Smith, both of Brookfield, Missouri; to acquire voting shares of First Missouri Bancshares, Inc., Brookfield, Missouri, and thereby indirectly acquire voting shares of First Missouri National Bank, Brookfield, Missouri.

Board of Governors of the Federal Reserve System, May 26, 2005.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 05–10955 Filed 6–1–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:30 a.m., Monday, June 6, 2005.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, Office of Board Members; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, May 27, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–11020 Filed 5–31–05; 9:37 am]

BILLING CODE 6210–01–S

GOVERNMENT ACCOUNTABILITY OFFICE

Appointments to the Medicare Payment Advisory Commission

AGENCY: Government Accountability Office (GAO).

ACTION: Notice of appointments.

SUMMARY: The Balanced Budget Act of 1997 established the Medicare Payment Advisory Commission (MedPAC) and gave the Comptroller General responsibility for appointing its members. This notice announces two new appointments and three reappointments to fill the vacancies occurring this year.

DATES: Appointments are effective May 1, 2005 through April 30, 2008.

ADDRESSES:

GAO: 441 G Street, NW., Washington, DC 20548.

MedPAC: 601 New Jersey Avenue, NW., Suite 9000, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT:

GAO: Molly Ryan, (202) 512–3592.

MedPAC: Mark E. Miller, Ph.D., (202) 220–3700.

SUPPLEMENTARY INFORMATION: To fill this year's vacancies I am announcing the following:

Newly appointed members are Jennie Chin Hansen, R.N., M.S.N., member, American Association of Retired Persons (AARP) Board of Directors, and Nancy M. Kane, D.B.A., professor of management, Department of Health Policy and Management, Harvard School of Public Health. Reappointed members are Nancy-Ann DeParle, J.D., senior advisor, JP Morgan Partners, LLC and adjunct professor of health care systems, The Wharton School, University of Pennsylvania; David F. Durenberger, chairman and chief executive officer, National Institute of Health Policy; and Nicholas J. Wolter, M.D., chief executive officer, Deaconess Billings Clinic.

(Sec. 4022, Pub. L. 105–33, 111 Stat. 251, 350)

David M. Walker,

Comptroller General of the United States.

[FR Doc. 05–11001 Filed 6–1–05; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS–0990–New]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary, Office of Public Health and Science, Office on Women's Health.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment.

Type of Information Collection Request: New collection, regular.

Title of Information Collection: Evaluation of HIV Prevention Program in Women.

Form/OMB No.: OS–0990–New.

This notice replaces a previous notice for the same information collection published on March 13, 2005. We are republishing this notice in order to provide more accurate information about the numbers of clients serviced by funded programs. The two primary differences between this notice and the previously published notice are the increase in burden from 147.5 hours to 1,635 hours and the number of respondents from 218 to 552. This increase is caused by data collection forms associated with only one type of respondent, program staff. Respondents are required to complete these forms for each person utilizing their service. The enhanced information regarding the number of clients served increased the burden. The new burden more accurately reflects the number of responses per respondent required to conduct the pre-post methodology of this evaluation of knowledge and risk behaviors.

Use: The Office on Women's Health (OWH) has instituted an HIV Prevention Program in Women. As part of their evaluation of the HIV Prevention Program for Women, the OWH is seeking a new clearance to conduct data collection activities associated with the evaluation of funded programs. The evaluation is designed to determine best practices and clearly define the gender-centered approach to HIV/AIDS prevention. The HIV/AIDS programs to be evaluated are the Model Mentorship, Incarcerated/Newly Released Women and HIV prevention in the rural south. The program consists of individual community-based organizations from across the country. The evaluation results will assess how successful the OWH program is at meeting its overarching goals: to increase HIV prevention knowledge and reduce the risk of contracting HIV among young minority women.

Awarded contractors participating in the HIV Prevention Program in Women and stakeholders in the HIV Prevention service area will provide data that are necessary to conduct the evaluation. Stakeholders will provide data on (1) the number of women served with HIV/AIDS; (2) the network of services (and programs) available in those communities, including programs offered by their particular center or agency; (3) the challenges and barriers to service implementation faced by providers; (4) the unique and general challenges and barriers to service faced by women with HIV/AIDS; (5) the general impression of perceived need for services (as opposed to identified need); and (6) the sources of funding for their HIV/AIDS prevention services in general and those for women in particular. Awarded contractors will provide data on the number of women served, client demographics, type and number of services provided, client outcomes, client utilization, and service capacity. Clients of awarded contractors will also participate in a client utilization survey. The data provided will be utilized to evaluate the overall performance of the HIV Prevention Program in Women. This information will also be used to develop a comprehensive framework from which to analyze the relationship between surveillance data and HIV prevention service gap and to carry out a comparative analysis to determine best practices for HIV prevention among women.

Frequency: Reporting, quarterly.

Affected Public: Individuals or households, business or other for-profit, not-for-profit institutions.

Annual Number of Respondents: 552.

Total Annual Responses: 5,918.

Average Burden Per Response: 1 hour.

Total Annual Hours: 1,635.

SUPPLEMENTARY INFORMATION: This is a new data collection.

Respondent type	Activity	Number of respondents	Responses/ respondent	Time (hr)/ response	Total burden	Total cost to respondent
Program staff	HIV/AIDS Knowledge Form (pre and post)	6	240	0.25	360	
	HIV/AIDS Risk Behavior Form	6	240	0.33	475	
	Encounter Form	14	120	0.25	420	
	Client Background Form	6	120	0.17	122	
	Process Evaluation Form-Staff	18	2	1.00	36	
						$0.00
Clients of Funded programs.	Client Utilization Form (RS/INR)	210	1	0.33	70	
	Recruiting Script for Utilization survey	300	1	0.17	51	
						$0.00
Directors, Funded programs.	Protégé Utilization Form	8	1	0.50	4	
	Organizational Assessment Questionnaire (pre and post).	12	2	1.50	36	
	Process Evaluation Form-Director	18	2	1.00	36	
Stakeholders	Stakeholder Survey	24	1	1	24	$1,200.00
Total		552			1,635	$1,200.00

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at *http://www.hhs.gov/oirm/infocollect/pending/* or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *naomi.cook@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the Desk Officer at the address below: OMB Desk Officer: John Kraemer, OMB Human Resources and Housing Branch, Attention: (OMB #0990–NEW), New Executive Office Building, Room 10235, Washington DC 20503.

Dated: May 20, 2005.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 05–10980 Filed 6–1–05; 8:45 am]

BILLING CODE 4168–17–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS–0990–0258]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of Currently Approved Collection.

Title of Information Collection: National Study of Stroke Post Acute Care: Outcomes and Costs.

Form/OMB No.: OS–0990–0258.

Use: This study will provide information on Medicare outcomes and costs of care for Medicare beneficiaries who suffer a stroke and received treatment in a post acute care setting skilled nursing facility, home health, or rehabilitation hospital.

Frequency: Reporting on occasion.

Affected Public: Business or other for-profit, not-for-profit institutions; and individuals or households.

Annual Number of Respondents: 350.

Total Annual Responses: 350.

Average Burden Per Response: 1 hour.

Total Annual Hours: 298.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at *http://www.hhs.gov/oirm/infocollect/pending/* or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *naomi.cook@hhs.gov*, or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the OS Paperwork Clearance Officer designated at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: Naomi Cook (0990–0258), Room 531–H, 200 Independence Avenue, SW., Washington, DC 20201.

Dated: May 20, 2005.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 05–10981 Filed 6–1–05; 8:45 am]

BILLING CODE 4168–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Time and Date: June 29, 2005 9 a.m.–3:30 p.m., June 30, 2005 9 a.m.–3 p.m.

Place: Hubert H. Humphrey Building, 200 Independence Avenue, SW., Room 705A, Washington, DC 20201.

Status: Open.

Purpose: At this meeting the Committee will hear presentations and hold discussions on several health data policy topics. On the morning of the first day the Committee will hear updates and status reports from the Department on topics including Clinical Data Standards, the Consolidated Health Informatics Initiative, and HIPAA Privacy Rule compliance. They will also discuss drafts of two Committee reports. In the afternoon the Committee will hear an update from the Office of the National Coordinator for Health Information Technology and briefings on the Federal Health Architecture initiative and the Commission on Systemic Interoperability.

On the morning of the second day the Committee will hear an update from the Certification Commission for Healthcare Information Technology (CCHIT) and a presentation by an American National Standards Institute's Healthcare Informatics Standards Board (ANSI HISB) panel. There will also be an update on the National Health Information Infrastructure and public health. In the afternoon, there will be reports from the subcommittees and a discussion of agendas for future Committee meetings.

The times shown above are for the full Committee meetings. Subcommittee breakout sessions are scheduled for late in the afternoon of the first day in the morning prior to the full Committee meeting on the second day. Agendas for these breakout sessions will be posted on the NCVHS Web site (URL below) when available.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/*, where further information including an agenda will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: May 23, 2005.

James Scanlon,

Acting Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 05–10965 Filed 6–1–05; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–05–05CJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–371–5983 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Colorectal Cancer Screening Demonstration Program ''New '' Division of Cancer Prevention and Control (DCPC), National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC is requesting approval to collect individual patient-level screening, diagnostic, and treatment data in association with a new colorectal cancer screening demonstration program. CDC is planning to fund 3–5 cooperative agreements in fiscal year (FY) 2005 to implement new colorectal cancer (CRC) demonstration programs. These 3-year demonstration programs are designed to increase population-based CRC screening among persons 50 years and older in a geographically defined area, focusing screening efforts on persons age 50 years and older with low incomes and inadequate or no health insurance coverage for CRC screening (priority population).

Colorectal Cancer is the second leading cause of cancer-related deaths in the United States, following lung cancer. Based on scientific evidence which indicates that regular screening is effective in reducing CRC incidence and mortality, regular CRC screening is now recommended for average-risk persons with one or a combination of the following tests: fecal occult blood testing (FOBT), flexible sigmoidoscopy, colonoscopy, and/or double-contrast barium enema (DCBE). Fecal immunochemical testing (FIT) is considered an acceptable alternative to FOBT. In the absence of evidence indicating a single most effective test, selected programs will be able to choose which screening test(s) they will use from the above list of recommended tests.

All funded programs will be required to submit patient-level data on CRC screening and diagnostic services provided as part of this demonstration project, which will be used to assess the quality and appropriateness of the services delivered.

Programs that receive CDC funding to provide screening and diagnostic services will collect individual patient-level data to capture demographic information and clinical services and outcomes, and submit these data to CDC on a quarterly basis. Some of the cooperative agreement recipients may receive funding for program components other than the provision of screening and diagnostic services. Programs that do not receive CDC funding to provide screening and diagnostic follow up services will still collect individual patient-level data but will only submit the data in aggregate to CDC, on a quarterly basis. Grantees may be asked by CDC to submit individualized data if aggregate data do not meet quality indicator standards. While CDC funds will not be used for treatment, programs will need to monitor treatment and document that patients are receiving appropriate treatment services. Submitted data must contain no patient identifiers.

All programs will additionally submit annual program-level data to CDC to be used to evaluate program effectiveness and monitor cost, funding sources, and an increase in population-based screening over the 3-year program period.

The additional burden to these respondents will be small, since CDC will only select programs that are already performing some CRC screening, and will therefore already be collecting these types of data. Data collection for both patient-level and program-level data will continue over the 3 years of the demonstration programs. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Form	Number of respondents*	Number of responses per respondent	Number of times per year	Average burden per response (in hours)	Total burden (in hours)
Patient-level clinical data	3	70	4	25/60	350
Annual program-level data	3	1	1	25/60	1.25
Total					351.25

* Respondents are cooperative agreement recipients

Dated: May 26, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–10950 Filed 6–1–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day-05–05CH)

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–371–5983 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Epidemiologic HIV/AIDS Research among African American and Hispanic Women at Risk for HIV Infection in the Southern United States and Puerto Rico—New—National Center for HIV/AIDS, STD and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval to administer a questionnaire and test for HIV and other sexually transmitted infections (STI) in heterosexual African American and Hispanic women at four sites in the southern United States and Puerto Rico. This proposed data collection will occur over 3 years.

This study is designed to assess risk factors for HIV infection in these women and addresses goals of CDC's ''HIV Prevention Strategic Plan Through 2005''. CDC plans to meet specific goals by (1) decreasing the number of persons at high risk of acquiring or transmitting HIV infection; (2) increasing the proportion of HIV-infected persons who know they are infected; (3) increasing the number of HIV-infected persons who are linked to appropriate prevention, care, and treatment services; and (4) strengthening the capacity nationwide to monitor the HIV epidemic. In addition, project data will provide important epidemiologic information useful for the development and targeting of future HIV prevention activities.

A sample of 2000 female study participants (500 per site) will be recruited directly from specific venues (e.g health clinics, etc.), by word of mouth, and through other site designated strategies. They will receive HIV and STI counseling and testing and respond to a one-time computerized questionnaire capturing information on demographics, risk behaviors, attitudes and knowledge related to HIV/STD transmission and prevention. The testing and interview will take approximately 1 hour to complete for those who agree to participate in the study and 10 minutes to complete for those who decline to enroll. There is no cost to respondents except for their time.

ESTIMATE OF ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of respondents per respondent	Burden per response	Total burden hours
Women—screening interview	3460	1	10/60	577
Women—completed interview	2000	1	1	2000
Total				2577

Dated: May 26, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–10951 Filed 6–1–05; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–05–05CB]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–371–5983 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Reduce Injury & Musculoskeletal Disorder (MSD) Risk from Human-Machine Interaction—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Federal Mine Safety & Health Act of 1977, Section 501, enables CDC/NIOSH to carry out research relevant to the health and safety of workers in the mining industry. The objective of this project is to investigate the hazards in underground mines associated with the work environment and mobile face equipment. Ultimately, this project will show miners how to reduce the likelihood of these hazards through human factors, design considerations and/or engineering interventions. The specific aims of this study are to (1) determine face equipment risk to the operator, (2) define the information cues operators need to perform their job tasks, (3) identify the types of changes operators could make to reduce their exposure from each of the environmental hazards that affect their safety.

Operating large face equipment is one of the most basic yet dangerous elements of underground mining operations. A typical room-and-pillar mining operation involves removal of a 10-ft section of coal and loading it onto haulage machines, backing the cutting equipment (continuous miner) out and re-entering the section to remove and load an additional 10-ft section of coal to produce a 20-ft wide entry. After removing a section of the coal seam, the continuous miner is moved to another location and roof support equipment is moved into the mined section to install roof supports to secure sections of unsupported roof. Every time the work sequence for a new entry is completed, moving (tramming) vehicles to the next work location pose hazards to the operator and their helpers. Tramming face equipment is usually done in restricted workspace with reduced visibility. The restricted mine work environment puts the operators and/or helpers in awkward postures for jobs that require fast reactions to avoid being struck by the moving machine. Restricted visibility due to the nature of underground mine environments and low lighting conditions further complicates the job. If not controlled from the machine cab, a machine operator typically walks in front of or behind their machine using a remote control. Unfortunately during the job, operators have the tendency to step beside their moving machine for a better view, placing them in a dangerous location. The Mine Safety and Health Administration accident data from 1999 to 2003 indicate that the coal industry averages 7,438 incidents per year. Of that total, 18% or an average of 1,312 incidents per year involved mobile face equipment that includes continuous miners, roof support machines, and haulage vehicles for underground mines. A substantial proportion (91%) of the 1,312 incidents reported included accident types that occurred while moving the equipment.

The purpose of this study is to determine which mechanisms cause injuries to operators of mobile face equipment and find new ways to reduce injuries, work-related musculoskeletal disorders, and accidents. Industry participation will help researchers in their study to improve the health and safety of employees in the mining industry, specifically those who operate and maintain mobile face mining equipment. The information for this study will be collected by conducting one-on-one structured interviews with approximately 5 managers and 15 continuous miner operators at each of 10 mines located throughout the major coal producing regions of the U.S. This survey will last less than 1 year. There will be no cost to respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Mine management (5 persons from 10 mines)	50	1	30/60	25
Continuous miner operators (15 persons from 10 mines)	150	2	45/60	225
Total				250

Dated: May 26, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–10952 Filed 6–1–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Request for Application (RFA) 05054]

Health Promotion and Non-Communicable Disease and Injury Prevention Initiatives in Latin America and the Caribbean; Notice of Intent To Fund Single Eligibility Award

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the intent to fund fiscal year (FY) 2005 funds for a cooperative agreement program to prevent non-communicable diseases, adverse reproductive outcomes, injuries, birth defects, developmental and physical disabilities and adverse consequences resulting from hereditary conditions in countries in the Latin American and Caribbean region. Through enhanced collaboration between the Pan American Health Organization (PAHO) and CDC, member countries can: (a) Promote a healthy, active lifestyle, disseminate information and provide expertise to prevent and control non-communicable diseases for which physical inactivity is a major risk factor, (including but not limited to obesity, diabetes and cardiovascular disease); (b) enhance, develop, implement, and evaluate community-based programs, including programs addressing cardiovascular health, health care and aging, and conduct behavioural risk factor surveillance and prevention research; (c) improve measurement, monitoring, and assessment of maternal and infant health, strengthen community-based maternal and perinatal health care systems, and improve and use surveillance systems to monitor and evaluate the quality of reproductive services; (d) strengthen their capacity to conduct surveillance, develop interventions and information technology tools, carry out access to care and economic impact studies, and share information related to diabetes prevention and control; (e) strengthen tobacco control through surveillance and evaluation, training, networking, and information exchange relative to policy approaches to implement smoke-free environments; (f) develop indicators and systems to monitor injuries and violence, conduct training and education, and to implement and evaluate comprehensive prevention strategies. The Catalog of Federal Domestic Assistance number for this program is 93.283.

B. Eligible Applicant

Assistance will be provided only to the Pan American Health Organization (PAHO) for this project. PAHO is the oldest international public health agency, with over 100 years of experience in working to improve health and living standards of the countries of the Americas. It serves as the specialized organization for health of the Inter-American System. It also serves as the Regional Office for the Americas of the World Health Organization (WHO) and enjoys international recognition as part of the UN system.

Since its creation in 1902, PAHO has worked to advance policies, plans and programs that improve health and human development. PAHO consists of thirty-eight Member States, and by encouraging collaboration among countries, PAHO aims to ensure that health promotion and non-communicable disease prevention strategies are incorporated both at the national and local level.

C. Funding

Approximately $989,900 is available in FY 2005 to fund this award. It is expected that the award will begin on or before July 29, 2005, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may change.

D. Where To Obtain Additional Information

For general comments or questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone: 770–488–2700.

For programmatic questions about this program, contact: Angel Roca, National Center for Chronic Disease Prevention and Health Promotion, 4770 Buford Highway, NE., Atlanta, GA 30341. Telephone: 770–488–5647. E-mail: *axr4@cdc.gov.*

Dated: May 24, 2005.

Alan Kotch,

Acting Deputy Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–10945 Filed 6–1–05; 8:45 am]

BILLING CODE 4163–18–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry Public Meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy Sites: Oak Ridge Reservation Health Effects Subcommittee

Name: Public meeting of the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Oak Ridge Reservation Health Effects Subcommittee (ORRHES).

Time and Date: 12 p.m.–6 p.m., June 28, 2005.

Place: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, TN. *Telephone:* (865) 241–4780.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in September 2000 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC. Community involvement is a critical part of ATSDR's and CDC's energy-related

research and activities and input from members of the ORRHES is part of these efforts.

Purpose: The purpose of this meeting is to address issues that are unique to community involvement with the ORRHES, and agency updates.

Matters To Be Discussed: Agenda items will include a brief discussion on the Toxic Substance Control Act Incinerator public health assessment, presentation from Susan Kaplan on her report, update on ATSDR project management plan and the schedule of Public Health Assessments to be released in FY 2005–2006, and updates and recommendations from the Exposure Evaluation, Community Concerns and Communications, and the Health Outcome Data Workgroups, and agency updates.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Marilyn Horton, Designated Federal Official and Health Communication Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–32 Atlanta, Georgia 30333, telephone 1–888–42–ATSDR (28737), fax 404/498–1744.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATDSR.

Dated: May 26, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–11037 Filed 6–1–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Correction for Community-Based Abstinence Education Program Announcement

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), Health and Human Services (HHS).

FUNDING OPPORTUNITY TITLE: Community-Based Abstinence Education.

ACTION: Notice of correction.

FUNDING OPPORTUNITY NUMBER: HHS–2005–ACF–ACYF–AE–0099.

SUMMARY: This notice is to inform interested parties of corrections made to the Community-Based Abstinence Education program announcement that published on May 20, 2005. The following corrections should be noted:

Under Section I. Funding Opportunity Description, Program Purpose and Scope, within the seventh paragraph, revise the following sentence from:

''Programs that utilize this definition promote 'abstinence Sex education programs that promote the use of contraceptives are not eligible for funding under this announcement.''

To: ''Programs that utilize this definition promote an ''abstinence until marriage message.'' Sex education programs that promote the use of contraceptives are not eligible for funding under this announcement''.

Under Section II. Award Information after ''Average Projected Award Amount Per Budget Period: $459,000'' insert the following:

Length of Project Periods: Three year project period with 12 month budget periods.

Under Section IV.2 Application Submission Information, Content and Form of Application Submission, revise the sentence ''Electronic submission is voluntary'' to state: ''Electronic submission is voluntary, but strongly encouraged.''.

The only changes to the Community-Based Abstinence Education program announcement are explicitly stated in this Notice of Correction. All applications must still be sent on or before the deadline date of June 20, 2005.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Trimbath, Director, Abstinence Education, 1–866–796–1591.

Dated: May 26, 2005.

Frank Fuentes,

Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 05–10960 Filed 6–1–05; 8:45 am]

BILLING CODE 4184–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Refugee Resettlement; Services to Unaccompanied Alien Children

Announcement Type: Cooperative Agreement—Initial.

Funding Opportunity Number: HHS–2005–ACF–ORR–ZU–0007.

CFDA Number: 93.676.

Due Date for Letters of Intent: June 17, 2005.

Due Date for Applications: July 18, 2005.

Executive Summary: One of the functions of the Division of Unaccompanied Children's Services (DUCS) within ORR is to provide temporary shelter care and other related services to children in ORR custody. Shelter care services will be provided for the period beginning when DUCS accepts the child for placement and custody and ending when the child is released from custody, a final disposition of the child's immigration case results in removal of the child from the United States or the child turns 18 years of age. Shelter care and other child welfare related services in a State licensed residential shelter care program should be provided in the least restrictive setting appropriate to the UAC's age and special needs. While the majority of UAC remain in care for an average of 45 days, some will stay for shorter or longer periods of time. ORR is particularly interested in those facilities licensed for long term care as opposed to those facilities licensed as emergency shelters.

This announcement provides the opportunity to fund providers of shelter (basic, group home, staff secure, secure, therapeutic group home, transitional and long-term foster care services) and those providers that conduct suitability assessments and provide recommendations on such assessments. In this announcement, providers are referred to as ''Recipients.'' The children, although placed in the physical custody of the Recipient, remain entirely in the custody of the Federal Government.

I. Funding Opportunity Description

Legislative Authority: This program is authorized by section 462 of the Homeland Security Act of 2002, (6 U.S.C. 279) which, in March 2003, transferred responsibility of the Unaccompanied Alien Children's Program from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS).

The Director of ORR is encouraged to use the refugee children foster care system established pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) for the placement of UAC. All programs must comply with the *Flores Settlement Agreement* and regulations that will be published.

Purpose and Objectives: One of the functions of the Division of Unaccompanied Children's Services (DUCS) within ORR is to provide temporary shelter care and other related services to children in ORR custody. Shelter care services will be provided for the period beginning when DUCS accepts the child for placement and custody and ending when the child is either released from custody, turns 18 years of age or a final disposition of the child's immigration case results in removal of the child from the United States. Shelter care and other child welfare related services should be provided to UAC in a State-licensed residential shelter care program in the least restrictive setting possible. While the majority of children remain in care for an average of 45 days, some will stay for shorter or longer periods of time. ORR is particularly interested in those facilities licensed for long term care as opposed to those facilities licensed as emergency shelters.

This announcement provides the opportunity to fund providers of shelter (basic, group home, staff secure, secure, therapeutic group home, transitional and long-term foster care services). In this announcement, providers are referred to as ''Recipients.'' The children, although placed in the physical custody of the Recipient, remain entirely in the custody of the Federal Government.

The population level of UAC is expected to fluctuate as arrivals and case dispositions occur. Program content must address the specialized and individual needs of children in various developmental stages. The program also must plan to serve children during various stages of their immigration proceedings. Although the population of children is projected to consist primarily of adolescents, recipients are expected to be able to serve some children who are under 12 years of age. ORR is particularly interested in facilities that have a capacity to serve children under 12 and pregnant and parenting teens.

Recipients of these funds are to facilitate the provision of assistance and services for each UAC including, but not limited to: Physical care and maintenance; provide routine and emergency medical/mental health care; dental services; comprehensive orientation; education; recreation; individual and group counseling by licensed clinicians; access to religious services, legal services and other social services. Recipients may be required to provide other services if ORR determines in advance that a service is reasonable and necessary for a particular child.

Recipients are expected to develop and implement an appropriate individualized service plan for the care and maintenance of each child in accordance with his/her needs as determined in an initial intake admission assessment and psychosocial assessment. In addition, Recipients are required to implement and administer a case management system which tracks and monitors children's progress on a regular basis to ensure that each child receives the full range of program services in an integrated and comprehensive manner.

Basic shelter care services shall be provided in accordance with applicable State child welfare statutes and generally accepted child welfare standards, practices, principles, and procedures. Services must be delivered in an open type of setting without a need for extraordinary security measures. Recipients must have a behavioral management system that utilizes a strength-based approach/model that will be required in the implementation of the UAC program.

Shelter services to special needs populations, such as victims of smuggling and trafficking, will require a higher level of security. Recipients that can offer placements for these populations should explain their ability and experience to provide such services.

Recipients are, however, required to design programs and strategies to discourage runaways and prevent the unauthorized absence of children in their care as outlined in the *Flores Settlement Agreement.* Service delivery is expected to be accomplished in a manner which is sensitive to the culture, native language and special needs of these children.

Client Population

It is anticipated that the client population will generally consist of males and females, 12 to17 years of age. Males represent a higher percentage of the total population of UAC. These UAC are primarily nationals of El Salvador, Honduras, Mexico, Nicaragua, Guatemala, People's Republic of China and India. However, Recipients can expect to provide services to significant numbers of children from various other countries. Recipients must also be prepared to provide child-care services to UAC under 12 years of age, as well as pregnant and parenting teens.

Definition of Unaccompanied Alien Child

An unaccompanied alien child is a child who:

(a) has no lawful immigration status in the United States;

(b) has not attained 18 years of age; and

(c) with respect to whom:

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody (6 U.S.C. 279(g)(2).

Allowable Activities

All programs will be required to follow minimum standards for licensed programs (Exhibit 1 of the Flores Settlement Agreement) which require that all Unaccompanied Alien Children be provided with the following as stated in Section IV of this announcement: proper physical care and maintenance; individualized need assessments; educational services by certified teachers; activities (recreation/leisure); medical and dental; mental health services (including psychiatric and psychological services, as well as specialized therapeutic services) on-site; at least one individual counseling session per week; group counseling sessions at least twice a week; acculturation and adaptation services; access to religious services (whenever possible); right to privacy; visitation and contact with family members; family reunification and release services; legal orientation and access to legal services; neighborhood community relations and escort; transportation services; interpretation and translation; orientation to program rules and regulations.

All services should be culturally sensitive to the population being served.

Geographic Locations

Applications will be awarded in two phases for the two groups identified below. Applications submitted pursuant to this announcement must plan for the delivery of services to a population as specified below, with a licensed capacity for future expansion. The shelter should be accessible to immigration courts, pro bono attorneys, national transportation hubs, and community mental health and medical resources/services. The facilities must be located within a 50 mile radius of the metropolitan areas identified below:

GROUP I.—GEOGRAPHIC LOCATION

[Start Date October 1, 2005]

No.	Location by state	Location by city	Type of facility or services required	Total number of beds required*	Funds available up to (millions in dollars)	Budget periods
1	Florida	Miami	Basic Shelter and/or Group Homes.	42	2.53	Oct 1, 2005–Sept 30, 2006.
2	Georgia	Atlanta	Basic Shelter	24	1.57	Oct 1, 2005–Sept 30, 2006.
3	California	San Diego	Basic Shelter	15	1.25	Oct 1, 2005—Sept 30, 2006.
4	Arizona	Phoenix	Basic Shelter	120	5.91	Oct 1, 2005–Sept 30, 2006.
5	Illinois	Chicago	Basic shelter and/or Group Homes and Foster Care.	59 (54 shelter and 5 foster Home beds.	2.895	Oct 1, 2005–Sept 30, 2006.
6	Texas	Houston Site Two	Basic Shelter and/or Group Homes.	32	1.76	Oct 1, 2005–Sept 30, 2006.
7		Houston Site Three	Staff Secure Care	14	0.91	Oct 1, 2005–Sept 30, 2006.
8		Houston Site Four	Basic Shelter and/or Group Homes.	32	1.65	Oct 1, 2005–Sept 30, 2006.
9		El Paso	Basic Shelter and/or Group Homes.	56	3.10	Oct 1, 2005–Sept 30, 2006.
10		Brownsville	Basic Shelter and/or Group Homes.	40	2.31	Oct 1, 2005–Sept 30, 2006.
11		Brownsville	Staff Secure Care	5	0.30	Oct 1, 2005–Sept 30, 2006.
12		Brownsville/Harlingen	Basic Shelter and/or Group Homes.	136	4.47	Oct 1, 2005–Sept 30, 2006.
13		Brownsville/Harlingen	Transitional Foster care.	36	1.32	Oct 1, 2005–Sept 30, 2006.
Subtotal Number of Beds and Amount of Money for Group I:				611 beds	$29.975 (million).	
14	Nationwide Network		Long Term Foster Care.	Supports up to 50 clients in care per applicant (two awards available).	$980,000 for long-term Foster care (for a total of $1.96 million for this category).	Oct 1, 2005–Sept 30, 2006.
			Transitional Foster Care.	Support 6 beds each in Tacoma, WA and in Phoenix, AZ (two awards available).	$690,000 each (for a total of $1.38 million for this category).	Oct 1, 2005–Sept 30, 2006.
			To Conduct Suitability Assessments and Recommendations.	Up to120 suitability assessment cases per applicant (two awards available).	$1.9 million (for a total of $3.8 million for this category).	Oct 1, 2005–Sept 30, 2006.
Total Amount of Money for Group I:			$34.915 (million).			

*Could potentially be comprised of more than one agency.

GROUP II.—GEOGRAPHIC LOCATION

[Start Date March 1, 2006]

No.	Location by state	Location by city	Type of facility or services required	Total number of beds required*	Funds available up to (millions in dollars)	Budget period of awards
1	California	Los Angeles	Basic Shelter and/or Group Homes.	24	1.76	Mar 1, 2006–Feb 28, 2007.
2		San Diego	Group Homes	9	0.75	Mar 1, 2006–Feb 28, 2007.
3		San Francisco	Basic Shelter and/or Group Homes.	16	1.33	Mar 1, 2006–Feb 28, 2007.
4		Phoenix	Group Homes	24	1.19	Mar 1, 2006–Feb 28, 2007.
5	Arizona	Phoenix	Therapeutic Group Homes.	6	0.218	Mar 1, 2006–Feb 28, 2007.
6	Texas	Houston Site One	Basic Shelter	16	0.90	Mar 1, 2006–Feb 28, 2007.
7	Texas or NY	One location	Therapeutic Group Home.	6	0.33	Mar 1, 2006–Feb 28, 2007.
8	Texas	Mc Allen or Southeast Texas.	Basic Shelter and/or Group Homes.	32	1.10	Mar 1, 2006–Feb 28, 2007.

GROUP II.—GEOGRAPHIC LOCATION—Continued

[Start Date March 1, 2006]

No.	Location by state	Location by city	Type of facility or services required	Total number of beds required*	Funds available up to (millions in dollars)	Budget period of awards
9	Texas or Indiana.	One or two locations	Secure Care	6	0.40	Mar 1, 2006–Feb 28, 2007.
Total Number of Beds and Money for Group II:				139 beds	$7.968 (million).	

* Could potentially be comprised of more than one agency.

Note: ORR could change the number of beds in any location (up or down) any time based on its needs and availability of funds.

The geographical location of the primary recipient is not restricted to a selected area of service. However, the recipient must be able to substantiate that the facility, network of local affiliates or their sub-recipient(s) are located in the designated geographic service area/s. The recipient must be able to deliver the required services effectively and appropriately and ensure that local service provider organizations are licensed under applicable State law to provide basic shelter care and related services to dependent children.

Agencies are encouraged to partner with other licensed agencies in order to meet capacity needs of the designated geographical area. For example, in a geographical area requiring 32 beds, two agencies can collaborate and propose a shelter with 24 beds and a group home with 8 beds.

Provision of Care (Minimum Standards for Licensed Programs)

Licensed programs shall comply with the Flores Settlement Agreement, all applicable state child welfare laws and regulations and all state and local building, fire, health and safety codes and shall provide or arrange for the services listed below for each child in their care. In addition, recipients shall comply with ORR's policies and procedures and cooperative agreement.

The applicants must cover in detail the following service areas:

1. Care and maintenance: Proper physical care and maintenance, including suitable living accommodations, culturally appropriate food, clothing, and personal grooming items.

2. Medical: Appropriate routine medical and dental care, family planning services, and emergency health care services, a complete medical examination (including screening for infectious disease) within 48 hours of admission, excluding weekends and holidays, unless the child was recently examined at another facility; appropriate immunizations in accordance with the U.S. Public Health Service (PHS) and Centers for Disease Control and prevention; administration of prescribed medication and special diets; and appropriate mental health interventions when necessary.

3. Assessment: Individualized assessment which includes: (1) Various initial intake and assessment forms (initial intake, admission assessment, psychosocial assessment, individual service plan); (2) essential data relating to the identification and history of the child and family; (3) identification of the child's mental health and medical special needs, including any specific issues which appear to require immediate intervention; (4) an educational assessment and plan; (5) an assessment of family relationships and interaction with adults, peers and authority figures; (6) a statement of religious preference and practice; (7) an assessment of the child's personal goals, strengths and weaknesses; and (8) identifying information regarding immediate family members, other relatives, godparents or friends who may be residing in the United States and may be able to assist in family reunification.

4. Education: Educational services Monday through Friday, appropriate to the child's level of development, and communication skills in a structured classroom setting which concentrates primarily on the development of basic academic competencies, and secondarily on English Language acquisition or skills (ELT). The educational program shall include instruction, educational materials and other reading materials in such languages as needed. Basic academic areas should include Science, Social Studies, Mathematics, Reading, Writing and Physical Education. The Recipient shall provide children with appropriate reading materials in their native languages for use during the children's leisure time. Educational services should serve both short and long-term needs of those served and should be provided by state/county certified teachers. Vocational instruction should be encouraged.

5. Recreation/Leisure: Activities according to a recreation and leisure time plan that includes daily outdoor activities, weather permitting, at least one hour per day of large muscle activity and one hour per day of structured leisure time activities (this should not include time spent watching television). Activities should be increased to a total of five hours daily on days when school is not in session, including weekends. Preference will be given to those with on-site recreational facilities/space.

6. Mental Health: Referral to or provision of mental health services, such as crisis intervention, including protocols and standards for emergency mental health situations; on-site or outpatient psychotherapy and counseling; psychiatric evaluation, treatment, and medication management; psychological evaluation and assessment; therapeutic residential treatment; in-patient psychiatric care and other clinical interventions identified as appropriate by ORR. Bilingual mental health services are preferred.

7. Individual Counseling: At least one (1) individual counseling session per week conducted by a licensed clinician, trained case managers with social work experience with the specific objectives of reviewing the child's progress, establishing new short-term objectives, and addressing the developmental, immediate concerns and special needs of each child.

8. Group Counseling: Programs shall conduct group counseling sessions/community meetings at least twice a week. This is usually an informal process and takes place with all the children present. It is a time when new children are given the opportunity to get acquainted with the staff, other children, and the rules of the program. Community meetings shall be open forums where everyone has a chance to speak. Daily program management is discussed and decisions are made about recreational activities, etc. Social work staff shall have a curriculum for group therapy that may be altered depending on the needs of the population. Group

goals should include learning problem solving skills, socializing and cultural adaptation techniques, didactic instruction, assertiveness training, anger reduction, interpersonal learning, relaxation and stress reduction, building group cohesiveness, and the proper expression of thoughts and feelings.

9. Acculturation: Acculturation and adaptation services should include information regarding the development of social and inter-personal skills which contribute to the ability to live independently and responsibly.

10. Orientation: Upon admission, a comprehensive orientation regarding program intent, services, rules (written and verbal), expectations and the availability of legal assistance.

11. Religious Access: Whenever possible, access to religious services of the child's choice.

12. Visitation: Visitation and contact with family members (regardless of the family's immigration status) that is structured to encourage such visitation. The staff shall respect the child's privacy while reasonably preventing the unauthorized release of the child. Visitation includes unlimited access to children by their retained attorneys.

13. Right to Privacy: A reasonable right to privacy, which includes the right to (1) wear his or her own clothes, when available; (2) retain a private space in the residential facility, group or foster home for the storage of personal belongings; (3) Children have the right to make phone calls to family including to their country of origin (4) talk privately on the phone, as permitted by the house rules and regulations; (5) visit privately with guests, as permitted by the house rules and regulations; and (6) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

14. Family Reunification and Release Services: Family reunification and release services designed to identify appropriate sponsors in the United States. Provision of reunification services will be monitored and evaluated. For those facilities currently serving children, preference will be given to those that have a demonstrated record of successful, thorough and expedient reunification and release services.

15. Legal Services Orientation: Legal services information regarding the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a removal hearing before an Immigration Judge, the right to apply for political asylum or to request voluntary departure in lieu of removal. Private space should be provided by the Recipient for legal consultation. Children have the right to make phone calls to family including to their country of origin.

16. Cultural Sensitivity: Service delivery is to be accomplished in a manner which is sensitive to the age, culture, religion, dietary needs, native language and the individual needs of each child.

17. Rules: Program rules and discipline standards shall be formulated with consideration for the range of ages and maturity in the program and shall be culturally sensitive to the needs of unaccompanied alien children. A positive strength-based behavior management approach should be used. Children shall not be subjected to corporal punishment, humiliation, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping. Any sanctions employed shall not: (a) adversely affect either a child's health, or physical or psychological well-being; or (b) deny a child regular meals, sufficient sleep, exercise, medical care, correspondence privileges, or legal assistance.

18. Service Plan: A comprehensive and realistic Individual Service Plan for the care of each child must be developed in accordance with the child's needs as determined by the initial intake, admission assessment, and psychosocial assessments. Individual Service Plans shall be implemented and closely coordinated through an operative case management system.

19. Language Capacity: Programs shall hire and maintain staff that speaks the major languages of the children under their care. Access to other languages should also be available, if necessary.

20. Record Keeping: Programs shall develop, maintain and safeguard individual client case records. Agencies and organizations are required to develop a system of accountability which preserves the confidentiality of client information and protects the records from unauthorized use or disclosure. The records of clients served under this program are ORR's records.

21. Reporting to ORR: Programs shall maintain adequate records and make regular reports as required by ORR that permit ORR to monitor and enforce the Flores Settlement Agreement, Federal requirements, ORR's policies and procedures and other requirements and standards as ORR may determine are in the best interests of the children. Recipient will have the capability to maintain detailed electronic client data information on the ORR Internet web-based database.

22. Transportation/Escort: Recipient will provide transportation to and from the facility to other locations and/or facilities throughout the United States. Transport will also include trips to and from local airports. Costs for regularly anticipated escorted transportation should be reflected in the proposed budget.

23. Training: Staff-training should comply with state licensing requirements and individualized training plans. A training plan should be submitted with your attached proposal.

24. Vocational program or activities: Opportunity for children to receive vocational training in some useful and appropriate skills.

The provision of services will include a structured, safe and productive environment which meets or exceeds respective state guidelines, the Flores Settlement Agreement and ORR's minimum standards for services designed to serve children in ORR's care and custody.

Program Design

The applicants must set forth in detail information concerning the following:

1. Overview: A comprehensive overview of the applicant agency, agency qualifications and history, including philosophy, goals and history of experience with respect to the provision of child welfare, social service, cross cultural/international or related services to children under 18 years of age from various cultural backgrounds and with various language capabilities.

2. Management Plan: a. A plan for overall fiscal and program management and accountability.

b. A description of the organizational structure and lines of authority (organization chart).

c. A comprehensive program staffing plan and information regarding staff qualifications (education, relevant professional experience for some positions needed) and languages each staff speaks.

d. A comprehensive plan for coordination of activities between the various program components and coordination with other community and governmental agencies.

e. Staff supervisory model.

f. Provisions for staff training.

g. Proposed staff schedule(s).

h. A description of the role(s) and responsibility(ies) of the proposed consultants and the rationale for their use.

i. Listing of all federal, state, or local funded grants and/or contracts received.

3. Individual Service Plans—Applicants shall describe in detail:

a. The methodology regarding the development of individual client service plans;

b. The process to ensure that service plans will be periodically reviewed and updated; and

c. The staff that will have responsibility for the development or updating of the plans.

4. Case Management—Describe in detail the case management system for tracking and monitoring client progress on a regular basis to ensure that each child receives the full range of program services in an integrated and comprehensive manner. Identify the staff positions responsible for coordinating the implementation and maintenance of the case management system.

5. Structure and Accountability—Applicants must fully describe:

a. The plan for developing and maintaining internal structure, control and accountability through programmatic means.

b. Utilization of daily logs to track program activities.

c. Ability to produce statistical reports to track referral demographics and performance.

d. Ability to maintain a comprehensive database on program demographics and the statistical data regarding UAC in your program.

6. Characteristics of Program Site: Residential/Office Facility. Applicants are required to set forth in detail comprehensive information regarding:

a. A physical description of the proposed facility including the proposed allocation of office space (description must be about an existing facility. New constructions will not be considered);

b. Documentation that the facility meets all relevant zoning, licensing, fire, safety and health codes required to operate a residentially based social service program. Copies of relevant documents must be submitted at the time of application;

c. Facility ownership or leasing agreements must be fully explained and documented.

d. Applicants should submit a copy of their licenses, along with a description of how their licenses support ORR's needs (capacity, ages, sex, length of stay, etc.) and what types of services the license covers.

Levels of Care and Custody

Levels of care are specific to geographic locations identified in Section 1. All minimum standards apply. The applicants must apply for the appropriate level of care as indicated in the sections below. Applicants can apply for one or more of the levels of care as long as they have appropriate levels of care in the different geographic locations.

Shelter Care: Recipients shall provide shelter care, which could include basic shelter, group home, staff secure, secure, and transitional/long-term foster care, in addition to other related services to unaccompanied alien children. Each level of care will provide children with a structured, safe, and productive environment which meets or exceeds respective State guidelines and standards for similar care. The design of the shelter care program and facility should be in full compliance with the Flores Settlement Agreement, including the Minimum Standards for Licensed Programs, which are indicated in this announcement, and State licensing requirements.

a. Basic Shelter Care and Group Homes: Shelter Care: The Recipient operates a licensed shelter care facility designed to serve the majority of unaccompanied alien children for an average of 45 days. Facilities are generally located in major immigration apprehension areas and provide a full range of on-site services. Basic shelter care facilities typically house between 16 and 80 children, depending on state licensing requirements.

Group Homes: The Recipient operates licensed group homes designed to serve the majority of unaccompanied alien children, with an emphasis on the ability to serve specific sub-sets of the population, including but not limited to children of a tender age, pregnant and parenting teens, and children with other special needs. Group homes are generally located in major immigration apprehension areas and provide a full range of on-site services (including education). Group homes typically house between 6 and 18 children, depending on state licensing. Generally, unaccompanied alien children will remain in group homes for an average of 45 days.

Areas where Basic Shelter Care or Group Home programs are needed: Miami, FL; Atlanta, GA; San Francisco, CA; Los Angeles, CA; San Diego, CA; Phoenix, AZ; Chicago, IL; Houston, TX; El Paso, TX; Brownsville/Harlingen, TX and McAllen, TX.

b. Transitional Foster Care: The Recipient operates licensed, trained foster homes that are designed to serve the majority of unaccompanied alien children, but are typically reserved for children of a tender age, pregnant/parenting teens, and children with other special needs. Transitional foster care provides children with a family-style living environment where children are integrated into a domestic atmosphere. The foster care agency is responsible for providing a full range of on-site services, including education that must meet or exceed State licensing requirements.

Areas where Transitional Foster Care is Needed: Harlingen/Brownsville, Texas, Chicago, Illinos.

c. Staff Secure Care (Medium Secure): The Recipient operates a structured, licensed shelter care facility designed to serve a unique population: UAC who require close supervision but do not need placement in junevile correction facilities. The population may include with delinquent behavior; UAC with serious behavior problems; and UAC who present a flight risk. As an alternative to secure detention, the staff-secure Recipient significantly reduces/eliminates the use of physical restraints and facilitates a ''safe-haven shelter'' atmosphere rather than a ''juvenile detention'' environment. In addition to compliance with ORR/DUCS shelter care standards, policies, and procedures, the Recipient provides the following:

(1) Heightened level of staff supervision, communication and services for a small population of 20 youth or fewer. The Recipient is required to maintain stricter security measures and higher staffing ratios than many shelters/group homes in order to control problem behavior and discourage flight. If there is an escape from a staff secure facility, the Recipient must provide a detailed corrective action plan to the Project Officer, in addition to completing and submitting to ORR a Significant Incident Report.

(2) Effective monitoring so that entry to and egress from the building can be controlled. A staff secure facility may have a security fence and secure entrance(s) and exit(s). However, the Recipient does not utilize lock-down procedures typically associated with traditional juvenile correctional (detention) facilities (e.g., strip searches, use of mechanical restraints, cell-like sleeping rooms, lack of privacy, razor wire, etc.)

(3) The Recipient's program design is consistent with ORR's interest to ensure the child's timely appearance before the immigration court and to protect the child's well-being and that of others in the shelter. The Recipient provides this heightened level of staff supervision for any and all required community trips (medical, dental, immigration court). Recreational and educational field trips are limited and must be specifically approved by the Project Officer. Security and accountability are

maintained during transport through procedures, staffing patterns, and effective communication rather than bars, locks and restraints associated with typical juvenile detention centers.

(4) The Recipient must have the capability to control the behavior and flight of a specific child when needed and maintain constant and continuous supervision of the minor. For example, the Recipient should incorporate constant supervision rather than 15 minutes or 30 minute bed checks. In order to prevent flight and/ or protect the safety of staff and children, the use of physical (hands-on) restraint is authorized in cases where children are attempting to flee or cause harm to self or others. However, the facility should not exceed the level of restraint permitted by the Recipient's shelter license. Staff must be trained and be competent in the use of behavioral management techniques and other alternatives to mechanical restraints.

(5) The Recipient provides (or has access to) specialized services for children with substance abuse problems, anger management issues, and/or other special behavior needs. The Recipient also has timely access to bilingual mental health services. The Recipient is expected to provide complete case management services, including the preparation and processing of reunification packets. The Recipient monitors the length of stay, timely family reunifications and releases, and regularly evaluates the child's progress for transfer to a less restrictive setting.

Areas where Staff Secure Care Programs are needed: Houston, TX; Brownsville, TX.

d. Secure Care (Full-Service): Secure Detention: One location with 6 beds. The Recipient provides secure shelter care in a non-traditional setting. The license should enable the facility to provide secure care as listed in this section. Rather than operating a traditional juvenile detention center, the Recipient provides a full range of program and case management services in a secure but shelter care setting. The Recipient operates a facility that is able to maintain control of a specialized population of 6 children who have exhibited the following behavior: violent or criminal behavior that endangers others (e.g., serious assault; carrying weapons in support of violence); serious escape history/risk; serious sex offender; extremely disruptive behavior in shelter or disruptive behavior in staff secure setting. In addition to meeting child welfare standards and services and the staff secure levels of care and programming, the Recipient accomplishes the following:

(1) Recipient has capability to physically and safely restrain a violent child during an emergency (i.e.: self harm, harm to others) or escape attempt. Staff must be trained and competent in the use of behavioral management techniques and other alternatives to physical and hard restraint, which should only be used as a last resort. Nonetheless, the use of soft and hard restraints is authorized in emergencies and for escape precautions during transport, when needed. Recipients should use only soft restraints (like nylon) , rather than hard restraints (like metal hand-cuffs, metal shackles, and metal belly chains) depending on need and previous background of the minor. The Recipient practices a ''zero tolerance'' policy for escapes from a secure care facility or from secure transport.

(2) In accordance with state detention and safety standards, the facility, rooms, and windows are secure. The American Correctional Association's ''Standards for Small Juvenile Detention Facilities'' (ACA, 3rd ed. 1991) and its published supplements should be used by the Recipient as a guide. The Recipient will direct special attention to the publication's mandatory standards for small detention facilities and provide the Project Officer an Action Plan regarding the current status of compliance with these Standards. It is understood that in this non-traditional secure setting some standards may not be applicable.

Areas where Secure Care Programs are needed: Texas and Indiana

e. Therapeutic Group Home: Recipient operates a licensed therapeutic group home to serve a sub-set of the UAC population. There are certain UAC who do not require the intensive mental health placement of a residential treatment center (RTC), but would benefit from placement in a small, supervised, therapeutic environment. Children who may qualify for placement in a therapeutic group home include:

1. Children being discharged from a residential treatment center.
2. Children with mild cognitive impairments.
3. Children with documented mental health issues, such as depression, PTSD, and anxiety.
4. Children with a history of family violence, sexual abuse/assault, and/or physical/emotional abuse.
5. Children on psychiatric medication.
6. Children with behavior management concerns.
7. Children requiring more intensive supervision and therapeutic services.

Applicants should describe in detail a staffing structure, behavior management program, recreational program, and educational and therapeutic services that are specifically geared toward the children described in the above paragraph. All group home staff must have child welfare experience and should preferably have some mental health professional experience. The group home environment should be designed to look and feel like a home. Therapeutic services, at a minimum, should include bi-lingual individual and group counseling; psychiatric/ psychological evaluation and care; and psychotherapy. Applicants must demonstrate relationships and collaboration with community-based bi-lingual mental health providers for therapeutic services that are not available on-site. A sample psycho-educational and clinical group counseling schedule should be provided, including which staff will facilitate the groups. A sample recreational program schedule should also be provided which outlines internal and external activities (both on and off-site).

Applicants should also include documentation and a description of the behavioral management program they intend to use (program should be based on a reward and progressive privilege system). Applicants must demonstrate an ability and willingness to work with children with mental health issues and/ or behavior management concerns. In addition, applicants must be equipped to work with children that other shelter care providers do not have the specialized resources and staff to serve. Applicants should expect to get children transferred from other shelter care providers, but should not plan to transfer children out of the group home, unless such a transfer is clearly documented and justified. All transfers must be ultimately approved by ORR.

Areas where Therapeutic Group Home Programs are needed: Two locations: One location in Phoenix, AZ and another location in either TX or NY.

f. Long Term Foster Care and Suitability Assessments: The Recipient or Sub-Recipient will be responsible for the provision of child welfare-related services, including suitability assessments and long-term foster care placement, to UAC in the custody of ORR/DUCS, who have been approved for such services by ORR/DUCS. Service delivery is expected to be accomplished in a manner which is sensitive to the culture, the native language and the complex needs of this population.

Up to 50 foster care beds (placements) and 120 suitability assessment referrals will be awarded to each applicant for a total of 2 awards. Public or private organizations which are incorporated as not-for-profit under the laws of their State and which meet the following requirements are eligible. The applicant shall:

1. Be a national agency with nationwide service capability (nationwide network of providers) to coordinate comprehensive multilingual, multicultural services for UAC.

2. Have a nationwide network of affiliate foster care programs that provide residential and case management services to UAC.

3. Have a nationwide network of affiliate agencies that have experience conducting home suitability assessments and support services for Chinese and Indian children, as well as unaccompanied alien children of other nationalities that require such services.

Due to security and child welfare concerns, Suitability Assessments (SA) of unaccompanied minors joining relative sponsors may be required prior to any family reunification decision. The SA shall be completed and will be the basis for the Recipient recommendation to ORR/DUCS. Final family reunification decisions are at the discretion of ORR/DUCS, but will be based on the SA recommendation. The Recipient or Sub-Recipient may conduct a suitability assessment of the family unit, taking into account the principle that children should be reunited with relatives whenever possible and appropriate.

The Recipient shall ensure that long-term foster care services are provided in accordance with applicable State child welfare statutes, regulations and generally accepted child welfare standards, practices, principles and procedures until release from Federal custody, removal to country or origin, or until the age of 18. Long-term foster care referrals are generally reserved for children who will be in Federal custody for more than four months. The Recipient shall, after careful review of the case (including, but not limited to, consideration of the child's ethnicity, education level, medical/mental health status, family relationships, reunification potential, age and religion), assign cases appropriate for long-term foster care to a Sub-Recipient provider of foster care services.

Applicants for long-term foster can include up to 12 transitional foster care beds in their submission.

Areas where Long Term Foster Care Program and Suitability Assessment are needed: Nationwide.

Please see the table under Geographic Locations that specifies the locations (cities and state or nationwide), type of facilities or services, total number of beds required by location or service and available maximum funds for each location or services. Please note also that there are two groups since the awarding periods vary.

Type of facilities required: as specified in the table under Geographic location for each location.

Example: In Miami, Florida services required are basic shelter and/or group homes and total number of beds required is 42. The total amount of fund available for this area and services is $2,530,000.

II. Award Information

Funding Instrument Type: Cooperative Agreement.

Substantial Involvement with Cooperative Agreement: ORR directs and supports grantees in the design and implementation of program activities, services and facilities; designing protocols or procedures; assisting in the selection of contractors (if applicable); key project staff; providing guidance in the collection and analysis of data and modification of project activities.

Anticipated Total Priority Area Funding: $42,883,000.

Anticipated Number of Awards: 26 to 27.

Ceiling on Amount of Individual Awards: $5,910,000 per budget period.

Floor on Amount of Individual Awards: $3,300,000 per budget period.

Average Projected Award Amount: $1,580,185 per budget period.

Length of Project Periods: 60 month project with five 12 month budget periods.

60 month project with five 12 month budget periods. Project periods for Group I: October 1, 2006 to September 30, 2010; for Group II: March 1, 2006 to February 28, 2011.

Awards will be for one-year budget period for Group I starting October 1, 2005 to September 30, 2006 and for Group II starting March 1, 2006 to February 28, 2007.

Applications for continuation grants funded under these awards beyond the one-year budget period may be entertained on a non-competitive basis, subject to availability of funds, satisfactory performance of the project, capacity needs and a determination that continued funding is in the best interest of the Government.

There could be multiple awards for each location depending on the types of services required as indicated in each location but the total funding will not exceed $42,883,000.

Based on the availability of funds and need for bed space, there could be supplements of awards for each location. As long as quality services are provided by each organization and there is a need for beds, continuation/renewals may apply every budget year until the end of the project period.

III. Eligibility Information

1. Eligible Applicants

- Non-profits having a 501(c)(3) status with the IRS, other than institutions of higher education
- Non-profits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education
- For-profit organization other than small businesses

Additional Information on Eligibility: Non-profit organizations (including faith-based and community organizations) incorporated under state law which have demonstrated child welfare, cross cultural/international, social services or related experience and are appropriately licensed facilities (at the time of submission of the application) for the provision of shelter care, foster care or group home care, staff secure, secure, therapeutic group home and related services to dependent children are eligible to apply.

For-profit organizations incorporated under state law which have demonstrated child welfare, cross cultural/international, social services or related experience, and are appropriately licensed (at the time of submission of the application) for the provision of shelter care, foster care or group home care, staff secure, secure, therapeutic group home and other related services to dependent children are eligible to apply. These organizations must clearly demonstrate that they are only charging the program actual costs incurred and will not realize a profit at the expense of the government.

- No organization/agency is guaranteed an award.
- Final award and budget approved may differ from initial request.

The Director of ORR reserves the right to award more or less funding to any individual applicant or in total for all applicants based on the quality of the applications and the best interest of the Government. In cases where ORR proposes to award an amount less than an organization's application request, the organization will be required to submit a revised budget and budget narrative showing how the organization proposes to spend the amount ORR is proposing to award to the organization. If an organization fails to submit a

commensurate revised budget within the time requested, the agency will forfeit the award.

2. Cost Sharing/Matching

None.

3. Other

All applicants must have a Dun & Bradstreet number. On June 27, 2003 the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a Dun & Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (www.Grants.gov). A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com*.

Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one of the following:

- A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code.
- A copy of a currently valid IRS tax exemption certificate.
- A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earning accrue to any private shareholders or individuals.
- A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.
- Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

When applying electronically we strongly suggest you attach your proof of non-profit status with your electronic application.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled, ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *http://www.acf.hhs.gov/programs/ofs/forms.htm*.

Disqualification Factors: Applications that exceed the ceiling amount will be considered non-responsive and will not be considered for funding under this announcement.

Any application that fails to satisfy the deadline requirements referenced in Section IV.3 will be considered non-responsive and will not be considered for funding under this announcement.

Other Disqualification Factors: Group 1 applications will be considered non-responsive and will not be considered for competitive review if lacking copies of one of the following documentation items: a physical description of the proposed facility, including the proposed allocation of existing office space (new construction will not be considered); the facility license; the ownership or lease agreement for the facility; and, that the facility meets all zoning, licensing, fire, safety, and health codes required to operate a residentially-based social service program.

Group 2 applicants applications will be considered non-responsive and will not be considered for competitive review if lacking copies of one of the following documentation items: a physical description of the proposed facility, including the proposed allocation of existing office space (new construction will not be considered); proof of application for license; the ownership or lease agreement for the facility; and, that the facility meets all zoning, licensing, fire, safety, and health codes required to operate a residentially-based social service program. Awards will be contingent upon subsequent documentation of an approved license. An approved license must be submitted no later than January 1, 2006.

IV. Application and Submission Information

1. Address To Request Application Package

Sylvia M. Johnson, Grants Officer, Office of Grants Management, Administration for Children and Families, U.S. Department of Health and Human Services, 901 D Street, SW., 4th Floor West, Washington, DC 20447.

Phone: 202–401–4524.
E-mail: *sjohnson@acf.hhs.gov*.
URL: *http//www.Grants.gov*.

2. Content and Form of Application Submission

Letters of intent are encouraged but not required. Letters of intent to apply are due 15 calendar days after publication of the announcement. Letters should state the funding opportunity number, the applicant's name and contact information, the location of the proposed site and the type of service(s) applicants are applying for. Letters of intent should be sent to the attention of Tsegaye Wolde at Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, S.W., 6th Floor East, Washington, D.C., 20447. Letters may also be sent by facsimile to: 202–401–1022 or by e-mail to: *twolde@acf.hhs.gov*.

Each application must include the following components:

Table of Contents

a. *Abstract of the Proposed Project*—very brief, not to exceed one page (would be suitable to use in announcing the grant award, if selected) and which identifies the type of project, the target population, and the major elements of the work plan.

b. *Completed Standard Form 424*—signed by an official of the organization applying for the grant who has authority to legally obligate the organization.

c. *Standard Form 424A*—Budget Information—Non Construction Programs.

d. *Narrative Budget Justification*—for each object class category required under Section B, Standard Form 424A.

e. *Project Narrative*—A narrative that addresses issues described in the ''Application Review Information'' and the ''Evaluation Criteria'' sections of this announcement.

Applicants have the option of omitting from the application copies (not the original) of specific salary rates or amounts for individuals specified in the application budget.

Application Format

- Submit application materials on white 8.5 x 11 inch paper only. Do not use colored, oversized or folded materials.
- Please do not include organizational brochures or other promotional materials, slides, films, clips, etc.
- The font size may be no smaller than 12 pitch and the margins must be at least one inch on all sides.
- Number all application pages sequentially throughout the package,

beginning with the abstract of the proposed project as page number one.

• Please present application materials either in loose-leaf notebooks or in folders with page two-hole punched at the top center and fastened separately with a slide paper fastener.

Page Limitation

• Each application narrative should not exceed 40 pages double-spaced.

• Attachments and appendices should not exceed 40 pages and should be used only to provide supporting documentation such as administration charts, position descriptions, resumes, and letters of intent or partnership agreements.

• A table of contents and an executive summary should be included but will not count in the page limitations.

• Each page should be numbered sequentially, including the attachments and appendices.

• This limitation of 40 pages should be considered as a maximum, and not necessarily a goal.

• Application forms are not to be counted in the page limit. Any pages that go beyond the 40 page limit will not be considered in the review process.

• Please do not include books or videotapes as they are not easily reproduced and are therefore inaccessible to the reviewers. The review panel will not consider submitted material which exceeds the 40 page limit.

You may submit your application to us in either electronic or paper format.

To submit an application electronically, please use the *http://www.Grants.gov/Apply* site. If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. ACF will not accept grant applications via email or facsimile transmission.

Please note the following if you plan to submit your application electronically via Grants.gov:

• Electronic submission is voluntary, but strongly encouraged.

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

• We recommend you visit Grants.gov at least 30 days prior to filing your application to fully understand the process and requirements. We encourage applicants who submit electronically to submit well before the closing date and time so that if difficulties are encountered an applicant can still send in a hard copy overnight. If you encounter difficulties, please contact the Grants.gov Help Desk at 1–800–518–4276 to report the problem and obtain assistance with the system.

• To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.

• You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.

• You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.

• Your application must comply with any page limitation requirements described in this program announcement.

• After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.

• We may request that you provide original signatures on forms at a later date.

• You may access the electronic application for this program on *http://www.Grants.gov.*

• You must search for the downloadable application package by the CFDA number.

Applicants that are submitting their application in paper format should submit an original and two copies of the complete application. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, have original signatures, and be submitted unbound.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled, ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Standard Forms and Certifications: The project description should include all the information requirements described in the specific evaluation criteria outlined in the program announcement under Section V Application Review Information. In addition to the project description, the applicant needs to complete all the standard forms required for making applications for awards under this announcement.

Applicants seeking financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF–424A, Budget Information—Non-Construction Programs; SF–424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. Applicants must sign and return the standard forms with their application.

Applicants must furnish prior to award an executed copy of the Standard Form LLL, Certification Regarding Lobbying, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their applications (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must also understand they will be held accountable for the smoking prohibition included within Pub. L. 103–227, Title XII Environmental Tobacco Smoke (also known as the PRO-KIDS Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with this form. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification form. Complete the standard forms and the associated certifications and assurances based on the instructions on the forms. The forms and certifications may be found at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Those organizations required to provide proof of non-profit status, please refer to Section III.3.

Please see Section V.1 for instructions on preparing the full project description.

3. Submission Dates and Times

Due Date for Letter of Intent: June 17, 2005.

Due Date for Applications: July 18, 2005.

Explanation of Due Dates: The closing time and date for receipt of applications is referenced above. Applications received after 4:30 p.m. eastern time on the closing date will be classified as late.

Deadline: Applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date referenced in Section IV.6. Applicants are responsible for ensuring applications are mailed or submitted electronically well in advance of the application due date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., eastern time, at the address referenced in Section IV.6., between Monday and Friday (excluding Federal holidays).

ACF cannot accommodate transmission of applications by facsimile. Therefore, applications transmitted to ACF by fax will not be accepted regardless of date or time of submission and time of receipt.

Late Applications: Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Any application received after 4:30 p.m. eastern time on the deadline date will not be considered for competition.

Applicants using express/overnight mail services should allow two working days prior to the deadline date for receipt of applications. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service, or in other rare cases. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

Receipt acknowledgement for application packages will not be provided to applicants who submit their package via mail, courier services, or by hand delivery. Applicants will receive an electronic acknowledgement for applications that are submitted via *http://www.Grants.gov.*

Checklist: You may use the checklist below as a guide when preparing your application package.

What to submit	Required content	Required form or format	When to submit
Project Abstract	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Project Description	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Budget Narrative/Justification	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
SF424	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
SF–LLL Certification Regarding Lobbying.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Certification Regarding Environmental Tobacco Smoke.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Assurances	See Section IV.2		By date of award.
Letter of Intent	See Section IV.2	Found in Section IV.2	15 days after publication.
Table of Contents	See Section IV.2	Found in Section IV.2	By application due date.
SF424A	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Support Letters			
Other: 3rd Party Agreements			
SF424B	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Proof of Non-Profit Status	See Section III.3	Found in Section III.3	By date of award.
Project narrative		A narrative that address issues described in the application..	

Additional Forms: Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled, ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	See form	Found in *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of October 1, 2004, the following jurisdictions have elected to participate in the Executive Order process: Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, North Dakota, Rhode Island, South Carolina, Texas, Utah, West Virginia, Wisconsin, American Samoa, Guam, North Mariana Islands, Puerto Rico, and Virgin Islands. As these jurisdictions have elected to participate in the Executive Order process, they have established SPOCs. Applicants from participating jurisdictions should contact their SPOC, as soon as possible, to alert them of prospective applications

and receive instructions. Applicants must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2).

A SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade SW., 4th Floor, Washington, DC 20447.

Although the remaining jurisdictions have chosen not to participate in the process, entities that meet the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. Therefore, applicants from these jurisdictions, or for projects administered by federally-recognized Indian Tribes, need take no action in regard to E.O. 12372.

The official list, including addresses, of the jurisdictions that have elected to participate in E.O. 12372 can be found on the following URL: *http://www.whitehouse.gov/omb/grants/spoc.html.*

5. Funding Restrictions

Grant awards will not allow reimbursement of pre-award costs.

6. Other Submission Requirements

Submission by Mail: An applicant must provide an original application with all attachments, signed by an authorized representative and two copies. Please see Section IV.3 for an explanation of due dates. Applications should be mailed to:

Sylvia M. Johnson, Grants Officer, U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Washington, DC 20447.

Hand Delivery: An applicant must provide an original application with all attachments signed by an authorized representative and two copies. The application must be received at the address below by 4:30 p.m. eastern time on or before the closing date. Applications that are hand delivered will be accepted between the hours of 8:00 a.m. to 4:30 p.m. eastern time, Monday through Friday. Applications should be delivered to:

Sylvia M. Johnson, Grants Officer, U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 901 D Street, SW., 2nd Floor, East, Mailing, Washington, DC 20447.

Electronic Submission: Please see Section IV.2 for guidelines and requirements when submitting applications electronically via *http://www.Grants.gov.*

V. Application Review Information

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 4/30/2007.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Criteria

The following are instructions and guidelines on how to prepare the ''project summary/abstract'' and ''full project description'' sections of the application. Under the evaluation criteria section, note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD).

Part I—The Project Description Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, information responsive to each of the requested evaluation criteria must be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application in a manner that is clear and complete.

General Instructions

ACF is particularly interested in specific project descriptions that focus on outcomes and convey strategies for achieving intended performance. Project descriptions are evaluated on the basis of substance and measurable outcomes, not length. Extensive exhibits are not required. Cross-referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions while being aware of the specified evaluation criteria. The text options give a broad overview of what your project description should include while the evaluation criteria identifies the measures that will be used to evaluate applications.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived.

Approach

Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished.

When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the conduct of the project and the results of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

Additional Information

Following are requests for additional information that need to be included in the application:

Staff and Position Data

Provide a biographical sketch and job description for each key person appointed. Job descriptions for each vacant key position should be included as well. As new key staff is appointed, biographical sketches will also be required.

Plan for Project Continuance Beyond Grant Support

Provide a plan for securing resources and continuing project activities after Federal assistance has ended.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners, such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. If the applicant is a non-profit organization, submit proof of non-profit status in its application.

The non-profit agency can accomplish this by providing: (a) A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; (b) a copy of a currently valid IRS tax exemption certificate, (c) a statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals; (d) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status, (e) any of the items immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Dissemination Plan

Provide a plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

Third-Party Agreements

Provide written and signed agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application OR by application deadline.

Budget and Budget Justification

Provide a budget with line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

Use the following guidelines for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. ''Federal resources'' refers only to the ACF grant for which you are applying. ''Non Federal resources'' are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide

the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000.

Note: (Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those that belong under other categories such as equipment, supplies, construction, etc. Include third party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification: Demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000).

Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, upon notification that an award will be made, it should immediately develop a tentative indirect cost rate proposal based on its most recently completed fiscal year, in accordance with the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. When an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Non-Federal Resources

Description: Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424.

Justification: The firm commitment of these resources must be documented and submitted with the application so the applicant is given credit in the review process. A detailed budget must be prepared for each funding source.

Total Direct Charges, Total Indirect Charges, Total Project Costs

Evaluation Criteria: The following evaluation criteria appear in weighted descending order. The corresponding score values indicate the relative importance that ACF places on each evaluation criterion; however, applicants need not develop their applications precisely according to the order presented. Application components may be organized such that a reviewer will be able to follow a seamless and logical flow of information (*i.e.*, from a broad overview of the project to more detailed information about how it will be conducted).

In considering how applicants will carry out the responsibilities addressed under this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria:

Objectives and Need for Assistance—30 points

Program Services: The applicant's response to the required program services, including:

a. The capacity of the program to offer comprehensive, integrated and culturally appropriate services which meet the needs of the clients to include orientation, education, individual/group counseling, medical care, mental health services, recreation and vocational provisions. ORR is particularly interested in an agency's capacity for services to pregnant teens and children under 12 years old. ORR is also interested in facilities that are licensed to provide care for an extended period rather than on an emergency basis. Facilities that have competency in and documentation of a behavioral management system that utilizes a strength-based approach/model in the implementation of the UAC program will also be of interest. Agencies that can provide shelter services to special needs populations, such as victims of smuggling and trafficking requiring a higher level of security, should discuss their capacity and explain their ability to assist these populations in the application.

b. Reunification: Reunification/Immigration relief/Long-Term Plan—Case Management: The adequacy of the plans for:

1. developing and updating Individual Service Plans;

2. the proposed system of case management;

3. ability to prepare a reunification package and reunify minors with their eligible sponsors; and,

4. implementation and maintenance of a client computer database system.

Organizational Profiles—20 points

Program/Facility Design: The extent to which the applicant's program design demonstrates that it is appropriate for the target population that the applicant is planning to serve; meets state licensing requirements, is cost effective, and meets ORR's program guidelines. Program design includes overall physical location and description of the facility (including description about sleeping arrangements, food preparation, kitchen and dining area, class rooms, office space, rest rooms, outside recreation areas and living space) and its ability to best meet the objectives of the program and services, offered, including access to immigration court, airports, fire, police, churches and the local community. Ample outdoor recreation areas are seen as a benefit to the UAC population.

Approach—20 points

1. *Management Plan:* The quality of the applicant's program management and staffing plans as demonstrated by:

a. The adequacy of the plan for program management and the plan for coordination between the components of the program.

b. The adequacy of the plan for coordination with community and governmental agencies.

c. The adequacy of the qualifications of the applicant organization, and the extent to which this organization has a demonstrated record as a provider of child welfare and/or other social services.

d. The extent to which the applicant has demonstrated effective fiscal management and accountability.

e. The extent to which sub recipient(s)/subcontractor(s) have demonstrated effective fiscal and program management and accountability. Discuss most recent audit and findings.

f. The adequacy of the plans for staff supervision and intra-program communication.

g. The extent to which staffing plans demonstrate a sound relationship between the proposed responsibilities of program staff and the educational and professional experience required for the position.

Charts delineating clear organizational relationships and levels of authority including names and positions of staff responsible for providing overall management and implementation of the program.

Budget and Budget Justification—10 points

Budget: The reasonableness of the proposed budget and budget narrative in relation to proposed program activities.

Letters of Support—10 points

External Factors: The degree to which the application has provided written documented evidence/letters of local community support and acceptance of the program. This should include established relationships with local emergency services (*i.e.*, police, fire), medical and mental health agencies, religious and community organizations, and state licensing offices' recommendations for serving this particular population. Any and all documented State licensing allegations/concerns must be reported. Failure to report such allegations could result in termination of the grant.

Evaluation—10 points

Internal Evaluation and Control: a. The degree to which the applicant provides effective strategies of programmatic control, predictability and accountability as evidenced by the program design. Recipients should describe an evaluation methodology based on performance. Focus will be placed on reunification performance and ability to ensure timely release for those with sponsors. Applicants should demonstrate effectiveness and measures that track performance in this area.

b. Utilization of resources in a manner which enhances program control, structure and accountability, such as an internal program and financial monitoring system.

2. Review and Selection Process

No grant award will be made under this announcement on the basis of an incomplete application.

Applications submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with the instructions in this announcement and (2) the applicant is eligible for funding. It is necessary that applicants state specifically which priority area they are applying for. Applications will be screened for priority area appropriateness. If applications are found to be inappropriate for the priority area in which they are submitted, applicants will be contracted for verbal approval of redirection to a more appropriate priority area.

Applications which pass the initial ACF screening will be evaluated and rated by an independent review panel on the basis of specific evaluation criteria. The results of these reviews will assist the Director and ORR program staff in considering competing applications. Reviewers scores will weigh heavily in funding decision, but will not be the only factors considered. Applications generally will be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding because other factors are taken into consideration. These include, but are not limited to, the number of similar types of existing grants or projects funded with ORR funds in the last five years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance

with grant terms under previous DHHS grants; audit reports; investigative reports; an applicant's progress in resolving any final audit disallowance on previous ORR or other Federal agency grants. The evaluation criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to an application which is responsive to the evaluation criteria within the context of this program announcement.

ORR has the authority to pass over ranking order based on geographic area (location) and capacity needs.

Since ACF will be using non-Federal reviewers in the process, applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget and Social Security Numbers, if otherwise required for individuals. The copies may include summary salary information.

Approved but Unfunded Applications

Applications that are approved but unfunded may be held over for funding in the next funding cycle, pending the availability of funds, for a period not to exceed one year.

VI. Award Administration Information

1. Award Notices

The successful applicants will be notified through the issuance of a Financial Assistance Award document which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided (if applicable), and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

Organizations whose applications will not be funded will be notified in writing.

2. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, subaward funds, or contracts under this ACF Program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this Program. Regulations pertaining to the prohibition of Federal funds for inherently religious activities can be found on the HHS Web site at *http://www.os.dhhs.gov/fbci/waisgate21.pdf.*

3. Reporting Requirements

Grantees will be required to submit program progress and financial reports (SF–269 found at *http://www.acf.hhs.gov/programs/ofs/forms.htm*) throughout the project period. Program progress and financial reports are due 30 days after the reporting period. Final programmatic and financial reports are due 90 days after the close of the project period.

Program Progress Reports: Quarterly.

Financial Reports: Semi-Annually.

Statistical Reports: As required by ORR.

Original reports and one copy should be mailed to the Grants Management Contact listed in section VII Agency Contacts.

Upon acceptance, grantees will receive formats and schedules for reporting a quarterly program progress report for program activities and on a semi-annual basis for financial expenditure reports.

VII. Agency Contacts

Program Office Contact

Tsegaye Wolde, Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, 901 D Street, SW., 6th Floor East, Washington, DC 20447.

Phone: 202–401–5144; cell phone: 202–360–2635.

Fax: 202–401–1022.

E-mail: *twolde@acf.hhs.gov.*

Grants Management Office Contact

Sylvia M. Johnson, Office of Grants Management, Administration for Children and Families, U.S. Department of Health and Human Services, 370 L'Enfant Promenade, SW., 4th Floor West, Washington, DC 20447.

Phone: 202–401–4524.

E-mail: *sjohnson@acf.hhs.gov.*

VIII. Other Information

Notice: Beginning with FY 2006, the Administration for Children and Families (ACF) will no longer publish grant announcements in the **Federal Register**. Beginning October 1, 2005 applicants will be able to find a synopsis of all ACF grant opportunities and apply electronically for opportunities via: *http://www.Grants.gov.* Applicants will also be able to find the complete text of all ACF grant announcements on the ACF Web site located at: *http://www.acf.hhs.gov/grants/index.html.*

Awards are subject to the availability of funds. The Director reserves the right to award more or less than the funds described in this announcement. In the absence of worthy application, the Director may decide not to make an award if deemed in the best interest of the Government. Funding for future years, under this announcement is based on the availability of funds. The Director may invite applications outside of the proposed closing date, if necessary, to respond to the needs of the Unaccompanied Alien Children.

The Director has the discretion to make awards or pass over applicants based on shifting demographics and geographic capacity needs of the program. The Director also reserves the right to move a program from one geographic location to another and/or change from one type of service to another, as necessary to ensure appropriate capacity needs.

Please reference Section IV.3 for details about acknowledgement of received applications.

Dated: May 23, 2005.

Nguyen Van Hanh,

Director, Office of Refugee Resettlement.

[FR Doc. 05–10961 Filed 6–1–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Children and Families

Notice of Secretary's Advisory Committee Meeting

AGENCY: Administration on Children, Youth and Families, ACF, HHS.

ACTION: Notice of meeting; Advisory Committee on Head Start Accountability and Educational Performance Measures.

SUMMARY: The Secretary of Health and Human Services (HHS), by authority of 42 U.S.C. 9836A; Section 641A(b) of the Head Start Act, as amended, has formed the Advisory Committee on Head Start Accountability and Educational Performance Measures. The Committee is governed by the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. appendix 2).

The function of this Committee is to help assess HHS' progress in developing and implementing educational measures in the Head Start Program. This

includes the Head Start National Reporting System (NRS). The Committee is to provide recommendations for integrating NRS with other ongoing assessments of the effectiveness of the program. The Committee will work in coordination with the existing Technical Work Group (TWG) which helped develop NRS, and make recommendations for how NRS data can be included in the broader Head Start measurement found in the Family and Child Experiences Survey (FACES), the national Head Start Impact Study, Head Start's Performance Based Outcome System, and the going evaluation of the Early Head Start program.

DATES: June 15, 2005, 2 p.m.–5 p.m., dinner recess; June 16, 2005, 9 a.m.–3:30 p.m.

PLACE: Hyatt Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

AGENDA: The Committee will be sworn in and will structure a plan that will enable it to accomplish its mission. Written and oral presentations related to existing Head Start evaluations will be the major parts of the meeting. Time allotted for each invited presentation will be limited.

SUPPLEMENTARY INFORMATION: This, the first meeting of the newly formed Committee, is open to the public. Persons wishing to bring written statements or papers focused on relevant, existing research with Head Start populations or on measures appropriate for low-income four- and five-year-old children are welcome to do so.

Individuals may email such documents to *Secretaryadvisory-hs@esi-dc.com* or mail to: ESI, ATTN: Xzavier Wright, Head Start Bureau-Secretary Advisory Committee, 7735 Old Georgetown Road, Suite 600, Bethesda, Maryland 20814.

Documents received will be presented to the Committee.

Committee meeting records will be kept at the Switzer Building located at 330 C Street, SW., Washington, DC 20447. The Head Start Bureau will also make material related to this meeting available on the Head Start Web site at *http://www2.acf.dhhs.gov/programs/hsb/*.

For additional information regarding this meeting, please contact Michele Plutro, Designated Federal Officer, at 202–205–8912.

An interpreter for the deaf and hearing impaired, or any other special needs, will be available upon advance request by contacting *xzavier@esi-dc.com*.

Dated: May 27, 2005.

Wade F. Horn,

Assistant Secretary for Children and Families.

[FR Doc. 05–11076 Filed 6–1–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Survey of Universal Newborn Hearing Screening and Intervention Program—(NEW)

The purpose of the universal newborn hearing screening and intervention project is to describe the efficacy, or lack thereof, of a national program to assure that all newborn infants are screened for hearing loss before discharge from the newborn nursery, and that those infants who do not pass the initial screening procedures have timely and appropriate follow-up, defined as audiologic diagnosis by three months of age and enrollment in a program of early intervention before 6 months of age. Program goals of linking every child with a known or suspected hearing loss with a medical home, that is a provider of continuous and comprehensive primary pediatric care, and linkage of families of infants with a hearing loss to a source of family to family support will also be assessed. In addition to a survey tool to be administered in all States, additional data will be collected during site visits to 10–12 selected States. Results of the study will include recommendations to the program office for further assisting the States in fully accomplishing program goals.

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Telephone interviews	54 States and Jurisdictions	1	54	.66	36
Site Visits	12 States/Jurisdictions	Up to 6	72	1	72
Total			126		108

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Kraemer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 26, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–10914 Filed 6–1–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Council on Graduate Medical Education

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Council on Graduate Medical Education (COGME) has been rechartered. The charter will expire on September 30, 2006.

FOR FURTHER INFORMATION CONTACT: Jerald M. Katzoff, Deputy Executive Secretary, COGME, Division of Medicine and Dentistry, Bureau of Health Professions, HRSA, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6326.

Dated: May 25, 2005.

Steven A. Pelovitz,

Associate Administrator, Office of Administration and Financial Management.

[FR Doc. 05–10915 Filed 6–1–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Health Promotion and Disease Prevention; Correction

ACTION: Notice; Correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on April 14, 2005. The document contained eleven erros.

FOR FURTHER INFORMATION CONTACT: Contact: Patricia Spotted Horse, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, Suite 120, Rockville, MD 20852, Telephone (301) 443–5204. (This is not a toll-free number).

Correction

In the **Federal Register** of April 14, 2005, in FR Doc. 05–7460, on page 19772, in the second column, under Key Dates, Application Deadline correct to June 24, 2005; Application Review correct to August 9–10, 2005; Application Notification correct to September 15, 2005. On page 19773, in the third column under section II Award information item #1, 2nd sentence insert (direct and indirect cost combined) after $64,500. On page 19774, in the first column, under item #2, sentence #6 delete July 14–15 or July 20–21, 2005 and replace with August 9–10, 2005. On page 19774, in the first column under item #2, 2nd bullet, Tribal Management Grant (TMG) and replace with Health Promotion/Disease Prevention Grant; under same section bullet #5 and n6 delete TMG and replace with HP/DP Grant. On page 19774, in the third column, under item #2, bullet #8 delete 2006 and replace with 2005. On page 19775, in the second column, under item #3, 1st sentence correct to June 24, 2005. On page 19776, in the third column, under item n3, 1st sentence correct to September 15, 2005.

Dated: May 25, 2005.

Charles W. Grim,

Assistant Surgeon General Director, Indian Health Service.

[FR Doc. 05–10956 Filed 6–1–05; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Tribal Self-Governance Program, Planning Cooperative Agreement, Initial Discretionary Funding Cycle for Fiscal Year 2005

Funding Opportunity Number: HHS–2005–IHS–TSGP–0001.
CFDA Number: 93.210.
Key Dates: Applications Due—July 8, 2005; Objective Review Committee to Evaluate Applications—August 3–4, 2005; Anticipated Project Start Date—September 15, 2005.

I. Funding Opportunity Description

The purpose of the program is to award cooperative agreements that provide planning resources to Tribes interested in participating in the Tribal Self-Governance Program (TSGP) as authorized by Title V, Tribal Self-Governance Amendments of 2000 of the Indian Self-Determination and Education Assistance Act of Public Law (Pub. L.) 93–638, as amended. The TSGP is designed to promote self-determination by allowing Tribes to assume more control of Indian Health Service (IHS) programs and services through compacts negotiated with the IHS. The Planning Cooperative Agreement allows a Tribe to gather information to determine the current types and amounts of programs, services, functions, and activities (PSFAs), and funding available at the Service Unit, Area, and Headquarters levels and identify programmatic alternatives that will better meet the needs of Tribal members.

II. Award Information

Type of Award: Cooperative Agreement.

Estimated Funds Available: The total amount identified for fiscal year (FY) 2005 is $600,000 for approximately twelve (12) Tribes to enter the TSGP planning process for compacts beginning fiscal year (FY) 2006 or calendar year (CY) 2006. Awards under this announcement are subject to the availability of funds.

Anticipated Number of Awards: The estimated number of awards to be funded is approximately 12.

Projected Period: 12 months.

Award Amount: $50,000 per year.

Programmatic Involvement: IHS TSGP funds will be awarded as cooperative agreements and will have substantial programmatic involvement to establish a basic understanding of IHS Programs, Services, Functions and Activities (PSFAs) as operations at the Service Unit, Area, and Headquarters levels.

The IHS roles and responsibilities will include:

- Identification of IHS staff that will consult with applicants on methods used by the IHS to manage and deliver health care.
- Provide applicants with a list of laws and regulations that provide authority for the various IHS programs.

The Grantee roles and responsibilities will include:

- Research and analysis of the complex IHS budget, at the Service Unit, Area, and Headquarters levels.
- Establishment of a process through which Tribes can effectively approach the IHS to identify programs and associated funding which could be incorporated into programs.

III. Eligibility Information

1. Eligible Applicants

To be eligible for a Planning Cooperative Agreement under this announcement, an applicant must meet all of the following criteria:

A. Be a Federally-recognized Tribe as defined in Title V, Public Law 106–260, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act (the Act), Public Law 93–638, as amended. However, Alaska Native Villages or Alaska Native village corporations, who are located within the area served by an Alaska Native regional health entity already participating in compact status, are not eligible (Pub. L. 106–260, Title V, Section 12(a)(2)).

2. Cost Sharing or Matching Funds

The Self-Governance Planning Cooperative Agreement Announcement does not require matching funds or cost sharing to participate in the competitive grant process.

3. Other Requirements

The following documentation is required (if applicable):

A. This program is described at 93.210 in the *Catalog of Federal Domestic Assistance.* There is limited

competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. (Refer to Section III, Eligible applicants in this announcement.)

B. Request participation in self-governance by resolution by the governing body of the Indian Tribe. An Indian Tribe that is proposing a cooperative agreement affecting another Indian Tribe must include resolutions from all affected Tribes to be served.

C. Demonstrate, for three fiscal years, financial stability and financial management capability, which is defined as no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

D. Applicants must submit copies of audits prescribed by Public Law 98–502, the Single Audit Act, as amended (see OMB Circular A–133, revised June 24, 1997, Audits of States, local governments, and Non-Profit Organizations), for the three previous fiscal years. If this documentation is not submitted the application will be considered as unresponsive and will not be considered.

E. Tribal Resolution—A resolution of the Indian Tribe served by the project must accompany the application submission. An Indian Tribe that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. Draft resolutions are acceptable in lieu of an official resolution. However, an official signed Tribal resolution must be received by the Division of Grants Operations (DGO) prior to the beginning of the Objective Review (August 3–4, 2005). If an official signed resolution is not submitted by August 2, 2005, the application will be considered incomplete and will be returned without consideration.''

* It is highly recommended that the Tribal resolution be sent by Federal Express for proof of receipt.

IV. Application and Submission Information

1. Address to Request Application Package: Interested parties may request a copy of the application kit from either of the following persons:

Ms. Mary E. Trujillo, Office of Tribal Self-Governance, Indian Health Service, 801 Thompson Avenue, Suite 240, Rockville, Maryland 20852. (301) 443–7821.

Ms. Patricia Spotted Horse, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP 100, Rockville, Maryland 20852. (301) 443–5204.

• Web address to obtain application kit: *htpp://www.ihs.gov/NonMedicalPrograms/SelfGovernance.*

2. Content and Form of Application Submission: A. All applications should:

• Be single spaced.
• Be typewritten.
• Have consecutively numbered pages.
• Use black type not smaller than 12 characters per one inch.
• Be printed on one side only of standard size 8½″ × 11″ paper.
• Not be tabbed, glued, or placed in a plastic holder.
• Contain a narrative that does not exceed 7 typed pages that includes the sections listed below. (The 7 page narrative does not include the work plan, standard forms, Tribal resolution(s), table of contents, budget, budget justifications, narratives, and/or other appendix items.)

Public Policy Requirements: All Federal-wide public policies apply to HHS grants with exception of Lobbying and Discrimination.

B. For paper application submission, include in the application the following documents in the order presented. The Application Receipt Record, Checklists, General Information Page, Standard Forms, Certifications, and Disclosure of Lobbying Activities documents will be available in the appendix of application kit.

• Application Receipt Record, IHS–815–1A (Rev. 3/05).
• FY 2005 Application Checklist.
• Tribal Resolution (final signed or draft unsigned).
• Standard Form 424, Application for Federal Assistance.
• Standard Form 424A, Budget Information—Non-Construction Programs (pages 1–2).
• Standard Form 424B, Assurance—Non-Construction Programs (front and back). The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR Part 36, Subpart H.
• Certifications (pages 17– 19).
• PHS–5161 Checklist (pages 25–26).
• Disclosure of Lobbying Activities.
• Table of Contents with corresponding numbered pages.
• Project Narrative not to exceed 7 typewritten pages.
• Categorical Budget and Budget Justification.
• Appendix Items.

3. Submission Dates and Times: Applications must be postmarked on or before Friday, July 8, 2005. Include one original and two complete copies of the final proposal with all required signatures and documentation. Mark the original application with a cover sheet that states, ''Original Grant Application.'' Mail or hand-deliver applications to the Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP 100, Rockville, Maryland 20852.

Please note: All mailed applications must be postmarked on or before July 8, 2005. Applicants are cautioned that express/overnight mail services do not always deliver as agreed. IHS cannot accommodate transmission of applications by Fax or E-mail. IHS does not acknowledge receipt of applications received.

Hand Delivered Proposals. Hand-delivered proposals will be accepted from 8 a.m. to 5 p.m. eastern standard time, Monday through Friday. Applications will be considered meeting the deadline if they are received on or before the deadline, with hand-carried applications received by close of business July 8, 2005, at 5 p.m., eastern standard time. For mailed applications, a dated, legible receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications not accepted for processing will be returned to the applicant and will not be considered for funding. Receipt of applications will be acknowledge via the IHS–815–1A (Rev. 3/05) Application Receipt Record.

4. Intergovernmental Review: This funding opportunity is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' State approval is not required.

5. Funding Restrictions:

A. Only one planning cooperative agreement will be awarded per applicant.

B. Each planning cooperative agreement shall not exceed $50,000. The available funds are inclusive of direct and indirect costs.

C. Planning awards shall not exceed a maximum period of one year.

D. Pre-award costs are not allowable.

6. Other Submission Requirements: The application must comply with the following:

A. Abstract (one page)—Summarizes the project.

B. Application for Federal Assistance (SF–424, Rev. 09/03)

C. Narrative (no more than 7 pages) with time frame chart (one page); pages numbered consecutively, including appendices, and Table of Contents, and should include the following:

(1) Background information on the Tribe.

(2) Objectives and activities that provide a description of what will be accomplished.

(3) A line-item budget and narrative justification.

(4) Appendix to include:

a. Resumes or position descriptions of key staff.

b. Contractors/Consultants resumes or qualifications.

c. Proposed Scope of Work.

d. Application Receipt Card (IHS 815–1A, Rev. 3/05).

Electronic Transmission—You may submit your application to us in either electronic or paper format. To submit an application electronically, please use the *http://www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a copy of the application package, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note that if you plan to submit your application electronically via Grants.gov:

- Electronic submission is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the deadline date to begin the application process through Grants.gov.
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete CCR registration. See below on how to apply.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including all information typically included on the SF–424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in the program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Indian Health Service will retrieve your application from Grants.gov.
- You may access the electronic application for this program on *http://www.Grants.gov.*
- You must search for the downloadable application package by CFDA number.

E-mail applications will not be accepted under this announcement.

Duns Number

Beginning October 1, 2003, applicants were required to have a Dun and Bradstreet (DUNS) Number, The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

To submit an application electronically, applicants must also be registered with the Central Contractor Registry (CCR). A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1–888–227–2423. Please review and complete the CCR ''Registration Worksheet'' located in the appendix of the TSGP Planning Cooperative Agreement application kit or on *http://www.grants.gov/CCRRegister.*

More detailed information regarding these registration processes can be found at *http://www.grants.gov.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses.

1. Criteria

Goals and Objectives of the Project (30 Points)

Are the goals and objectives measurable; are they consistent with the purpose of the program and terms of this announcement; and, are they achievable as demonstrated by an implementation schedule?

Organizational Capabilities and Qualifications (25 Points)

Describe the organizational structure of the Tribe/Tribal organization and the ability of the organization to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise and, where applicable, include resumes of consultants that demonstrate experience and expertise relevant to the project.

Methodology (20 Points)

Describe fully and clearly the methodology used to reflect the needs of tribal members and if the project can be accomplished with expected available resources.

Budget Justification (15 Points)

Submit a line-item budget with a brief narrative justification for all expenditures. Are costs identified reasonable and allowable in accordance with OMB Circulars A–87, ''Cost Principles for State and Local Governments'' and A–122, ''Cost Principles for Non-Profit Organizations?''

Management of Health Program(s) (10 Points)

Does the applicant propose an improved approach to managing the health program(s) and state/demonstrate how the delivery of quality health services will be maintained under self-governance?

Appendix Items

- Work plan for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant proposed scope of work (if applicable).
- Indirect Cost Agreement.
- Organizational chart (optional).

2. Review and Selection Process

In addition to the above criteria/requirements, applications are considered according to the following:

A. Application Submission (Application Deadline: July 8, 2005). Applications submitted in advance of or by the deadline and verified by the postmark will undergo a preliminary review to determine that:

(1) The applicant and proposed project type is eligible in accordance with this grant announcement.

(2) The application is not a duplication of a previously funded project.

(3) The application narrative, forms, and materials submitted meet the requirements of the announcement allowing the review panel to undertake an in-depth evaluation; otherwise, it maybe returned.

B. Competitive Review of Eligible Applications (Objective Review: August 3–4, 2005). Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be

reviewed for merit by the Ad Hoc Objective Review Committee (ORC) appointment by the IHS to review and make recommendations on these applications. The review will be conducted in accordance with the IHS Objective Review Guidelines. The technical review process ensures selection of quality projects in a national competition for limited fundings. Applications will be evaluated and rated on the basis of the evaluation criteria listed in Section V.1. The criteria are used to evaluate the quality of a proposed project, determine the likelihood of success, and assign a numerical score to each application. The scoring of approved applications will assist the IHS in determining which proposals will be funded if the amount of TSGP funding is not sufficient to support all approved applications. Applications recommended for approval, having a score of 60 or above by the ORC and scored high enough to be considered for funding, are forwarded by the Division of Grants Operations (DGO) for cost analysis and further recommendation. The program official forwards the final approved list to the IHS Director for final review and approval. Applications scoring below 60 points will be disapproved and returned to the applicant.

Note: In making final selections, the IHS Director will consider the ranking factor and the status of the applicant's single audit reports. The comments from the ORC will be advisory only. The IHS Director will make the final decision on awards.

3. Anticipated Award Date

Earliest Anticipated Award Date: September 15, 2005.

VI. Award Administration Information

1. Award Notices

Division of Grants Operations (DGO) will not award a grant without an approved application in conformance with regulatory and policy requirements which describes the purpose and scope of the project to be funded. When the application is approved for funding, the DGO will prepare a Notice of Grant Award (NGS) with special terms and conditions binding upon the award and refer to all general terms applicable to the award. The NGA will serve as the official notification of a grant award and will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period. Any other correspondence announcing to the Project Director that an application was selected is not an authorization to begin performance.

2. Administrative and National Policy Requirements

Grants are administered in accordance with the following documents:

- This grant announcement.
- Health and Human Services regulations governing Public Law 93–638 grants at 42 CFR 36.101 *et seq.*
- 45 CFR Part 92, ''Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments Including Indian Tribes,'' or 45 CFR Part 74, ''Administration of Grants to Non-Profit Recipients.''
- Public Health Service Grants Policy Statement.
- Grants Policy Directives.
- Appropriate Cost Principles: OMB Circular A–87, ''State and Local Governments,'' or ''OMB Circular A–122, ''Non-profit Organizations.''
- OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.''
- Other Applicable OMB Circulars.

3. Reporting

A. *Progress Report.* Program progress reports are required semi-annually. These reports will include a brief comparison of actual accomplishments to the goals established for the period, reasons for slippage (if applicable), and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. *Financial Status Report.* Semi-annual financial status reports must be submitted within 30 days of the end of the half year. Final financial status reports are due within 90 days of expiration of the budget/project period. Standard Form 269 (long form) will be used for financial reporting.

Grantees are responsible and accountable for accurate reporting of the Progress Reports and Financial Status Reports which are generally due annually. Financial Status Reports (SF–269) are due 90 days after each budget period and the final SF–269 must be verified from the grantee records on how the value was derived. Grantees are allowed a reasonable period of time in which to submit financial and performance reports.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

VII. Agency Contact(s)

1. Questions on the programmatic and technical issues may be directed to: Mary E. Trujillo, Program Specialist, *Telephone No.:* 301–443–7821, *Fax No.:* 301–443–1050, *E-mail: metrujil@hqe.ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to: Patricia Spotted Horse, Grants Management Specialist, *Telephone No.:* 301–443–5296, *Fax No.:* 301–443–5204, *E-mail: pspotted@hqe.ihs.gov.*

VIII. Other Information

The Public Health Service (PHS) strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Dated: May 25, 2005.

Charles W. Grim,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 05–10957 Filed 6–1–05; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Tribal Self-Governance Program Negotiation Cooperative Agreement; Initial Discretionary Funding Cycle for Fiscal Year 2005, Funding Opportunity Number: HHS–2005–IHS–TSGP–002, CFDA Number: 93.210

Key Dates: Applications Due—July 8, 2005; Objective Review Committee to Evaluate Applications—August 3–4, 2005; Anticipated Project Start Date—September 15, 2005.

I. Funding Opportunity Description

The purpose of the program is to award cooperative agreements that provide negotiation resources to Tribes interested in participating in the Tribal Self-Governance Program (TSGP) as authorized by Title V, Tribal Self-Governance Amendments of 2000 of the Indian Self-Determination and Education Assistance Act of Public Law (Pub. L.) 93–638, as amended. The TSGP is designed to promote self-determination by allowing Tribes to assume more control of Indian Health Service (IHS) programs and services through compacts negotiated with the IHS. The Negotiation Cooperative Agreement provides Tribes with funds to help cover the expenses involved in preparing for and negotiating with the IHS and assists eligible Indian Tribes to prepare for Compacts and Funding Agreements (FAs) with an effective date of October 1, 2005, or January 1, 2006.

The Negotiation Cooperative Agreement provides resources to assist Indian Tribes to conduct negotiation activities that include but not limited to:

- Analysis of the complex IHS budget to determine what programs, services, functions, and activities (PSFAs) will be negotiated.
- Development of the terms and conditions that will be set forth in a Compact and Funding Agreement (FA).
- Consultant costs such as Attorney or Financial Advisors.
- Communication Costs.
- Identification of tribal shares that will be included in the FA.

The award of a Negotiation Cooperative Agreement is not required as a prerequisite to enter the TSGP. Indian tribes that have completed comparable health planning activities in previous years using tribal resources but have not received a Tribal self-governance planning award are also eligible to apply. A report of the applicant's health planning activity must accompany the application.

II. Award Information

Type of Award: Cooperative Agreement.

Estimated Funds Available: The total amount identified for fiscal year (FY) 2005 is $240,000 for approximately twelve (12) Tribes to enter the TSGP negotiation process for compacts beginning in fiscal year (FY) 2006 or calendar year (CY) 2006. Awards under this announcement are subject to the availability of funds.

Anticipated Number of Awards: The estimated number of awards to be funded is approximately 12.

Project Period: 12 months.

Award Amount: $20,000 per year.

Programmatic Involvement: IHS TSGP funds will be awarded as cooperative agreements and will have substantial programmatic involvement to establish a process through which Tribes can effectively approach the IHS to identify programs and associated funding which could be incorporated into programs.

The IHS roles and responsibilities will include:

- Identification of IHS staff that will consult with applicants on methods used by the IHS to manage and deliver health care.
- Provide applicants with a list of laws and regulations that provide authority for the various IHS programs.

The Grantee roles and responsibilities will include:

- Research and analysis of the complex IHS budget, at the Service Unit, Area, and Headquarters levels.
- Establishment of a basic understanding of IHS PSFAs operations at the Service Unit, Area, and Headquarters levels.

III. Eligibility Information

1. Eligible Applicants

To be eligible for a negotiation cooperative agreement under this announcement, an applicant must meet all of the following criteria:

A. Be a Federally-recognized Tribe as defined in Title V, Pub. L. 106–260, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act (the Act), Pub. L. 93–638, as amended. However, Alaska Native Villages or Alaska Native village corporations, who are located within the area served by an Alaska Native regional health entity already participating in compact status, are not eligible (Pub. L. 106–260, Title V, Section 12(a)(2)). Those Tribes not represented by a self-governance Tribal consortium compact that have previously received negotiation funds may still be considered to participate in the TSGP, subject to the provisions in this announcement, however, with the following exception cited in Section 351, Pub. L. 105–277, the FY 1999 Omnibus appropriations Bill: ''Notwithstanding any other provision of law, prior to September 1, 2001, the IHS may not disburse funds for the provision of health care services pursuant to Pub. L. 93–638 (25 U.S.C. 450, *et seq.*) with any Alaska Native Village or Alaska Native Village Corporation that is located within the area served by an Alaska Native regional health entity.''

2. Cost Sharing or Matching Funds

The Self-Governance Negotiation Cooperative Agreement Announcement does not require matching funds or cost sharing to participate in the competitive grant process.

3. Other Requirements

The following documentation is required (if applicable):

A. This program is described at 93.210 in the *Catalog of Federal Domestic Assistance.* There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. (Refer to Section III, Eligible Applicants in this announcement.)

B. Request participation in self-governance by resolution by the governing body of the Indian Tribe. An Indian Tribe that is proposing a cooperative agreement affecting another Indian Tribe must include resolutions from all affected Tribes to be served.

C. Demonstrate, for three FY's, financial stability and financial management capability, which is defined as no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

D. Applicants must submit copies of audits prescribed by Pub. L. 98–502, the Single Audit Act, as amended (see OMB Circular A–133, revised June 24, 2997, Audits of States, Local Governments, and Non-Profit Organizations), for the three previous fiscal years. If this documentation is not submitted, the application will be considered as unresponsive and will not be considered.

E. Tribal Resolution—A resolution of the Indian Tribe served by the project must accompany the application submission. An Indian Tribe that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. Draft resolutions are acceptable in lieu of an official resolution. However, an official signed Tribal resolution must be received by the Division of Grants Operations (DGO) prior to the beginning of the Objective Review (August 3–4, 2005). If an official signed resolution is not submitted by August 2, 2005, the application will be considered incomplete and will be returned without consideration.*

* It is highly recommended that the Tribal resolution be sent by Federal Express for proof of receipt.

IV. Application and Submission Information

1. *Address to request application package:* Interested parties may request a copy of the application kit from either of the following persons:

Ms. Mary E. Trujillo, Office of Tribal Self-Governance, Indian Health Service, 801 Thompson Avenue, Suite 240, Rockville, Maryland 20852, (301) 443–7821.

Ms. Patricia Spotted Horse, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP 100, Rockville, Maryland 20852, (301) 443–5204.

• Web address to obtain application kit: *http://www.ihs.gov/NonMedicalPrograms/SelfGovernance*.

2. *Content and Form of Application Submission:* A. All applications should:

• Be single spaced.
• Be typewritten.
• Have consecutively numbered pages.
• Use black type not smaller than 12 characters per one inch.
• Be printed on one side only of standard size 8½″ x 11″ paper.
• Not be tabbed, glued, or placed in a plastic holder.
• Contain a narrative that does not exceed 7 typed pages that includes the sections listed below. (The 7 page narrative does not include the work plan, standard forms, Tribal resolution(s), table of contents, budget, budget justifications, narratives, and/or other appendix items.)

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with exception of Lobbying and Discrimination.

B. For paper application submission, include in the application the following documents in the order presented. The Application Receipt Record, Checklists, General Information Page, Standard Forms, Certifications, and Disclosure of Lobbying Activities documents will be available in the appendix of application kit.

• Application Receipt Record, IHS–815–1A (Rev. 3/05).
• FY 2005 Application Checklist.
• Tribal Resolution (final signed or draft unsigned).
• Standard Form 424A, Application for Federal Assistance.
• Standard Form 424A, Budget Information—Non-Construction Programs (pages 1–2).
• Standard Form 424B, Assurance—Non-Construction Programs (front and back). The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR Part 36, Subpart H.
• Certifications (pages 17–19).
• PHS–5161 Checklist (pages 25–26).
• Disclosure of Lobbying Activities
• Table of Contents with corresponding numbered pages.
• Project Narrative not to exceed 7 typewritten pages.
• Categorical Budget and Budget Justification.
• Appendix Items.

3. *Submission Dates and Times:* Applications must be postmarked on or before Friday, July 8, 2005. Include one original and two complete copies of the final proposal with all required signatures and documentation. Mark the original application with a cover sheet that states, ''Original Grant Application.'' Mail or hand-deliver applications to the Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP 100, Rockville, Maryland 20852. Please note: All mailed applications must be postmarked on or before July 8, 2005. Applications are cautioned that express/overnight mail services do not always deliver as agreed. IHS cannot accommodate transmission of applications by Fax or E-mail. IHS does not acknowledge receipt of applications received.

Hand Delivered Proposals: Hand-delivered proposals will be accepted from 8 a.m. to 5 p.m. eastern standard time, Monday through Friday. Applications will be considered to meet the deadline if they are received on or before the deadline, with hand-carried applications received by close of business July 8, 2005, at 5 p.m., eastern standard time. For mailed applications, a dated, legible receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications not accepted for processing will be returned to the applicant and will not be considered for funding. Receipt of applications will be acknowledged via the IHS–815–1A (Rev. 3/05) Application Receipt Record.

4. *Intergovernmental Review:* This funding opportunity is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' State approval is not required.

5. *Funding Restrictions:*

A. Only one negotiation cooperative agreement will be awarded per applicant.

B. Each negotiation cooperative agreement shall not exceed $20,000. The available funds are inclusive of direct and indirect costs.

C. Negotiation awards shall not exceed a maximum period of one year.

D. Pre-award costs are not allowable.

6. *Other Submission Requirements:*

The applicant must comply with the following:

A. Abstract (one page)—Summarizes the project.

B. Application for Federal Assistance (SF–424, Rev. 09/03).

C. Narrative (no more than 7 pages) with time frame chart (one page); pages numbered consecutively, including appendices, and Table of Contents, and should include the following:

(1) Background information on the Tribe.

(2) Objectives and activities that provide a description of what will be accomplished.

(3) A line-item budget and narrative justification.

(4) Appendix to include:

a. Resumes or position descriptions of key staff.

b. Contractors/Consultants resumes or qualifications.

c. Proposed Scope of Work.

d. Application Receipt Card (IHS 814–1A, Rev. 3/05).

e. Two copies of a report of health activities that have been performed either through an IHS Self-Governance Health Cooperative Agreement or a comparable health-project.

Electronic Transmission—You may submit your application to us in either electronic or paper format. To submit an application electronically, please use the *http://www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a copy of the application package, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note that if you plan to submit your application electronically via Grants.gov:

• Electronic submission is voluntary.
• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the deadline date to begin the application process through Grants.gov.
• To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete CCR registration. See below on how to apply.
• You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
• You may submit all documents electronically, including all information

typically included on the SF–424 and all necessary assurances and certifications.

• Your application must comply with any page limitation requirements described in the program announcement.

• After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Indian Health Service will retrieve your application from Grants.gov.

• You may access the electronic application for this program on *http://www.Grants.gov*.

• You must search for the downloadable application package by CFDA number.

E-mail applications will not be accepted under this announcement.

DUNS Number

Beginning October 1, 2003, applicants were required to have a Dun and Bradstreet (DUNS) number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

To submit an application electronically, applicants must also be registered with the Central Contractor Registry (CCR). A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1–888–227–2423. Please review and complete the CCR ''Registration Worksheet'' located in the appendix of the TSGP Negotiation Cooperative Agreement application kit or on *http://www.grants.gov/CCRRegister.*

More detailed information regarding these registration processes can be found at *http://www.grants.gov.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses.

1. Criteria

Demonstration of Previous Planning Activities (30 Points)

Thoroughness and appropriateness of planning activity to proposed scope of compact is demonstrated *i.e.,* has the Indian Tribe determined the PSFAs to be assumed? Has the Indian Tribe determined it has the administrative infrastructure to support the assumption of the PSFAs? Are the results of what was learned or is being learned during the planning process clearly stated?

Thoroughness of Approach (25 Points)

Is a specific narrative provided of the direction the Indian Tribe plans to take in the TSGP? How will the Tribe demonstrate improved health and services? Is the Indian Tribe ready to negotiate a compact to begin October 1, 2005 or January 1, 2006? Are proposed time lines for negotiations indicated?

Project Outcome (25 Points)

What beneficial contributions are expected or anticipated to the TSGP projected? Is information provided on the services that will be assumed? How will any improvements be made to managing the health program under the TSGP to better serve its tribal members? Are tribal needs discussed in relation to programmatic alternatives and outcomes?

Administrative Capabilities (20 Points)

Does the Indian Tribe clearly demonstrate knowledge and experience in the operation and management of other health programs? Is the internal management and administrative infrastructure of the applicant described and its relationship to the successful implementation of self-governance operation of health programs explained?

Appendix Items

• Work plan for proposed objectives.

• Position descriptions for key staff.

• Résumés of key staff that reflect current duties.

• Consultant proposed scope of work (if applicable).

• Indirect Cost Agreement.

• Organizational chart (optional).

2. Review and Selection Process

In addition to the above criteria/requirements, applications are considered according to the following:

A. Application Submission (Application Deadline: July 8, 2005). Applications submitted in advance of or by the deadline and verified by the postmark will undergo a preliminary review to determine that:

• The applicant and proposed project type is eligible in accordance with this grant announcement.

• The application is not a duplication of a previously funded project.

• The application narrative, forms, and materials submitted meet the requirements of the announcement allowing the review panel to undertake an in-depth evaluation; otherwise, it may be returned.

B. Competitive Review of Eligible Applications (Objective Review: August 3–4, 2005).

Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by the Objective Review Committee (ORC) appointed by the IHS to review and make recommendations on these applications. The review will be conducted in accordance with IHS Objective Review Guidelines. The technical review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed in Section V.1. The criteria are used to evaluate the quality of a proposed project, determine the likelihood of success, and assign a numerical score to each application. The scoring of approved applications will assist the IHS in determining which proposals will be funded if the amount of TSGP funding is not sufficient to support all approved applications. Applications recommended for approval, having a score of 60 or above by the ORC and scored high enough to be considered for funding, are forwarded by the Division of Grants Operations (DGO) for cost analysis and further recommendation. The program official forwards the final approved list to the IHS Director for final review and approval. Applications scoring below 60 points will be disapproved and returned to the applicant.

Note: In making final selections, the IHS Director will consider the ranking factor and the status of the applicant's single audit reports. The comments from the ORC will be advisory only. The IHS Director will make the final decision on awards.

VI. Award Administration Information

1. Award Notices

The Division of Grants Operations (DGO) will not award a grant without an approved application in conformance with regulatory and policy requirements which describes the purpose and scope of the project to be funded. When the application is approved for funding, the DGO will prepare a Notice of Grant

Award (NGA) with special terms and conditions binding upon the award and refer to all general terms applicable to the award. The NGA will serve as the official notification of a grant award and will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period.Any other correspondence announcing to the Project Director that an application was selected is not an authorization to begin performance.

2.Administrative and National Policy Requirements

Grants are administered in accordance with the following documents:

- This grant announcement.
- Health and Human Services regulations governing Pub. L. 93–638 grants at 42 CFR 36.101 *et seq.*
- 45 CFR Part (2, ''Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments Including Indian Tribes,'' or 45 CFR Part 74, ''Administration of Grants to Non Profit Recipients.''
- Public Health Service Grants Policy Statement.
- Grants Policy Directives.
- Appropriate Cost Principles: OMB Circular A–87, ''State and Local Governments,'' or ''OMB Circular A–122, ''Non-Profit Organizations.''
- OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.''
- Other Applicable OMB Circulars.

3. Reporting

A. Progress Report. Program progress reports are required semi-annually. These reports will include a brief comparison of actual accomplishments to the goals established for the period, reasons for slippage (if applicable), and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Status Report. Semi-annual financial status reports must be submitted within 30 days of the end of the half year. Final financial status reports are due within 90 days of expiration of the budget project period. Standard Form 269 (long form) will be used for financial reporting.

Grantees are responsible and accountable for accurate reporting of the Progress Reports and Financial Status Reports which are generally due annually. Financial Status Reports (SF–269) are due 90 days after each budget period and the final SF–269 must be verified from the grantee records on how the value was derived. Grantees are allowed a reasonable period of time in which to submit financial and performance reports.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.''

VII. Agency Contact(s)

1. Questions on the programmatic and technical issues may be directed to: Mary E. Trujillo, Program Specialist, Telephone No.: 301–443–7821, Fax No.: 301:443–1050, E-mail: *metrujil@hqe.ihs.gov*.

2. Questions on grants management and fiscal matters may be directed to: Patricia Spotted Horse, Grants Management Specialist, Telephone No.: 301–443–5204, Fax No.: 301–443–9602, E-mail: *pspotted@hqe.ihs.gov*.

VIII. Other Information

The Public Health Service (PHS) strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any position of the facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Dated: May 25, 2005.

Charles W. Grim,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 05–10958 Filed 6–1–05; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker Permit

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker permits are cancelled without prejudice.

Name	Permit No.	Issuing port
Menlo Worldwide Trade Services, Inc.	88–04	Buffalo.
Phil Fitter	27–04–WX3	Los Angeles.
Leslie P. Skelton dba Trans-Union Container Line	1055	Los Angeles.
Jay J. Rudman dba International Drawback Services	53–02–AKE	Houston.
Pete Pang dba Starlink Customs Broker Service	200210	Los Angeles.
Tokyu World Transport (USA), Inc.	00–17–000	Atlanta.
Cargo U.K., Inc.	99–00345	Washington, DC.
Menlo Worldwide Trade Services, Inc.	99–00264	Washington, DC.

Dated: May 25, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–10919 Filed 6–1–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are cancelled without prejudice.

Name	License No.	Issuing port
Menlo Worldwide Trade Services, Inc.	5506	Buffalo.
Cargo U.K., Inc.	11345	Charlotte.
Redport Brokerage, Inc.	22283	Laredo.
SIRVA Freight Forwarding, Inc.	09611	New York.

Dated: May 25, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–10921 Filed 6–1–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License Due to Death of the License Holder

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations § 111.51(a), the following individual Customs broker license and any and all permits have been cancelled due to the death of the broker:

Name	License No.	Port name
Ofelia R. Ramos	07987	Laredo.

Dated: May 25, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–10920 Filed 6–1–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Retraction of Revocation Notice

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: The below-identified Customs broker license was erroneously included in a list of revoked Customs broker licenses. *See* 69 FR 17214, dated April 1, 2004.

Name	License #	Port name
Talmage L. Dillon.	06956	New Orleans.

Customs broker license No. 06956 remains valid.

Dated: May 25, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–10918 Filed 6–1–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–5700–BX; Closure Notice No. NV–030–05–001]

Notice of Temporary Closure of Public Lands: Washoe County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to the public of temporary closure on public lands administered by the Bureau of Land Management, Carson City Field Office, Nevada.

SUMMARY: Pursuant to 43 CFR 8364.1, notice is hereby given that certain public lands will be temporarily closed to all public use located in Washoe County, Nevada. This action is being taken to provide for public safety during the 2005 Pylon Racing Seminar and 2005 Reno National Championship Air Races.

EFFECTIVE DATES: Closure to all public use from June 16 through June 19, 2005, and September 11 through September 18, 2005 (24 hrs. a day).

ADDRESSES: A map showing these temporary closures is available from the following BLM office: Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

FOR FURTHER INFORMATION CONTACT: Charles P. Pope, Assistant Manager, Nonrenewable Resources, BLM Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701. Telephone (775) 885–6000 .

SUPPLEMENTARY INFORMATION: This closure applies to all public use, including pedestrian use and vehicles. The public lands affected by this closure are described as follows:

Mt. Diablo Meridian

T. 21 N., R. 19 E.,
Sec. 8, N½NE¼, SE¼NE¼ and E½SE¼;
Sec. 16, N½ and SW¼.

Aggregating approximately 680 acres.

Authority: This temporary closure is issued under the authority of 43 CFR 8364.1. The above restrictions do not apply to emergency or law enforcement personnel or event officials. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than $1,000 and/or imprisoned for not more than 12 months.

Dated: March 4, 2005.

Charles P. Pope,

Assistant Manager, Nonrenewable Resources, Carson City Field Office.

[FR Doc. 05–10927 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–921–05–1320–EL; COC 68482]

Notice of Invitation for Coal Exploration License Application, Oxbow Mining, LLC. COC 68482; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with Oxbow Mining, LLC, in a program for the exploration of unleased coal deposits owned by the United States of America containing approximately 491.15 acres in Gunnison and Delta Counties, Colorado.

DATES: Written Notice of Intent to Participate, including serial number COC 68482 should be addressed to the attention of the following persons and both must receive the notice by July 5, 2005.

ADDRESSES: Karen Zurek, CO–921, Solid Minerals Staff, Division of Energy, Lands and Minerals, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215; and, James A. Kiger, Oxbow Mining, LLC, P.O. Box 535, Somerset, Colorado 81434.

FOR FURTHER INFORMATION CONTACT: Karen Zurek at (303) 239–3795.

SUPPLEMENTARY INFORMATION: The application for coal exploration license is available for public inspection during normal business hours under serial number COC 68482 at the Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the Uncompahgre Field Office, 2505 South Townsend Avenue, Montrose, Colorado 81401. Any party electing to participate in this program must share all costs on a pro rata basis with Oxbow Mining, LLC, and with any other party or parties who elect to participate.

Dated: March 1, 2005.

Karen Zurek,

Solid Minerals Staff, Division of Energy, Lands and Minerals.

[FR Doc. 05–10924 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–921–05–1320–EL–P; MTM 94378]

Notice of Coal Lease Application—MTM 94378—Spring Creek Coal Company

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice of Spring Creek Coal Company's Coal Lease Application MTM 94378 for certain coal resources within the Powder River Coal Region. The land included in Coal Lease Application MTM 94378 is located in Big Horn County, Montana.

FOR FURTHER INFORMATION CONTACT: Rebecca Sprugin, Coal Coordinator, at telephone 406–896–5080, Bureau of Land Management, Montana State Office, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107–6800.

SUPPLEMENTARY INFORMATION: The land included in the coal lease application is described as follows:

T. 8 S., R. 39 E., P. M. M.

Sec. 13: SW¼NW¼NW¼, SW¼NW¼, SW¼SE¼NW¼, N½SW¼, N½SW¼SW¼, N½SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, SE¼SW¼, NW¼NW¼SE¼, S½NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼;
Sec. 14: NW¼NE¼NE¼, S½NE¼NE¼, NW¼NE¼, S½NE¼, SE¼NE¼NW¼, NE¼SW¼NW¼, N½SE¼NW¼, N½NE¼SE¼, N½S½NE¼SE¼, S½SE¼NE¼SE¼, NE¼NE¼SE¼SE¼;
Sec. 15: NW¼SW¼SE¼, S½SW¼SE¼;
Sec. 22: NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼, NE¼SE¼NE¼, NE¼NE¼NW¼;
Sec. 23: SW¼SW¼NW¼NE¼, S½N½NW¼, S½NW¼;
Sec. 24: N½NE¼NW¼;
Sec. 25: SW¼SW¼;
Sec. 26: SW¼NE¼NE¼SW¼, W½NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, S½NE¼SW¼, NW¼SW¼, N½SE¼SW¼, S½NW¼SE¼, S½SE¼;
Sec. 27: SW¼NW¼SE¼NE¼, S½SE¼NE¼, NW¼NE¼SW¼NE¼, S½NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½SE¼NW¼, N½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼;

T. 8 S., R. 40 E., P. M. M.

Sec. 30: S½NW¼SE¼, S½SE¼;

The 1,207.50-acre tract contains an estimated 121.4 million tons of recoverable coal reserves.

The application will be processed in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181, *et seq.*), and the implementing regulations at 43 CFR Part 3400. A decision to allow leasing of the coal reserves in said tract will result in a competitive lease sale to be held at a time and place to be announced through publication pursuant to 43 CFR 3422. Spring Creek Coal Company is the operator of the Spring Creek Mine. The entire area included within this lease application lies within the Spring Creek Mine SMP79012 permit area.

The area applied for would be mined as an extension of the Spring Creek Mine and would utilize the same methods as those currently being used. The lease being applied for can extend the life of the mine by about 8 years and enable recovery of coal that might never be mined if not mined as a logical extension of current pits.

Notice of Availability: The application is available for review between the hours of 9 a.m. and 4 p.m. at the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana 59101, and at the Bureau of Land Management, Miles City Field Office, 111 Garryowen Road, Miles City, Montana, 59301–0940, between the hours of 8 a.m. and 4 p.m.

Dated: March 30, 2005.

Randy D. Heuscher,

Chief, Branch of Solid Minerals.

[FR Doc. 05–10925 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–88–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–03–840–1610–241A]

Canyons of the Ancients National Monument Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Canyons of the Ancients National Monument (Monument) Advisory Committee (Committee), will meet as directed below.

DATES: A meeting will be held June 28, 2005 at the Anasazi Heritage Center in Dolores, Colorado at 9 a.m. The public comment period for the meeting will begin at approximately 10:30 a.m. and the meeting will adjourn at approximately 12 p.m.

FOR FURTHER INFORMATION CONTACT: LouAnn Jacobson, Monument Manager or Stephen Kandell, Monument Planner, Anasazi Heritage Center, 27501 Hwy 184, Dolores, Colorado 81323; Telephone (970) 882–5600.

SUPPLEMENTARY INFORMATION: The eleven member committee provides counsel and advice to the Secretary of the Interior, through the BLM, concerning development and implementation of a management plan developed in accordance with FLMPA, for public lands within the Monument. At this meeting, topics we plan to discuss include the planning schedule, ''Reasonable, Foreseeable Development: Oil, Natural Gas, and Carbon Dioxide in Canyons of the Ancients National Monument'' document, new private planning contractor and other issues as appropriate.

The meeting will be open to the public and will include a time set aside for public comment. Interested persons may make oral statements at the meeting or submit written statements at any meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of all Committee meetings will be maintained at the Anasazi Heritage Center in Dolores, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days of the meeting. In addition, minutes and other information concerning the Committee can be obtained from the Monument planning Web site at: *http://www.blm.gov/rmp/canm* which will be updated following each Committee meeting.

Dated: May 25, 2005.

LouAnn Jacobson,

Monument Manager, Canyons of the Ancients National Monument.

[FR Doc. 05–10946 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–84–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–PH; GP5–0139]

Notice of Public Meeting, Eastern Washington Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, U.S. Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management Eastern Washington Resource Advisory Council will meet as indicated below.

DATES: The Eastern Washington Resource Advisory Council will meet Friday, June 17, 2005 at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington, 99212–1275.

SUPPLEMENTARY INFORMATION: The meeting will start at 9 a.m. and adjourn at 4 p.m. Topics on the meeting agenda include: Juniper Dunes access, cooperative agency relationships, and Columbia Basin Shrub-Steppe land exchange. The meeting is open to the public, with an opportunity for public comment between 11 a.m. and 12 noon. Information to be distributed to Council members for their review should be submitted, in writing, to the Spokane District Office prior to June 17.

FOR FURTHER INFORMATION CONTACT: Sandra Gourdin or Kathy Helm, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212, or call (509) 536–1200.

Dated May 27, 2005.

Joseph K. Buesing,

District Manager.

[FR Doc. 05–11043 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

San Luis Drainage Feature Re-evaluation, Alameda, Contra Costa, Fresno, Kern, Kings, Merced, San Joaquin, San Luis Obispo, and Stanislaus Counties, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement (Draft EIS) and notice of public hearings; DES 05–28.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended), the Bureau of Reclamation (Reclamation) has made available for public review and comments a Draft EIS for the San Luis Drainage Feature Re-evaluation. The Draft EIS describes and presents the environmental effects of the eight alternatives, the no-Action alternative and seven action alternatives. Four public hearings will be held to receive comments from individuals and organizations on the Draft EIS.

DATES: The Draft EIS will be available for a 60-day public review period. Comments are due on August 1, 2005. Four public hearings have been scheduled to receive oral or written comments regarding the project's environmental effects:

- Monday, July 11, 2005, 1:30 p.m. to 3:30 p.m., Sacramento, CA
- Tuesday, July 12, 2005, 6 p.m. to 8 p.m., Concord, CA
- Wednesday, July 13, 2005, 6 p.m. to 8 p.m., Fresno, CA
- Thursday, July 14, 2005, 6 p.m. to 8 p.m., Cayucos, CA

ADDRESSES: The public hearings will be held at the following locations:

- Federal Building, Cafeteria Conference Room C–1001, 2800 Cottage Way, Sacramento, CA 95825
- Heald College Conference Center, Rooms 1 and 2, 5130 Commercial Circle, Concord, CA 94520
- Piccadilly Inn Shaw, Crown Room, 2305 West Shaw, Fresno, CA 93711
- Cayucos Veterans Hall, 10 Cayucos Drive, Cayucos, CA 93430

Send comments on the Draft EIS to San Luis Drainage Feature Re-evaluation, c/o Mr. Jerry Robbins, Project Manager, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825 or by calling 916–978–5061.

Copies of the Draft EIS may be requested from Mr. Jerry Robbins, Project Manager, Bureau of Reclamation, at the above address or by calling 916–978–5061. See Supplementary Information section for locations where copies of the Draft EIS are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Robbins, Project Manager, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825 or by calling 916–978–5061.

SUPPLEMENTARY INFORMATION: The proposal Federal actions is to plan and construct a drainage system for the San Luis Unit. This proposed action would meet the needs of the San Luis Unit for

drainage service, fulfill the requirements of the February 2000 Court Order, and be completed under the authority of Public Law 86–488. The Draft EIS evaluates seven action alternatives in addition to a No Action alternative: In-Valley Disposal, In-Valley Groundwater Quality Land Retirement, In-Valley Water Needs Land Retirement, In-Valley Drainage Impaired Area Land Retirement, Ocean Disposal, Delta-Chipps Island Disposal, and Delta-Carquinez Strait Disposal. All of the alternatives would include common elements: On-farm and in-district actions, drainwater collection systems, regional reuse facilities, the Firebaugh sumps, and land retirement of at least 44,106 acres. In addition to the common elements, the action alternatives (except Ocean Disposal) involve varying levels of drainwater treatment (by reverse osmosis and/or biological selenium treatment) and/or additional land retirement. Reclamation has not identified an agency preferred action alternative and the environmentally preferred alternative in the Draft EIS. Reclamation has identified the resources to be evaluated in the Draft EIS to include surface water resources, groundwater resources, biological resources, selenium bioaccumulation, geology and seismicity, energy resources, air resources, agricultural production and economics, land use and soil resources, recreational resources, cultural resources, aesthetics, regional economics, and social issues and environmental justice. Reclamation has determined that the action alternatives were unlikely to affect traffic and transportation, noise, utilities and public services, and Indian Trust Assets.

Copies of the Draft EIS are available for public inspection and review at the following locations:

- U.S. Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225; telephone: 303–445–2072
- U.S. Bureau of Reclamation, Office of Public Affairs, 2800 Cottage Way, Sacramento, CA 95825–1898; telephone: 916–978–5100
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001
- Alameda County Public Library, 2450 Stevenson Blvd., Fremont, CA
- Contra Costa County Public Library, 1750 Oak Park Blvd., Pleasant Hill, CA
- Fresno County Public Library, 2420 Mariposa Street, Fresno, CA
- Kern County Public Library, 701 Truxton Avenue, Bakersfield, CA
- Kings County Public Library, 401 N. Douty Street, Hanford, CA
- Merced County Public Library, 1312 South 7th Street, Los Banos, CA
- San Joaquin Public Library, 605 N. El Dorado Street, Stockton, CA
- San Luis Obispo County Public Library, P.O. Box 8107, San Luis Obispo, CA
- Stanislaus County Public Library, 1500 I Street, Modesto, CA
- UCB Water Resources Center Archives, 410 O'Brien Hall, Berkeley, CA
- *http://www.usbr.gov/mp/*

Oral and written comments, including names and home addresses of respondents, will be available for public review. Individual respondents may request that we withhold their home address from public disclosure, which will be honored to the extent allowable by law. There may be circumstances in which a respondent's identity may also be withheld from public disclosure, as allowable by law. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Hearing Process Information

The purpose of the public hearing is to provide the public with an opportunity to comment on environmental issues addressed in the Draft EIS. Written comments will also be accepted.

Persons needing special assistance to attend and participate in the public hearing should contact Mr. Jerry Robbins, at 916–978–5061, as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public hearing. Information regarding this proposed action is available in alternative formats upon request.

Dated: March 5, 2005.

Kirk C. Rodgers,

Regional Director, Mid-Pacific Region.

[FR Doc. 05–10908 Filed 6–1–05; 8:45 am]

BILLING CODE 4310–MN–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–101 (Second Review)]

Greige Polyester/Cotton Printcloth From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on greige polyester/cotton printcloth from China would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on March 1, 2004 (69 FR 9640) and determined on June 4, 2004 that it would conduct a full review (69 FR 33661, June 16, 2004). Notice of the scheduling of the Commission's second review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 1, 2004 (69 FR 53465). The hearing was held in Washington, DC, on April 5, 2005, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on May 25, 2005. The views of the Commission are contained in USITC Publication 3776 (May 2005), entitled *Greige Polyester/Cotton Printcloth from China: Investigation No. 731–TA–101 (Second Review).*

Issued: May 26, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–10963 Filed 6–1–05; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Miller did not participate in this review.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–125 (Second Review)]

Potassium Permanganate From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (the Act),[2] that revocation of the antidumping duty order on potassium permanganate from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on October 1, 2004 (69 FR 58955), and determined on January 4, 2005, that it would conduct an expedited review (70 FR 2428, January 13, 2005).

The Commission transmitted its determination in this review to the Secretary of Commerce on May 31, 2005. The views of the Commission are contained in USITC Publication 3778 (June 2005), entitled *Potassium Permanganate from China: Investigation No. 731–TA–125 (Second Review)*.

Issued: May 26, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–10964 Filed 6–1–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,286]

Duracell, a Division of the Gillette Company, Lexington, NC; Notice of Revised Determination on Reconsideration

By letter postmarked April 15, 2005 a petitioner requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm engaged in the production of high power lithium film camera batteries.

The initial investigation resulted in a split determination signed on March 2, 2005. The investigation revealed that workers at the subject facility are separately identifiable as workers engaged in the packaging of zinc air hearing aid batteries and workers engaged in the production of high power lithium film camera batteries. Based on the investigation results, the first group was certified eligible for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance, while the second group was denied these benefits. The negative determination was based on the finding that imports of high power lithium film camera batteries did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The notice was published in the **Federal Register** on April 1, 2005 (70 FR 16846).

In the request for reconsideration the petitioner alleges that all workers of the subject firm have been cross-trained to perform various tasks within the subject firm and are not separately identifiable by the products manufactured.

A company official was contacted to verify these allegations. The company official stated that the information provided by the subject firm to the Department during the initial investigation was not detailed. The official further stated that in fact, employees of Duracell in Lexington, North Carolina are cross-trained to perform multiple tasks and it is impossible to separate them according to the production lines. Therefore, workers of the subject firm are not separately identifiable.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the initial investigation, I determine that there was a shift in production from the workers' firm or subdivision to a foreign country of articles that are like or directly competitive with those produced by the subject firm or subdivision, and there has been or is likely to be an increase in imports of like or directly competitive articles. In accordance with the provisions of the Act, I make the following certification:

All workers of Duracell, a division of the Gillette Company, Lexington, North Carolina, who became totally or partially separated from employment on or after December 30, 2003 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 19th day of May, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2797 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,923]

Engineered Machined Products, Inc., Plants 1 and 2, Escanaba, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2005 in response to a petition filed by a District Representative of the International Brotherhood of Teamsters, Local #328 on behalf of workers at Engineered Machined Products, Inc., Plants 1 and 2, Escanaba, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of May, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2801 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 19 U.S.C. 1675(c).

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,092]

First Inertia Switch, Grand Blanc, Michigan; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 3, 2005 in response to a worker petition filed by a company official on behalf of workers at First Inertia Switch, Grand Blanc, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 19th day of May 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2806 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 13, 2005.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 13, 2005.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 23rd day of May 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 05/02/2005 and 05/13/2005]

TA–W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
57,081	GE Security (Comp)	Gladewater, TX	05/02/2005	04/28/2005
57,082	Hall China Company (The) (Comp)	East Liverpool, OH	05/02/2005	04/11/2005
57,083	Avx Corporation (Comp)	El Paso, TX	05/02/2005	04/15/2005
57,084	Kichler Lighting (State)	Cleveland, OH	05/02/2005	04/21/2005
57,085	Nobles Industries, Ltd. (State)	Hibbing, MN	05/02/2005	05/02/2005
57,086	Makita Corp. of America (Comp)	Buford, GA	05/02/2005	04/28/2005
57,087	Strandflex (Comp)	Oriskavy, NY	05/02/2005	04/22/2005
57,088	Cenveo (Comp)	Cambridge, MD	05/02/2005	04/29/2005
57,089	Ethicon Inc. (Comp)	San Angelo, TX	05/02/2005	05/01/2005
57,090	Hewlett-Packard (Wkrs)	Corvallis, OR	05/03/2005	05/03/2005
57,091	Northern Hardwoods (State)	South Range, MI	05/03/2005	05/02/2005
57,092	First Inertia Switch (Comp)	Grand Blanc, MI	05/03/2005	04/26/2005
57,093	Amco Convertible Fabrics (Comp)	Adrian, MI	05/03/2005	04/29/2005
57,094	Lake Eyelet Manufacturing Co. (State)	Southington, CT	05/03/2005	05/03/2005
57,095	EMI—G Knitting, Inc. (Comp)	Fort Payne, AL	05/03/2005	05/02/2005
57,096	GE Infrastructure Sensing (State)	Edison, NJ	05/03/2005	05/02/2005
57,097	Stockmen's, LLC (Wkrs)	Sioux City, IA	05/03/2005	05/03/2005
57,098	Monaco Coach Corp. (State)	Bend, OR	05/03/2005	05/03/2005
57,099	Rada, Inc. (Wkrs)	San Francisco, CA	05/03/2005	04/22/2005
57,100	D&B, Inc. (NPW)	Greensboro, NC	05/03/2005	04/22/2005
57,101	Gaylord Inland (State)	Dallas, TX	05/04/2005	05/02/2005
57,102	Sharon Young, Inc. (State)	Dallas, TX	05/04/2005	05/02/2005
57,103	Automatic Technology (Comp)	Charlotte, NC	05/04/2005	05/04/2005
57,104	Matsushita (Comp)	Forest Grove, OR	05/04/2005	05/03/2005
57,105	Twin City Foods, Inc. (IBT)	Lewiston, ID	05/04/2005	04/28/2005
57,106	Westchester Narrow Fabrics, Inc. (Comp)	Milton, PA	05/04/2005	04/29/2005
57,107	Seaboard Atlantic Garment, Inc. (Comp)	E. Syracuse, NY	05/04/2005	05/02/2005
57,108	Parker Hannifin (State)	Minneapolis, MN	05/04/2005	05/03/2005
57,109	TRW Automotive (Wkrs)	Brighton, MI	05/04/2005	05/03/2005
57,110	Compeq International (Comp)	Salt Lake City, UT	05/04/2005	05/03/2005
57,111	Dayco Products, LLC (State)	Rochester Hills, MI	05/04/2005	04/26/2005
57,112	Broyhill Furniture Ind. (Wkrs)	Lenoir, NC	05/04/2005	04/18/2005
57,113	Vander-Bend Mfg., LLC (Comp)	Sunnyvale, CA	05/04/2005	04/21/2005
57,114	Selkirk, LLC (SMWIA)	Logan, OH	05/04/2005	04/26/2005
57,115	BASF Corporation (Wkrs)	Southfield, MI	05/04/2005	04/26/2005
57,116	Active Quilting (Wkrs)	Plains, PA	05/04/2005	05/02/2005
57,117	Mayfield Industrial Maint. Company (LIUNA)	Mayfield, KY	05/05/2005	05/03/2005

APPENDIX—Continued

[Petitions instituted between 05/02/2005 and 05/13/2005]

TA–W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
57,118	Lucerne Textiles, Inc. (Comp)	New York, NY	05/05/2005	04/21/2005
57,119	Hafner, LLC (Wkrs)	Gordonsville, VA	05/05/2005	05/04/2005
57,120	MMG North America (State)	Paterson, NJ	05/05/2005	05/04/2005
57,121	Sara Lee Branded Apparel—J.E. Morgan (Comp)	Tamaqua, PA	05/05/2005	05/04/2005
57,122	Tower Automotive (Wkrs)	Corydon, IN	05/05/2005	05/04/2005
57,123	Page Belting Co., Inc. (Comp)	Concord, NH	05/05/2005	05/04/2005
57,124	Jeanerette Shipping Co., Inc. (State)	Jeanerette, LA	05/06/2005	05/05/2005
57,125	Teleflex Medical (Comp)	Research Triangle, NC	05/06/2005	05/05/2005
57,126	Tekmax, Inc. (Wkrs)	Tangent, OR	05/06/2005	04/28/2005
57,127	J.T. Shannon Lumber Co. of PA (Wkrs)	Tidioute, PA	05/06/2005	04/22/2005
57,128	Northwest Airlines (State)	Minneapolis, MN	05/06/2005	05/06/2005
57,129	ADM Milling Co. (USWA)	Wellsburg, WV	05/06/2005	05/05/2005
57,130	Barrows Industries (State)	Norwood, MA	05/06/2005	04/15/2005
57,131	Merry Maid Novelties (Comp)	Bangor, PA	05/06/2005	05/03/2005
57,132	Anderson Precision (Wkrs)	Jamestown, NY	05/06/2005	04/27/2005
57,133	Sentry Manufacturing Co. (Comp)	Chickasha, OK	05/06/2005	04/28/2005
57,134	Zomax, Inc. (State)	Fremont, CA	05/06/2005	04/27/2005
57,135	Elite Textiles Ltd. (Comp)	Albemarle, NC	05/09/2005	04/29/2005
57,136	Manpower (State)	Salem, OR	05/09/2005	05/06/2005
57,137	Ox-Yoke Originals, Inc. (State)	Milo, ME	05/09/2005	05/06/2005
57,138	New Hope Weavers (Comp)	Lansdale, PA	05/09/2005	04/15/2005
57,139	Brooks Automation (State)	Phoenix, AZ	05/09/2005	05/05/2005
57,140	Culp, Inc. (Wkrs)	Burlington, NC	05/09/2005	05/09/2005
57,141	Stanbury Uniforms (Wkrs)	Waxahachie, TX	05/09/2005	04/15/2005
57,142	Culp Upholstery Prints (Wkrs)	Burlington, NC	05/09/2005	05/05/2005
57,143	ACCPAC International Best Software (State)	Santa Rosa, CA	05/09/2005	04/28/2005
57,144	Ultimate Manufacturing, Inc (Wkrs)	San Antonio, TX	05/09/2005	04/28/2005
57,145	Columbia Lighting, Inc. (Wkrs)	Spokane, WA	05/11/2005	05/09/2005
57,146	Shamiana (Wkrs)	San Francisco, CA	05/11/2005	05/05/2005
57,147	Telepan Services of Oregon (Wkrs)	Hillsboro, OR	05/11/2005	04/30/2005
57,148	Hohenwald Thermal Plant (State)	Hohenwald, TN	05/11/2005	05/03/2005
57,149	MCI (Wkrs)	Weldon Spring, MO	05/11/2005	04/26/2005
57,150	Gas Transmission Services, LLC (Wkrs)	Portland, OR	05/11/2005	05/10/2005
57,151	U.S. Zinc (State)	Taylor Springs, IL	05/11/2005	05/10/2005
57,152	All-Luminum Products, Inc. Rio Brands (Comp)	Philadelphia, PA	05/11/2005	05/09/2005
57,153	Downeast Woodcrafters, Inc. (State)	Skowhegan, ME	05/11/2005	05/10/2005
57,154	Victaulic Company of America (USWA)	Easton, PA	05/11/2005	05/11/2005
57,155	Thomson, Inc. (Comp)	Marion, IN	05/11/2005	05/11/2005
57,156	Acuity Brands Lighting (Wkrs)	Vermilion, OH	05/11/2005	04/20/2005
57,157	Ted Thorsen (Comp)	Wilkes-Barre, PA	05/12/2005	05/06/2005
57,158	Creo Americas (State)	New York, NY	05/12/2005	05/11/2005
57,159	Electro-Mel Industries (State)	Hazelhurst, WI	05/12/2005	05/04/2005
57,160	JABO, Inc. K-B Production Co. (Comp)	Parkersburg, WV	05/12/2005	05/12/2005
57,161	Labinal-Corinth, Inc. (IAM)	Corinth, TX	05/12/2005	05/12/2005
57,162	Gulf Fibers, Inc. (Wkrs)	Axis, AL	05/12/2005	05/12/2005
57,163	Premier Refratories (Comp)	Snow Shoe, PA	05/12/2005	04/27/2005
57,164	Epson Portland, Inc. (Wkrs)	Hillsboro, OR	05/12/2005	05/03/2005
57,165	Panasonic Mobile Comm Development (Wkrs)	Suwanee, GA	05/12/2005	05/05/2005
57,166	Burner Systems International, Inc. (Comp)	Mansfield, OH	05/12/2005	05/03/2005
57,167	DB Roberts (State)	Burlington, ME	05/13/2005	05/13/2005
57,168	Oxford Automotive (NPC)	Troy, MI	05/13/2005	05/12/2005
57,169	MDI of South Carolina, LLC (Wkrs)	Schenectady, NY	05/13/2005	05/06/2005
57,170	Ludlow Textiles Co., Inc. (Comp)	Ludlow, MA	05/13/2005	05/11/2005
57,171	Focus: Hope (Wkrs)	Detroit, MI	05/13/2005	05/06/2005
57,172	Meridian Automotive (Wkrs)	Newton, NC	05/13/2005	05/12/2005
57,173	ECC Card Clothing, Inc. (Wkrs)	Simpsonville, SC	05/13/2005	05/10/2005

[FR Doc. E5–2804 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,900]

Ken-Weld Co., Inc., Worcester, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2005 in response to a petition filed by a company official on behalf of workers at Ken-Weld Co., Inc., Worcester, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of May, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2800 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,084]

Kichler Lighting, Cleveland, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 2, 2005 in response to a petition filed by a state workforce representative on behalf of workers at Kichler Lighting, Cleveland, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 17th day of May, 2005

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2805 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,605]

Pennsylvania Veneer Corporation, Clearfield, PA; Negative Determination Regarding Application for Reconsideration

By application of April 21, 2005 a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on March 23, 2005 and published in the **Federal Register** on May 2, 2005 (70 FR 22710).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Pennsylvania Veneer Corporation, Clearfield, Pennsylvania engaged in production of hardwood veneer was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974 was not met, nor was there a shift in production from that firm to a foreign country. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's declining customers. The survey was not conducted in the initial investigation, as the preponderance of evidence indicated no declining customers during the relevant time period. The subject firm did not import hardwood veneer in the relevant period nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner alleges that the subject firm lost its business due to the ''indirect impact resulting from an inadequate supply of raw materials.'' In particular, that the increased exportation of raw materials to offshore facilities affected the supply of raw materials to domestic businesses. The petitioner further alleges that as a result of the above conditions, workers of the subject firm have been negatively impacted by the foreign competition and should be eligible for TAA.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. Exportation of raw materials is irrelevant when determining the import impact on domestic firms. The investigation revealed that the subject firm experienced an increase in sales prior to the shutdown. Consequently, the subject firm did not have customers who decreased their purchases of hardwood veneer from the subject firm and increased imports of hardwood veneer. The investigation also revealed that worker separations were not attributed to increases in imports or a shift in production to a foreign country.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 23rd day of May, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2799 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,993]

Springs Industries, Inc. Grace Complex, Including On-Site Leased Workers Of Phillips Staffing; Lancaster, SC; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on May 2, 2005, applicable to workers of Springs Industries, Inc., Grace Complex, including on-site leased workers of Phillips Staffing, Lancaster, South

Carolina. The notice will soon be published in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce finished bedding fabrics, sheets and pillowcases.

The review shows that all workers of Springs Industries, Inc., Grace Fabrication Plant, Lancaster, South Carolina, were certified eligible to apply for adjustment assistance and alternative trade adjustment assistance under petition number TA–W–52,788, which does not expire until October 7, 2005.

In order to avoid an overlap in worker group coverage, the Department is amending the certification for workers of the Grace Complex to clarify that any workers separated from the Grace Fabrication plant through October 7, 2005 are covered by TA–W–52,788. Thereafter (October 8, 2005 through May 2, 2007), any worker separated from the Fabrication Plant will be covered by the certification for workers of Springs Industries, Inc., Grace Complex, Lancaster, South Carolina, TA–W–56,993.

The amended notice applicable to TA–W–56,993 is hereby issued as follows:

''All workers of Springs Industries Inc., Grace Complex, Lancaster, South Carolina, including on-site leased workers of Phillips Staffing, who became totally or partially separated from employment on or after April 16, 2004 through May 2, 2007 (excluding for the period of May 2, 2005 through October 7, 2005, workers of Springs Industries Inc., Grace Fabrication Plant, Lancaster, South Carolina), are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 20th day of May 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2803 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,943]

Sun Look Garment, Inc.; San Francisco, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 11, 2005 in response to a worker petition filed on behalf of workers at Sun Look Garment, Inc., San Francisco, California.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 19th day of May 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2802 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,952]

VF Intimates, LP, Johnstown, PA; Notice of Determination of Alternative Trade Adjustment Assistance on Remand

The U.S. Court of International Trade (USCIT) granted the Department of Labor's motion for a voluntary remand for further investigation in *Former Employees of VF Intimates, Inc.* v. *Elaine Chao, U.S. Secretary of Labor*, No. 05–00052, on April 4, 2005.

Workers of VF Intimates, LP, Johnstown, Pennsylvania were certified as eligible to apply for Trade Adjustment Assistance (TAA) on June 15, 2004. The Notice of determination was published in the **Federal Register** on April 1, 2005 (70 FR 16847). An Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of the subject company was issued on July 21, 2004 and published in the **Federal Register** on August 4, 2004 (69 FR 47184).

By letter dated September 29, 2004, a company official requested that the Department consider certification for Alternative Trade Adjustment Assistance (ATAA) for workers and former workers covered by petition TA–W–54,952. The request was dismissed because the application for ATAA was not filed with the TAA petition, as required by the Secretary's interpretation of Section 246 of the Trade Act, Training and Employment Guidance Letter No. 2–03 (August 6, 2003). 69 FR 60904, October 13, 2004.

By letter dated January 17, 2005, the company official appealed to the USCIT, asserting that the Department failed to meet certain administrative obligations by not conducting an ATAA investigation solely because the request for ATAA was not marked. Specifically, the company official alleges that the Department processed an incomplete petition, erroneously assumed that ATAA was not requested when the question was unmarked, and failed to provide petitioners with assistance and adequate opportunity to request ATAA because the requirements for applying are ambiguous.

Upon further consideration, the Department has determined that it is appropriate to investigate the workers' eligibility for ATAA benefits, given the circumstances as presented, in order to effectuate the purposes of the Trade Act of 1974, as amended.

The group eligibility certification criteria for the ATAA program under Section 246 the Trade Act of 1974, as amended, established that the Department must determine whether a significant number of workers in the workers' firm are 50 years of age or older, whether the workers in the workers' firm possess skills that are not easily transferable, and whether the competitive conditions within the workers' industry are adverse.

The remand investigation revealed that at least five percent of the workforce at the subject firm was at least fifty years of age as of the date of the petition (May 18, 2004), the workers possess skills that are not easily transferable, and competitive conditions within the industry are adverse.

Conclusion

After careful review of the facts, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers at VF Intimates, LP, Johnstown, Pennsylvania, who became totally or partially separated from employment on or after May 18, 2003 through June 15, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 19th day of May, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2796 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection; Comments: Title 29 CFR 29, Labor Standards for the Registration of Apprenticeship Programs

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed three-year extension (without change) of the collection of the registered apprenticeship program data under Title 29 CFR Part 29 (Labor Standards for the Registration of Apprenticeship Programs). This request covers the period from the current end date of May 31, 2005 to the new end date of May 31, 2008. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Submit comments on or before August 1, 2005.

ADDRESSES: Send comments to: Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, 200 Constitution Ave., NW., Room N–5311, Washington, DC 20210; (202–693–2806—not a toll free number) fax: 202–693–2808 and e-mail address: *swoope.anthony@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The National Apprenticeship Act of 1937 authorizes and directs the Secretary of Labor ''to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education * * *'' (29 U.S.C. 50). Section 50a of the Act authorizes the Secretary of Labor to ''publish information relating to existing and proposed labor standards of apprenticeship,'' and to ''appoint national advisory committees * * *'' (29 U.S.C. 50a).

Title 29 CFR Part 29 sets forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services. These labor standards, policies, and procedures cover registration, cancellation of apprenticeship programs and apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

II. Desired Focus of Comments

Currently, the Employment and Training Administration is soliciting comments concerning the proposed three-year extension (without change) of the collection of the registered apprenticeship program data under Title 29 CFR part 29 (Labor Standards for the Registration of Apprenticeship Programs). This request covers the period from the current end date of May 31, 2005 to the new end date of May 31, 2008.

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond by including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the addressee section of this notice.

III. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)) to extend the collection of the registered apprenticeship program data under Title 29 CFR Part 29 (Labor Standards for the Registration of Apprenticeship Programs) without changes. This request covers the period from the current end date of May 31, 2005 to the new end date of May 31, 2008.

Recordkeeping and data collection activities regarding registered apprenticeship are by-products of the registration system. Organizations, which apply for apprenticeship sponsorship enter into an agreement with the Federal Government or cognizant State government to operate their proposed programs consistent with 29 CFR Part 29. Apprenticeship sponsors are not required to file reports regarding their apprentices other than individual registration and update information as an apprentice moves through their program.

Type of Review: Extension (without change).

Agency: Employment and Training Administration.

Title: Title 29 CFR Part 29,Labor Standards for the Registration of Apprenticeship Programs.

OMB Number: 1205–0223 for 29 CFR Part 29.

Agency Number: ETA Form 671.

Recordkeeping: Apprenticeship sponsors are required to keep accurate records on recruitment, selection of the applicant and/or apprentice, the employment and training activities related to the apprentice, and the qualifications of each applicant/apprentice pertaining to determination of compliance with the regulation. Records must be retained, where appropriate, regarding affirmative action plans and evidence that qualification standards have been validated. State Apprenticeship Councils are also obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner. Many apprenticeship programs are 4 years or more in duration;

therefore, it is important to maintain the records for at least 5 years.

Burden Hours: (See Chart below.)

Requirement	Sec.	Total respondents	Frequency	Annual response	Average response time (hours)	Annual burden hours
Form 671	29.3	139,300	1-time basis	139,300	.33/spon.	34,825
	29.6	139,100	1-time basis	139,100	.25/app.	11,545
	29.5	1,700	1-time basis	1,700	2/spon	3,400
		2,900	1-time basis	2,900	2/SAC	5,800
	29.12	(31)	1-time basis	(31)	0	0
	29.12 (accomplished in 1977; no new state agency expected in 2005)					
	29.12	31	1-time basis	31	2/SAC	62
	29.13	0	0	0	0	0
Totals		283,031		283,031		55,632

Total Burden Hours: 55,632.

Total Burden Cost (capital/start-up): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: Signed at Washington, DC this 25th day of May, 2005.

Anthony Swoope,

Administrator, Office of Apprenticeship Training, Employer and Labor Services.

[FR Doc. E5–2794 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment And Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of the Tax Performance System (TPS). Note that the name of this program was changed from Revenue Quality Control to the Tax Performance System. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted to the office listed in the address below on or before August 1, 2005.

ADDRESSES: Rett Hensley, Office of Workforce Security, Employment and Training Administration, Department of Labor, Room S 4522, 200 Constitution Ave., NW., Washington, DC, 20210; 202–693–3203 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Since 1987, states have been required by regulation at 20 CFR Part 602 to operate a program to assess their Unemployment Insurance (UI) tax and benefit programs. TPS developed new measures for tax performance to replace those previously gathered under the Quality Appraisal system. TPS is designed to assess the major internal UI tax functions by utilizing several methodologies: Computed Measures which are indicators of timeliness and completeness based on data automatically generated via the existing ETA 581, Contribution Operations Report (Office of Management and Budget (OMB) approval number 1205–0178, expiring 8/31/2005); and Program Reviews which assess accuracy through a two-fold examination. This examination involves: (a) ''Systems Reviews'' which examine tax systems for the existence of internal controls; and (b) extraction of small samples of those systems' transactions which are then examined to verify the effectiveness of controls.

II. Review Focus

The Department of Labor is particularly interested in comments which:

♦ Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

♦ evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

♦ enhance the quality, utility, and clarity of the information to be collected; and

♦ minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

III. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 (c) (2) (A)) for continuing an existing collection of information previously approved and assigned OMB control No. 1205–0332.

Agency: Employment and Training Administration, Department of Labor.

Title: Tax Performance System.

OMB Number: 1205–0332.

Affected Public: State government.

Total Respondents: 52.

Frequency: Annually.

Total Responses: 52.

Average time per response: 1739 hours.

Estimated Total Burden Hours: 90,428.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of the

information collection request; they will also become a matter of public record.

Dated: May 11, 2005.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E5–2795 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Hopkins County Coal, LLC

[Docket No. M–2005–034–C]

Hopkins County Coal, LLC, 2668 State Route 120 East, Providence, Kentucky 42450 has filed a petition to modify the application of 30 CFR 75.1103–4(a) (Automatic fire sensor and warning device systems; minimum requirements; general) to its Elk Creek Mine (MSHA I.D. No. 15–18826) located in Hopkins County, Kentucky. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for providing an automatic fire sensor and warning device system for identifying fire within each belt flight. The petitioner proposes to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries where a monitoring system identifies a sensor location in lieu of identifying each belt flight. The petitioner has listed additional procedures in this petition that will be following when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. Scorpio Mining, Inc.

[Docket No. M–2005–035–C]

Scorpio Mining, Inc., 530 Fairmont Avenue, Fairmont, West Virginia 26554 has filed a petition to modify the application of 30 CFR 75.364(b)(4) (Weekly examination) to its King #1 Mine (MSHA I.D. No. 46–08880) located in Upshur County, West Virginia. Due to a large roof fall and the inability to see the seal, in lieu of weekly visual examinations, the petitioner proposes to inspect the air quality both inby and outby the #8 seal on a daily basis log both the oxygen quality and methane level, and keep the records in the mine office. If the change in oxygen quality between the inby and outby readings reaches 0.5 percent, the petitioner will increase inspections to every 4 hours during working shifts, and if the air quality falls below 19.5 percent oxygen, the petitioner will notify MSHA. The petitioner states that the weekly examiner will be equipped with an SCSR and will continually monitor the oxygen content of air while traveling the bleeder entries inby the roof fall; the #8 seal is on return air and poses no threat to employees; and the #8 seal is located on the low side of the King #1 Mine away from current and future mining operations. The petitioner asserts that compliance with the existing standard would result in a diminution of safety to the miners.

3. Hopkins County Coal, LLC

[Docket No. M–2005–036–C]

Hopkins County Coal, LLC, 2668 State Route 120 East, Providence, Kentucky 42450 has filed a petition to modify the application of 30 CFR 75.1101–1(b) (Deluge-type water spray systems) to its Elk Creek Mine (MSHA I.D. No. 15–18826) located in Hopkins County, Kentucky. The petitioner requests a modification of the existing standard to permit an alternative method of compliance in lieu of providing blow-off dust covers for deluge-type water spray nozzles. The petitioner will have a person who is trained in testing procedures specific to the deluge-type water spray fire suppression systems at each belt drive conduct a visual examination of each deluge-type water spray fire suppression system; conduct a functional test of the deluge-type water spray fire suppression systems to check for proper performance; and record the results of the examination and functional test in a book that will be maintained on the surface of the mine for one year and made available to the authorized representative of the Secretary. The petitioner states that procedures used to perform functional test will be posted at or near each belt drive that utilizes a deluge-type water spray fire suppression system, and if any malfunction or clogged nozzle is detected, corrections will be made immediately. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. Bridger Coal Company

[Docket No. M–2005–037–C]

Bridger Coal Company, P.O. Box 68, Point of Rocks, Wyoming 82942 has filed a petition to modify the application of 30 CFR 75.1101–8 (Water sprinkler systems; arrangement of sprinklers) to its Bridger Underground Mine (MSHA I.D. No. 48–01646) located in Sweetwater County, Wyoming. The petitioner proposes to have a water sprinkler system that will consist of a single overhead pipe system with automatic sprinklers located no more than 10 feet apart so that the water discharged from the sprinklers will cover 50 feet of fire-resistant belt, or 150 feet of nonfire-resistant belt, adjacent to the belt drive. The petitioner states that the sprinkler will be located not more than 10 feet apart so that the water discharged from the sprinkler(s) will cover the drive motor(s), belt take-up, electrical controls, and gear reducing unit for each belt drive, and the sprinkler system will use either pendant or upright type sprinkler heads. The petitioner has listed in this petition for modification specific terms and conditions that would be followed when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Alfred Brown Coal Company

[Docket No. M–2005–038–C]

Alfred Brown Coal Company, 71 Hill Road, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100–2(a)(2) (Quantity and location of firefighting equipment) to its 7 Ft. Slope Mine (MSHA I.D. No. 36–08893) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to permit the use of portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage equipped with three 10 quart pails are not practical. The petitioner proposes to use two portable fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection at the 7 Ft. Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via Federal eRulemaking Portal: *http://www.regulations.gov*; E-mail: *zzMSHA-Comments@dol.gov*; Fax: (202) 693–9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or

received in that office on or before July 5, 2005. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 26th day of May 2005.

Rebecca J. Smith,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 05–10939 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Notice of a meeting of the Advisory Committee on Construction Safety and Health (ACCSH).

SUMMARY: ACCSH will meet June 23–24, 2005 in Washington, DC. This meeting is open to the public.

Time and Date: ACCSH will meet from 8:30 a.m. to 4:30 p.m., Thursday, June 23, 2005 and from 8:30 a.m. to Noon, Friday, June 24, 2005.

Place: ACCSH will meet at Room N–3437 A–C in the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: For general information about ACCSH and ACCSH meetings: Michael Buchet, OSHA, Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone 202–693–2020. For information about submission of comments, requests to speak, and for special accommodations for the meeting: Veneta Chatmon, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone 202–693–1999.

SUPPLEMENTARY INFORMATION: ACCSH will meet June 23–24, 2005, in Washington, DC.

The agenda for this meeting includes:

- Remarks—Office of the Assistant Secretary—OSHA
- Trenching Data and Initiative
- Safety Standards Update (Cranes and Derricks, and Confined Spaces in construction)
- National Occupational Research Agenda Update—NIOSH
- Consideration of the draft direct final rule for roll over protective structures in construction
- Health Standards Update (Crystalline Silica, Hexavalent Chromium, and Hearing Conservation in construction)
- Work Group Assignments and Reports
- Partnership, Alliance, Challenge, and Voluntary Protection Program for Construction Update
- Office of Training and Education Update
- North Carolina Tower Erection Standard Report
- Steel Erection—Slipperiness of Metal Decking and Vanishing Oils Discussion
- Public Comment (During this period, any member of the public is welcome to address ACCSH about construction-related safety and health issues. See information below to request time to speak.)

All ACCSH meetings, as well as those of its work groups, are open to the public. For access to the official record of the ACCSH meeting, go to OSHA's Web page at *http://www.osha.gov*. The record is also available for inspection and copying at the OSHA Docket Office, Room N–2625, at the address above, telephone (202) 693–2350 (OSHA's TTY number is (877) 899–5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m. e.t. Electronic copies of this **Federal Register** notice, as well as information about ACCSH work groups and other relevant documents, are available at OSHA's Web page.

Interested parties may request to make an oral presentation to ACCSH by notifying Ms. Chatmon before the meeting at the address above. The request must state the amount of time desired, the interest represented by the presenter (*e.g.*, the name of the business or organization), if any, and a brief outline of the presentation. Alternately, at the meeting interested parties may request to address ACCSH by signing the public comment request sheet. Requests to speak may be granted at the ACCSH Chair's discretion and as time permits.

Interested parties may submit written data, views, or comments, preferably with 20 copies, to Ms. Chatmon, at the address above or at the ACCSH meeting. OSHA will provide submissions to ACCSH members and will include each submission in the official record of the meeting.

Individuals needing special accommodations for the ACCSH meeting should contact Ms. Chatmon by June 9, 2005.

ACCSH Work Groups

The following ACCSH work groups will meet June 21–22, 2005, in Room N–3437A–C of the Frances Perkins Building at the address above.

Tuesday, June 21, 2005:

8:30–10:30 a.m.—Silica work group.

10:45 a.m.–12:45 p.m.—Trenching work group.

2–4 p.m.—Noise work group.

Wednesday, June 22, 2005:

8:30–10:30 a.m.—Fall Protection work group.

10:45 a.m.–12:45 p.m.—Roll-Over Protective Structures work group.

2–4 p.m.—OTI (OSHA Training Institute) work group.

ACCSH work group meetings are open to the public. For further information on ACCSH work group meetings or on participating on them, please contact Michael Buchet at the address above or look on the ACCSH page on OSHA's Web page.

Authority: Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), section 3704 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3701 *et seq.*), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC this 24th day of May 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. 05–10938 Filed 6–1–05; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as

salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: *http://www.nsf.gov.* This information may also be requested by telephoning, (703) 292–8182.

Dated: May 27, 2005.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 05–10966 Filed 6–1–05; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–263]

Nuclear Management Company, LLC; Monticello Nuclear Generating Plant, Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process

Nuclear Management Company, LLC (NMC) has submitted an application for renewal of Facility Operating License DPR–22 for an additional 20 years of operation at the Monticello Nuclear Generating Plant (Monticello). Monticello is located on the southern bank of the Mississippi River in the City of Monticello, Wright County, Minnesota, approximately 22 miles northwest of St. Cloud, Minnesota. The operating license for Monticello expires September 8, 2010. The application for renewal, submitted pursuant to Title 10 of the Code of Federal Regulations Part 54 (10 CFR part 54), was received on March 24, 2005. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on April 6, 2005 (70 FR 17482). A notice of acceptance for docketing of the application for renewal of the facility operating licenses was published in the **Federal Register** on May 12, 2005, (70 FR 25117). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, NMC submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR part 51 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html*, which provides access through the Public Electronic Reading Room link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov*. The application may also be viewed on the Internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications/monticello.html*. In addition, the Monticello Public Library (220 West 6th Street, Monticello, MN 55362) and the Buffalo Public Library (18 Northwest Lake Boulevard, Buffalo, MN 55313) have made the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) in support of the review of the application for renewal of the Monticello operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal Government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Nuclear Management Company, LLC.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a

proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the Monticello license renewal supplement to the GEIS. The scoping meetings will be held at the Monticello Community Center, 505 Walnut Street in Monticello, Minnesota, on June 30, 2005. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) an overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS.

Additionally, the NRC staff will host informal discussions one hour before the start of each session at the Monticello Community Center, 505 Walnut Street in Monticello, Minnesota. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting NRC Environmental Project Manager, Ms. Jennifer Davis, at 1–800–368–5642, extension 3835, or by e-mail to the NRC at *MonticelloEIS@nrc.gov* no later than June 23, 2005. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Ms. Davis will need to be contacted no later than June 23, 2005, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Monticello license renewal review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the NRC, Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852–2738, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by August 2, 2005. Electronic comments may be sent by e-mail to the NRC at *MonticelloEIS@nrc.gov* and should be sent no later than August 2, 2005, to be considered in the scoping process. Comments will be available electronically and accessible through ADAMS at *http://www.nrc.gov/reading-rm/adams.html*.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (70 FR 25117). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at *http://www.nrc.gov/reading-rm/adams.html*. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Ms. Davis at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 26th day of May 2005.

For the Nuclear Regulatory Commission.

Samson S. Lee,

Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. E5–2793 Filed 6–1–05; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Privacy Act of 1974, System of Records

AGENCY: Postal Service.

ACTION: Notice of new system of records.

SUMMARY: The Postal Service™ proposes a new Privacy Act system of records. The system of records relates to name and address files the Postal Service plans to maintain for the purpose of improving the accuracy of mail piece addresses and mail delivery. The files will contain name and address data provided by mailers, where the address contains a minor error, as well as the associated correct address provided by the Postal Service. The files will allow the Postal Service to eliminate repeated corrections of address records. Extensive privacy and security safeguards have been implemented as described in this notice.

DATES: Any interested party may submit written comments on the proposed system of records. This proposal will become effective without further notice on July 5, 2005, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Written comments on this proposal should be mailed or delivered to the Records Office, United States Postal Service, 475 L'Enfant Plaza, SW., Room 5846, Washington, DC 20260. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Privacy Office, United States Postal Service, 475 L'Enfant Plaza SW., Room 10407, Washington, DC 20260–2200.

SUPPLEMENTARY INFORMATION:

Introduction

In this notice, the Postal Service proposes a new system of records: USPS 800.200, Address Element Correction Enhanced Service (AECES). The new system of records supports the Postal Service's goal to improve mail processing and delivery service for customers by increasing the proportion

of mail that is properly addressed. The AECES program is the next generation of address element correction services offered to mailers. The program serves to correct mailers' address lists that contain minor address errors. Minor address errors occur where one or more address elements are inaccurate. Examples include incorrect or transposed letters in a street name, missing directionals such as north or south, or abbreviations that prevent accurate bar coding. Through AECES, the Postal Service will be able to improve the speed and accuracy of mail delivery, and avoid repetitive correction of the same customer record at the delivery unit level. Comprehensive safeguards have been established to ensure the protection of all personally identifiable information. The Postal Service does not anticipate any adverse effects on the privacy rights of customers resulting from operation of AECES.

Described below are: (I) The background of mail processing and existing programs; (II) the rationale for the new program and expected benefits; and (III) the extensive privacy and security controls for AECES.

I. Background

The Postal Service is committed to its fundamental mission to provide timely and reliable mail delivery to all households and businesses in all communities across the nation. It is also committed to ensuring the highest levels of privacy and security for customers and their mail. The Postal Service's trusted brand is based on these values.

The Postal Service delivers 206 billion pieces of mail to over 142 million households and businesses. According to the Census Department, 14.8% of the U.S. population relocates every year, which results in the redirection of 3.3 billion pieces of First-Class Mail®. In addition, approximately 1.8 million new addresses are added to the postal delivery network each year. As service levels improve and the delivery network expands, the Postal Service seeks to use enhanced technology to improve mail processing and provide better customer satisfaction. The Postal Service, mailers, and consumers depend on the completeness and accuracy of addresses. Mail pieces, when properly addressed, can be delivered efficiently and accurately to the intended recipient.

To facilitate accuracy and speed of delivery, the Postal Service maintains a database of addresses known as the Address Management System (AMS). AMS contains all delivery points for mail as reported by delivery unit personnel. Postal Service personnel continue to update AMS as new addresses arise based upon letter carrier knowledge. AMS supports automated mail processing by enabling the Postal Service to bar code and sort mail, including to its correct delivery point for certain mail classes. Bar coded mail can be processed on automated sorting equipment rather than by manual or mechanized operations. Without a match with an AMS address, even due to minor discrepancies such as transposed characters, the Postal Service cannot be certain of the exact delivery address through machine recognition. The Postal Service must then take additional manual steps to try to locate the address, which may result in delays or problems in delivery.

If a mail piece cannot be bar coded and sorted to its correct delivery point via automation, it is sent to the distribution clerk at the delivery unit that processes mail for the corresponding ZIP Code™ . The clerk manually sorts the mail piece to the carrier whose route the clerk believes includes the address. The letter carrier receives the mail piece and reviews the address to determine if it corresponds to a delivery point on his or her route. If it does, the carrier places the mail piece in the proper sequence for the route. If it does not, the carrier looks at the addressee's name to see if he or she recognizes it as a customer on the route. If the carrier recognizes the name, the carrier delivers the mail piece in the proper sequence that day. However, if the carrier does not recognize the address or name, he or she identifies the mail piece as undeliverable as addressed, and it is returned to the sender or disposed of depending on the class of mail.

If the Postal Service is able to locate the right address and the mailer has endorsed the mail piece appropriately, the Postal Service will send the mailer the correct information, although there is no certainty the mailer will correct its mailing list. The above process can occur repeatedly when the same or different mailers send subsequent mail pieces with the same inaccurate address. The Postal Service currently does not use technology that would allow it to avoid repeating the same errors.

The Postal Service currently uses two existing programs to correct addresses that contain minor errors. Under the first, the current Address Element Correction service (AEC), mailers submit to the Postal Service mailing lists with problem addresses—addresses the mailer knows have an error or problem. The lists may include names or simplified addressee designations, such as Occupant or Postal Customer, in addition to the addresses. Mailers base these lists on sophisticated modeling which examines such items as mail that gets returned to sender, has incomplete bar coding, or is ineligible for postage discounts. The Postal Service runs the lists against the AEC computer program, which uses computer logic to correct common misspellings and other usage errors. For example, if an address on a mail piece is 3117 WWETMONT CT, AEC will correct the spelling in the address to WESTMONT. The Postal Service returns the corrected lists to the mailer. As a result, a greater percentage of the mailer's mail will be properly addressed.

The second program, Electronic Uncoded Address Resolution Service (eUARS), involves change of address requests submitted by customers that contain minor address errors. The Postal Service receives and processes over 44 million change of address (COA) orders from customers each year. The eUARS system is used to improve address quality of COA records where a new address provided by the customer is faulty or incomplete. On a weekly basis, the Postal Service enters into the eUARS system the change of address orders that cannot be recognized to a delivery point. The eUARS system is then accessed by employees at local delivery units. The employees review the entries, and either correct the errors to match an actual delivery point, or, if they are unable to determine the correct address, indicate the record is undeliverable as addressed. This aspect of address element correction, including COA order processing and eUARS, is covered by Privacy Act system of records USPS 800.000, Address Change, Mail Forwarding, and Related Services.

II. Rationale for Address Element Correction Enhanced Service (AECES)

The Postal Service proposes to implement AECES as a tool to increase the percentage of properly addressed mail pieces. AECES is an enhanced service that will be available to mailers to correct minor errors in addresses that are not correctable by existing programs. Under the AECES program, like AEC, mailers will provide the Postal Service with a list of names and bad addresses. The list will include names or simplified addressees such as occupant or postal customer, and address elements including street number and name, city, and state. The Postal Service will enter names and problem addresses that cannot be corrected by AEC into eUARS. Employees at local delivery units will review the bad addresses and

will enter in eUARS either the known corrected addresses, or indicate a reason why mail cannot be delivered, such as the address does not exist or is incomplete or illegible. Names are used only as an additional tool if the right address cannot be determined from the inaccurate address. For example, two records may vary only by the absence of a pre-directional, such as north or south, in which case the customer name helps the delivery unit personnel determine the correct address. The Postal Service will then provide corrected addresses to the mailer via secure transmission. This will allow the mailer to address future mail pieces accurately, which ensures efficient and accurate delivery of those pieces.

In addition to correcting a mailer's inaccurate addresses, AECES has other benefits as well. AECES allows the Postal Service and mailers (either the same mailer who neglects to update its files or other mailers that have the same inaccurate addresses) to efficiently correct the inaccuracy for future mailings, so that delivery units are not asked to correct the same bad address repeatedly.

Once an address is corrected via eUARS, the Postal Service will have a record that associates an inaccurate address with a correct one. The Postal Service will use this record to create an AECES Update File. The File will include names, inaccurate addresses, and correct addresses. The first of these two pieces of information, the name and inaccurate address, will be stored exclusively in a hash format known as a Secure Hash Algorithm 1 (SHA–1). The information in the hash will only be available, to the Postal Service or mailers, based on a match that includes the exact name and exact address error. This will ensure that mailers whose lists are processed under AECES will only receive corrected information if they truly have the original inaccurate address. The Postal Service will provide the mailer only the corrected address, or a reason mail cannot be delivered to the address.

After implementation of AECES, when a mailer submits its list of names and inaccurate addresses, the Postal Service will submit the list first through AEC, then AECES. Corrections will be provided to the mailer to update its list. Each correction by delivery unit personnel will be entered into the AECES Update File. In this way, fewer bad addresses will have to return to eUARS and the delivery unit again for repeated correction.

AECES will add benefits to the address element correction process not currently offered by the other two programs. AEC relies solely on computer logic routines to correct bad addresses, whereas AECES uses actual customer names and addresses received from the mailers and knowledgeable Postal Service personnel. AECES broadens the scope of eUARS to handle other existing bad addresses, not just faulty COA data. The value of the AECES Update File will increase over time as more corrected records are compiled. The correction rate is expected to increase as the file grows. AEC alone has shown an accumulated resolution rate of 30.5%. The Postal Service anticipates that 80% of records submitted by mailers will be resolved through address element correction programs including AECES. The improvement in correction capability translates directly to improved accuracy and delivery of the mail. In addition, the Update File will provide increasing efficiencies by avoiding repetitive corrective actions and manual handling by Postal Service personnel.

III. Privacy and Security Safeguards for AECES

The Postal Service has established comprehensive safeguards to protect the privacy and security of names and addresses compiled under AECES. This includes records contained in eUARS and the AECES Update File. The following describes key aspects of the Privacy Act system, including limitations on the use of data covered by the system, extensive security safeguards, and limitations on external disclosures.

Limitations on Use

Names and addresses maintained under the AECES Program will be used only for the purposes described in this notice and for no other purpose. Names, incorrect addresses, and associated correct addresses or reasons for nondelivery are the only information maintained for this program.

Safeguards

The Postal Service will implement AECES using comprehensive data security techniques. Names and addresses that can be read by delivery unit personnel in clear text form in eUARS are only maintained until the record is corrected, but under no circumstance will the record be maintained longer than 104 days. After 104 days, an address record obtained under AECES is permanently deleted from eUARS. Access to records is limited to Postal Service personnel whose official duties require such access. User IDs and personal identification numbers are required to access eUARS.

The Postal Service also provides extensive protections for data in the AECES Update File. This includes extensive measures to ensure that mailers cannot use AECES to fish for address information. Mailers' address lists cannot be corrected through the Update File unless they contain a name (not a simplified addressee designation) and an address that contains all required elements, including a street number and street name. Through use of the following procedures, information cannot be obtained from the AECES Update File without an exact match to both the name and inaccurate address. The Postal Service will process and safeguard names and incorrect addresses stored in the Update File using a Secure Hash Algorithm (SHA–1). This technique creates a signed and encrypted data structure for the record which may only be retrieved using the encryption key. The name and incorrect address is converted using SHA–1, resulting in an irreversible digital signature that is stored with the corrected address provided from eUARS. The only way to access the name and incorrect address, and thereby obtain the corrected address, is to query the AECES Update File with the SHA–1 representation of the identical name and incorrect address. Both the SHA–1 representation and the corrected address will be stored within the Postal Service infrastructure in accordance with Postal Service security procedures, and the corrected address will be encrypted before transmittal to mailers.

Postal Service computer applications such as AECES operate on a secure data communications network used exclusively by the Postal Service. Computer platforms used by the Postal Service for its applications are subjected to a rigorous certification and accreditation process to assure lifecycle security.

Disclosures

The Postal Service limits disclosure under this proposed system of records to the standard routine uses applicable to other customer systems of records as published in the **Federal Register**. The Postal Service has also established a special routine use to authorize disclosures of corrected addresses back to the mailer. The only information the Postal Service will transmit to the mailer, besides returning its name and address lists, will be either corrected addresses or the reason mail cannot be delivered to a given address.

Summary

The Postal Service seeks to improve the accuracy of mail delivery and reduce the volume of undeliverable as addressed mail. Based on its extensive experience, the Postal Service considers that the AECES program is an appropriate and effective method to increase the accuracy and timeliness of mail delivery. The Postal Service proposes to maintain names and addresses under the AECES Program for this purpose, and has established effective safeguards to protect the information and prevent any other use.

For the reasons stated above, the Postal Service does not expect this notice to have any adverse effect on individual privacy rights. Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views or arguments on this proposal. A report of the proposed system has been sent to Congress and to the Office of Management and Budget for their evaluations.

USPS 800.200

SYSTEM NAME:

Address Element Correction Enhanced Service (AECES).

SYSTEM LOCATION:

USPS National Customer Support Center (NCSC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers whose corrected addresses are maintained to avoid repetitive correction by USPS personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Customer information: name, incorrect address, and correct address.

2. Delivery information: reason mail cannot be delivered to an address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S):

To provide address element correction services to increase the rate of properly addressed mail and improve delivery service to customers.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1 through 7, 10, and 11 apply. In addition:

a. Disclosure of a customer's corrected address or reason for nondelivery may be made to a mailer only if the mailer is in possession of the customer's address which contains a minor error.

All routine uses are subject to the following exception: A record concerning an individual who has filed an appropriate protective court order with the postmaster/CFS Manager will not be disclosed under any routine use except pursuant to the order of a court of competent jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated databases.

RETRIEVABILITY:

By name, correct or incorrect address, or by Secure Hash Algorithm 1 technique, which is a combination of name and incorrect address.

SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

Computer applications operate on a secure data communications network used exclusively by the Postal Service.

Secure hash algorithm 1 (SHA–1) encryption is used for the stored representation of an Update File of name and incorrect address records. The Update File is not commingled with any other agency records or databases.

RETENTION AND DISPOSAL:

1. Records pending correction are retained no longer than 104 days.

2. Records in the Update File are retained 7 years from the last affirmative match.

Records existing on paper are disposed of or destroyed. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Vice President, Intelligent Mail and Address Quality, United States Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260. Vice President, Delivery and Retail, United States Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260.

NOTIFICATION PROCEDURE:

Customers wanting to know if information about them is maintained in this system of records should address inquiries to: Manager, National Customer Support Center, United States Postal Service, 6060 Primacy Parkway, Memphis, TN 38188. Inquiries should include full name, address, and ZIP Code. All known representations of incorrect name and/or address must be submitted in order to retrieve data to provide to the customer.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

USPS employees and mailers.

Neva Watson,

Attorney, Legislative.

[FR Doc. 05–11007 Filed 6–1–05; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of GLUV Corp.; Order of Suspension of Trading

May 27, 2005.

It appears to the Securities and Exchange Commission that the public interest and the protection of investors require a suspension of trading in the securities of GLUV Corp. The Commission is concerned that there is inadequate public information available regarding: (1) Number of shares outstanding for the company, (2) the availability of non-restricted shares for trading and delivery, (3) the current shareholders of the company, and (4) the rights attached to ownership of these shares. Gluv is quoted on the Pink Sheets under the ticker symbol GVRP.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange

Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. e.d.t. May 27, 2005, through 11:59 p.m. e.d.t., on June 10, 2005.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–2807 Filed 6–1–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51743; File No. SR–CBOE–2005–21]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval of Proposed Rule Change Relating to the Exchange's Calculation of the National Best Bid or Offer When Another Exchange Is Disconnected From the Intermarket Option Linkage

May 25, 2005.

On March 17, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] to amend its rule regarding the calculation of the National Best Bid or Offer (''NBBO'') when another participant exchange in the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Linkage Plan'') is disconnected from the Linkage.[3] The proposed rule change was published for comment in the **Federal Register** on April 21, 2005.[4] The Commission received no comments on the proposal. This order approves the proposed rule change.

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [5] and the rules and regulations thereunder applicable to a national securities exchange.[6] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[7] which requires, among other things, that the rules of CBOE be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that it is appropriate for CBOE to remove an exchange's disseminated quote from CBOE's determination of the NBBO when an exchange is disconnected from Linkage because access to that exchange's quote is limited during such times. The Commission further believes that CBOE's existing rules establish appropriate procedures to notify promptly the affected exchange and CBOE members of such removal and establish an appropriate standard for when to resume inclusion of the affected exchange's quote in CBOE's NBBO calculation.[8]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–CBOE–2005–21) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–2808 Filed 6–1–05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51742: File No. SR–NASD–2005–030]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to Proposed Uniform Branch Office Registration Form (''Form BR'') and Amendments to the Uniform Application for Securities Industry Registration or Transfer (''Form U4'') and the Uniform Termination Notice for Securities Industry Registration (''Form U5'')

May 25, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 11, 2005, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. On May 12, 2005, NASD amended the proposed rule change (''Amendment No. 1''). The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to adopt the Form BR and to make conforming changes to the Form U4 and Form U5 (''Forms''). The proposed Forms are available at NASD and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD included statements concerning the purpose of and basis for the proposed rule change, as amended, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to establish a uniform branch office registration form (''Form BR'') that would enable broker-dealers to register branch offices electronically with NASD, the New York Stock Exchange, Inc. (''NYSE''), other self-regulatory organizations (''SROs''), and states, (as applicable), through the Central Registration Depository (''CRD(r)'', the ''CRD system'', or ''Web CRD'') via a uniform form. The proposed Form BR would replace Schedule E of the Uniform Application for Broker-Dealer Registration (''Form BD''), the current NYSE Branch Office Application form, and certain state branch office forms.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Linkage'' means the systems and data communications network that link electronically the options exchanges to one another for the purpose of sending and receiving Linkage Orders, related confirmations, order statuses and Administrative Messages. *See* Section 2(14) of the Linkage Plan.

[4] *See* Securities Exchange Act Release No. 51540 (April 13, 2005), 70 FR 20780.

[5] 15 U.S.C. 78f.

[6] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* CBOE Rule 6.13(e)(ii).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

This rule change also would make certain technical revisions to the Uniform Application for Securities Industry Registration or Transfer (''Form U4'') and Uniform Termination Notice for Securities Industry Registration (''Form U5'').

Background. A working group composed of NASD and NYSE staff and representatives of the North American Securities Administrators Association (''NASAA'') and states (hereinafter referred to as the ''Working Group'') developed the proposed Form BR to enable broker-dealers to register branch offices electronically with NASD, the NYSE, and states that require branch office registration, through a single filing with the CRD system. The Working Group derived the majority of questions on the proposed Form BR from questions currently on one or more of the existing branch office forms and added questions to elicit additional information that would be of regulatory value to SROs and states. The proposed Form BR would make the branch office registration process more efficient by eliminating duplicative forms, reconciling inconsistencies among existing branch office forms, and eliminating duplicative questions.[4] To the extent possible, the proposed Form BR would use the same terms as those used in existing uniform forms.[5]

The proposed Form BR was developed on the premise that firms would file the Form through Web CRD. In addition to the filing and cost efficiencies identified above, Web CRD system functionality would enforce certain filing disciplines that would enhance the integrity of the data in the CRD system. For example, system cross-checks between the Form BR and the ''Office of Employment Address'' section of Form U4 would provide greater assurances regarding accuracy of the locations from which registered representatives are conducting business. In addition, regulators would be able to generate reports through CRD based on information reported on the Form BR in conjunction with other information reported in the CRD system. This should enable regulators to gather information and deploy examination resources more efficiently.

Making the Transition to Form BR. Following the implementation date, firms would be required to use the Form BR in place of the existing NYSE's Branch Office Application, Schedule E of the Form BD, and forms required by participating states, and to file a Form BR for each branch. In addition, firms would be required to link registered individuals to each branch with which they are associated.

As part of the transition process, and prior to the implementation date, NASD would pre-populate the Form BR (*i.e.*, have certain information already reported in the CRD system by a firm automatically entered onto the Form BR) with certain data elements based on existing NASD, NYSE, and jurisdiction branch office data, *e.g.*, Branch Address, NASD Branch Number, NYSE Branch Code Number, NASD/NYSE Supervisor/Person-In-Charge Name and CRD Number, Operational Status, and NYSE/Jurisdiction Registration Status. To facilitate the transition process, firms would be able to provide NASD with a data feed of the name and CRD number of the individuals associated with each branch office. Alternatively, after a firm files a Form BR for each of its branches, it would be able to file an amended Form U4 for each individual, to associate that individual with a branch (by providing certain information in the ''Office of Employment Address'' section of Form U4). If a firm were to not have a branch, it would be able to associate an individual (or individuals) with the firm's main office.[6]

Highlights of the Proposed Form BR. There would be nine sections in the proposed Form BR, as described below. The Form BR would permit applicants (*i.e.*, firms) to: (1) Apply for approval of or report a branch office (an ''initial'' filing); (2) amend information previously reported (an ''amendment'' filing); (3) terminate a branch office registration (a ''closing'' filing); or (4) withdraw an initial filing prior to approval by a jurisdiction or SRO (a ''withdrawal'' filing).

- *Section 1—General Information*

Section 1 would report the applicant's CRD number, name, address, Billing Code, branch address, and telephone number. NASD would pre–populate the applicant's CRD number, name, and address.

- *Section 2—Registration/Notice Filing/Type of Office*

Section 2 would ask the applicant to state where the branch would be registered (or notice filed), the type of branch office registration, and whether it is an NASD office of supervisory jurisdiction (''OSJ''). If it is not an OSJ, the applicant would be required to provide the branch number for the OSJ that has supervisory responsibility over the branch and the CRD number of the supervisor in charge of that OSJ. Section 2 also would provide applicants with the opportunity to identify a ''person-in-charge'' (who may or may not be a registered principal) who has supervisory responsibilities at the branch. Consistent with the uniform form concept, Section 2 of the proposed Form BR would give applicants the opportunity to designate whether the branch office filing is being made on behalf of a broker-dealer (''BD''), an investment adviser (''IA''), or both. This feature would enable firms to register or report IA branches in states that require such registration and reporting. Section 2 also would ask for NYSE Small Branch information.

- *Section 3—Types of Activities/Other Business Names/Websites*

Section 3 would collect information with respect to the types of financial industry activities conducted by the applicant and any investment-related activities conducted by associated persons at the branch location. Section 3 also would ask the applicant to disclose the names being used by any associated person to conduct investment-related business at the branch other than those names disclosed on the applicant's Form BD or Form ADV (''Uniform Application for Investment Adviser Registration''). Section 3 also would ask for the website

Schedule E of the Form BD. NYSE member firms are required to submit the NYSE Branch Office Application to register a branch office with the NYSE. In addition, Connecticut, Florida, Nevada and Vermont have separate branch office forms that request similar information for firms seeking to register a branch office in those states; moreover, more than 20 states require broker-dealers to submit a ''notice filing'' when a firm opens or closes a branch office.

With the implementation of Form BR, NASD anticipates that the Commission would eliminate Schedule E from Form BD, and the NYSE would retire the current NYSE Branch Office Application. Connecticut, Florida, Nevada, and Vermont also have indicated that they plan to retire their respective forms and adopt the Form BR. Other jurisdictions that currently require ''notice filings'' for branch openings and closings have indicated that they also expect to adopt the Form BR.

[4] The proposed Form BR would be only one component of a broader project regarding the registration of branch offices through the CRD system. NASD is planning enhancements to the CRD system to coincide with the implementation of Form BR that would enable firms to designate, and users to identify, each registered person's branch office(s). Firms also would be able to obtain a report via Web CRD that would list individuals who are currently associated with a branch, or were associated with a branch during a specific time period. In addition, regulators would be able to obtain reports on branch offices within a firm and registered individuals in those branches.

[5] The ''Explanation of Terms'' section of proposed Form BR would include definitions of additional terms used in the context of branch office registration and reporting, such as ''closing,'' ''person-in-charge,'' ''regular branch,'' ''small branch,'' ''supervisor,'' and ''withdrawal.'' NYSE has made slight modifications to the definitions of ''small branch'' and ''regular branch.''

[6] Each branch office would be assigned a branch code. The code for the main office will be zero (''0'').

addresses used by the branch office other than the applicant's primary Web site address.

• *Section 4—Branch Office Arrangements*

Consistent with questions currently asked on Schedule E of the Form BD, Section 4 of the proposed Form BR would elicit information on branch office arrangements, including space sharing arrangements and liability for expenses.[7]

• *Section 5—Associated Individuals*[8]

Section 5, which would have to be completed only for initial branch office registration filings, would ask for the names and CRD numbers of registered persons associated with a branch.[9] Individuals identified by the firm in this section would populate a dynamic ''branch roster'' of registered persons in Web CRD, which would be made available to firms. Once the branch has been established, changes to the branch roster would automatically be made through Web CRD when: (1) The ''Office of Employment'' address on the Form U4 is amended when an individual leaves a branch for another branch; or (2) the Form U5 is amended when an individual leaves a firm. This functionality should facilitate a firm's ability to comply with one of the requirements contained in Exchange Act Rule 17a–4(l).[10]

• *Section 6—NYSE Branch Information*

Only NYSE-registered firms (*i.e.*, firms registered with the NYSE) would be able to view Section 6 on Web CRD, and only NYSE-registered firms would be required to complete Section 6. The proposed Form BR would incorporate the information elicited on the NYSE's current Branch Office Application and Office Space-Sharing forms. The CRD system would interact with the NYSE's branch office system on NYSE branch office registration filings.

The NYSE's current protocol for requesting approval for new branch offices would continue with the proposed Form BR. NYSE members would use Form BR to request such approvals, and the information provided by NYSE members would be transmitted to the NYSE, which, in turn, would communicate its determinations (*e.g.*, approvals) to the requesting NYSE firms through the CRD system.

• *Section 7—Branch Closing*

Section 7 would be completed by a firm only upon the closing of a branch office registered with a jurisdiction or an SRO. Information in Section 7 would include, among other things, the date operations ceased, or will cease, the location of the branch's books and records, and the name and telephone number of the contact person.

Because a branch office may move from one state to another, especially if the office is located near a state border, the proposed Form BR and the CRD system have been designed to accommodate such moves through amendment filings. Specifically, a firm would be able to file a single Form BR amendment that would both close the branch in one state and register the branch in another state that also has a registration or notice requirement. The Specific Instructions and notifications (the latter triggered by the state address change) in Section 1 (General Information) and Section 2 (Registration/Notice Filing/Type of Office) would advise applicants that the amendment has both changed the branch address to another state and closed the branch in the first state. In addition, the amendment would serve as a request to open a branch in the state to which the branch has moved if it is a state that requires registration or notice filing of branches.[11]

• *Section 8—Branch Withdrawal*

Firms would be required to complete Section 8 only upon withdrawal of a pending application. Information in this section would include the date of withdrawal, the reason for withdrawal, and the name and telephone number of the contact person.

• *Section 9—Signature*

Section 9 would be the signature page. The language on the signature page would be consistent with the current attestations on the Form U4 and the Form BD.

Conforming Changes to Forms U4 and U5. NASD is also proposing conforming changes to the Forms U4 and U5 to fully integrate the branch office registration and reporting process through the CRD system. First, NASD is proposing changes to the ''Office of Employment'' address on the Form U4 to parallel the information reported on the Form BR, and to ensure the accuracy and integrity of the link between registered representatives and their branches. When completing the Form U4, the firm/individual would be asked to select the branch office(s) from which the registered person will work based on the list of branch offices identified by the firm (through the filing of Forms BR). Once the branch is selected, the Office of Employment screen would populate the Form U4 with the following data elements based on information reported on the Form BR: CRD Branch Number, NYSE Branch Code Number, address, start and end dates, and type of office. The Form U5 would display the same information.[12]

Second, the Working Group would add a question to the Form U4 to elicit whether the individual has an independent contractor relationship with the branch office. This question, which is currently on Schedule E of Form BD, was initially on the proposed Form BR. However, the Working Group determined that the question more appropriately belongs on Form U4. Third, NASD is proposing changes to the Specific Instructions to address the Form U4 and Form U5 changes. Fourth, NASD is proposing other technical changes.[13]

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[7] NASD notes that Section 4 would not require applicants to report insurance agency agreements with the main office pursuant to which the branch operates.

[8] NASD notes that the title of Section 5—''Associated Individuals''—refers to registered individuals who are associated with the particular branch office. Applicants would not be required to report the names of associated persons who are not registered with NASD.

[9] Firms would be required to enter the CRD number, and then the name would populate in the field.

[10] Rule 17a–4(l) requires certain records for the most recent two-year period to be maintained at the office to which they relate. Among other reports, firms would be able to print a report that would list individuals who are currently associated with a branch, or who were associated with the branch during a specific time period.

[11] For purposes of the proposed Form BR, NASD would view a change in location simply as an amendment filing, not a request to open a new branch.

[12] NASD would remove from the Forms U4 and U5 the specific instructions and form fields that currently require reporting of information that would be provided via Form BR and would pre-populate the appropriate fields on the Forms U4 and U5.

[13] NASD would add to the Forms U4 and U5 registration categories that the Commission has previously approved: *See* Securities Exchange Act Release Nos. 50162 (August 6, 2004), 69 FR 50406 (August 16, 2004) (SR–NASD–2004–078) (Research Analyst (RS) and Research Principal (RP)); and 49922 (June 28, 2004), 69 FR 40701 (July 6, 2004) (SR–PCX–2003–51) (Pacific Stock Exchange positions Market Maker (44), Floor Broker (45), and Market Maker acting as a Floor Broker (46)). Additionally, NASD would reorganize the electronic filing representations on the Form U4, Section 6 (Regulatory Requests with Affiliated Firms), for submitting a fingerprint for registration with an affiliated firm, so that the representations would follow a more logical order; the content of the representations would not change. Finally, NASD would amend the Forms U4 and U5 to reflect the change in name of the Cincinnati Stock Exchange (CSE) to the National Stock Exchange (NSX). *See* Securities Exchange Act Release No. 48774 (November 12, 2003), 68 FR 65332 (November 19, 2003) (SR-CSE–2003–12). In addition, the instructions on the Form U4 with respect to submitting fingerprint cards would be modified to describe the radio button representation. New instructions on the Form U5 would explain the circumstances under which the office of employment address would be prepopulated.

As noted in Section 2 of this filing, NASD proposes to implement the proposed rule change (*i.e.*, make the Form BR effective) in early October 2005. NASD would announce the implementation date of the proposed rule change and a transition schedule in a *Notice to Members* to be published no later than 60 days following Commission approval. The transition schedule would identify key milestones, including: (1) The date branch office functionality would be deployed in the CRD System; (2) the date by which firms would be required to file a Form BR for each branch; and (3) the date by which firms would be required to link all registered individuals to each branch with which they are associated. NASD proposes to give firms a total of approximately six months to complete the transition.

2. Statutory Basis

NASD believes that the proposed rule change, as amended, is consistent with the provisions of Section 15A(b)(6) of the Act,[14] which requires, among other things, that NASD rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change is designed to accomplish these ends by establishing the Form BR, a uniform branch office registration form that would (1) permit firms to register their branch offices with NASD, the NYSE, and certain states via the CRD system; (2) make the branch office registration process more efficient by replacing Schedule E of the Form BD, the current NYSE Branch Office Application form, and certain state forms with one uniform form; and (3) allow a more effective mechanism for linking and tracking a registered representative to a particular branch office. The proposed conforming changes to the Form U4 and Form U5 would be made to update these Forms.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change, as amended, would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[14] 15 U.S.C. 78o–3(b)(6).

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

The proposed rule change was published for comment in NASD *Notice to Members* 04–55 (August 2004). Twenty-one comments were received in response to the *Notice*. A copy of the *Notice* and copies of the comment letters received in response to the Notice are available at NASD and at the Commission. As more fully described below, 12 of the 21 commenters supported the proposed rule change (six of these commenters had reservations), seven commenters were opposed, and two commenters had questions about the proposed Form BR but did not state a position.

Following receipt of the comments, the Working Group reviewed the proposed Form BR to determine whether each of the proposed questions had sufficient regulatory value to be kept on the Form BR or, in the alternative, should be eliminated or modified, and whether the instructions, terminology, format, and proposed questions were sufficiently clear and understandable. In response to the comments, the Working Group made certain revisions to the proposed Form BR, as discussed below.

• *Comments Relating to Content of the Proposed Form BR*

• *Pre-populating the Proposed Form BR*

In response to the five commenters who suggested that NASD pre-populate the proposed Form BR wherever possible, NASD would pre-populate a number of questions in Section 1 (General Information) from information already reported in Web CRD. Further, applicants would be required to complete Section 5 (Associated Individual) only for initial branch office filings. To associate a registered individual with a branch office after the initial branch office filing, applicants would only need to update the address where the individual is employed on that individual's Form U4. NASD would populate the following Form BR data elements based on existing NASD, NYSE, and jurisdiction branch office data: Branch Address, NASD Branch Number, NYSE Branch Code Number, NASD/NYSE Supervisor/Person-In-Charge Name and CRD Number, Operational Status, and NYSE/Jurisdiction Registration Status. To facilitate the transition process, firms would have the option of providing to NASD a data feed of the name and CRD number of the individuals associated with each branch.

• *Section 1—General Information*

As noted above, seven fields would be pre-populated.

• *Section 2—Registration/Notice Filing/Type of Office*

Six commenters commented on Section 2. One commenter recommended that the Form ask for information only about one supervisor. The Working Group decided not to limit the question to one supervisor, since there could be more than one supervisor in a branch office. However, in response to a comment that it was duplicative to ask whether a supervisor was currently associated with the firm, the Working Group eliminated that question. The Working Group left intact the requirement to check a box requiring the applicant to attest that it is not required to register the branch with the NYSE. With respect to a comment that the information in Section 2 was already being reported on the Form U4, the Working Group eliminated the ''Disclosure,'' ''SD'' status, and ''Independent Contractor'' fields. Applicants would only need to supply the name and/or CRD number of the supervisor/person-in-charge.[15]

• *Section 3—Types of Activities/Other Business Names/Websites*

Section 3, among other things, would include a question about the outside activities of associated persons. Six commenters had concerns about the scope of information being elicited and the difficulty of updating the information when persons join or leave a firm. After considering the comments, the Working Group determined that there is a regulatory need for information regarding the ''investment-related'' activities of associated persons conducted at the branch. Therefore, the Working Group eliminated the checklist of financial industry activities, business, or services conducted by any associated person of the applicant at the branch and replaced it with a question limited to a description of any outside ''investment-related'' activities, a term that is defined in the Form U4. The Working Group made a corresponding change to the Section 3 question eliciting information about business conducted by associated persons under names other than those disclosed on the applicant's Form BD or Form ADV. That question is now limited to ''investment-related'' business as well.

The Working Group also considered a commenter's concerns about the costs of gathering information about associated

[15] The individual's firm and regulators would be able to access the individual's entire CRD record by selecting the individual's CRD number from the current list of individuals associated with the branch.

persons' activities, and the potential for firm responsibility for associated persons' outside business activities. The commenter suggested that disclosure should be limited to information about firms. The Working Group nonetheless concluded that the questions being asked in Section 3, as revised, have significant regulatory value and should be retained.

• *Section 4—Branch Office Arrangements*

Section 4 elicits information about branch office arrangements and payment of expenses. There were eight comments about this section, which generally asked for clarification of the questions. Initially, a question in Section 4 (taken essentially verbatim from the Schedule E) asked whether the branch had a written agreement with the main office and whether five percent or more of its registered representatives were deemed to be ''independent contractors.'' The Working Group eliminated this question in its entirety because: (1) Another question in Section 4 would ask whether the business location operates under a written agreement; and (2) as previously discussed, information about independent contractors would be elicited on the Form U4. The Working Group added a question that permits applicants to explain any expense payment or financial interest arrangement in their own words.

• *Section 5—Associated Individuals*

Section 5, as initially proposed, requested, as to each associated person at the branch, the person's CRD number, disclosure information, SD status, and whether the person is an independent contractor. Seven commenters noted that the requested information was duplicative and unnecessary. In response, the Working Group eliminated the ''Disclosure,'' ''SD,'' and ''Independent Contractor'' fields from this section. As modified, firms would be required to enter only the individual's CRD number (or in the alternative, the individual's name).[16]

• *Section 6—NYSE Branch Information*

In response to comments, the Working Group eliminated two questions and clarified others.

• *Section 7—Branch Closing*

This section elicits information about the date operations would cease at the branch office, the location of the branch's books and records, and the name and telephone number of a contact person. One commenter stated the view that Section 7 made branch closing or withdrawal more complicated. Another commenter suggested pre-populating Section 7. A third commenter stated that the information being asked was already available on the Form U5. The Working Group eliminated a question asking whether the office closing was to be listed in the NYSE Bulletin, but did not otherwise change the questions on the basis that this information has regulatory value.

In response to comments, the Working Group clarified the instructions applicable to this section to indicate that Question 7 would be asking for the name and telephone number of the contact person (not the address of the contact person), as well as the location of the books and records of the closed branch. In addition, Question 7 would permit a firm to provide multiple locations for the books and records of the closed firm if they are being maintained at more than one location.

• *Section 8—Branch Withdrawal*

Although one commenter questioned the need for this information, the Working Group determined to keep the proposed question, which would ask for the date and reason for withdrawal and the name and telephone number of a contact person, on the basis that this information would be of value to regulators.

• *Section 9—Signature*

As initially proposed, Section 9 required the signatory to certify ''under penalty of perjury'' that he or she had signed the form on behalf of, and with the authority of, the applicant. The attestation also required the signatory and the applicant to represent that the applicant would promptly file any required amendments to the Form BR. One commenter contended that the signer should not be required to attest on behalf of himself and the firm as to the truth of information supplied by associated individuals or as to future amendments. Another commenter noted that neither the current NYSE Branch Office Application nor Schedule E amendments require a signature and suggested that the Form BR limit the attestation to ''the best of the member's knowledge the application is accurate and complete in all material respects.'' The Working Group carefully considered these comments and revised the attestation to remove ''under penalty of perjury'' and the statement regarding future amendments on behalf of the signatory and the firm. The Working Group, however, believes that the integrity of the data to be reported on Form BR requires an attestation that the statements are ''current, true and complete.''

• *Other Comments*

Four commenters favored the proposed Form BR only if all states were to accept the Form in place of state registration requirements. NASD notes in this filing that Connecticut, Florida, Nevada, and Vermont have indicated that they plan to retire their respective branch registration forms and adopt the Form BR. Several of the states that require a ''notice filing'' also have agreed at this time to use the proposed Form BR in place of their forms. Although NASD cannot speak for other states, it notes that NASAA, which has been an integral part of the Working Group involved in the creation of the Form BR, has indicated that it expects to formally endorse the Form BR.

NASD has also considered comments concerning the costs to firms of filing the proposed Form BR for each of their branches. One commenter contended that the proposed Form BR would have a disproportionate and negative impact on broker-dealers affiliated with life insurers if NASD's proposed definition of ''branch office'' is implemented. The proposed Form BR is not, as this commenter suggests, linked to NASD's proposed rule change regarding the definition of branch office. NASD is addressing the impact of its proposed definition of branch office in a separate rule filing.[17] As explained above, the purpose of the proposed Form BR is to enable broker-dealers to register branch offices electronically with NASD, the NYSE, other SROs, and states (as applicable) via one uniform form through Web CRD. The proposed Form BR would combine in one form Schedule E of the Form BD, NYSE's Branch Office Application, and forms required by certain states. As this commenter correctly notes, this concept offers the opportunity for efficient regulatory compliance.

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

[16] The individual's firm and regulators would be able to access the individual's entire CRD record by ''clicking'' on the individual's CRD number when viewing Section 5 of the Form BR in Web CRD.

[17] *See* Securities Exchange Act Release No. 48897 (December 9, 2003), 68 FR 70059 (December 16, 2003) (SR–NASD–2003–104) (Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the National Association of Securities Dealers, Inc. Relating to Proposed New Uniform Definition of ''Branch Office'' Under NASD Rule 3010(g)(2)).

publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, as amended, or

B. Institute proceedings to determine whether the proposed rule change, as amended, 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, as amended, 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*. Please include File Number SR–NASD–2005–030 on the subject line.

Paper Comments

Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2005–030. 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 the filing also will be available for inspection and copying at the principal office of the NASD. 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–NASD–2005–030 and should be submitted on or before June 23, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–2810 Filed 6–1–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51744; File No. SR–NYSE–2005–31]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Interpretation of Exchange Rules

May 25, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 29, 2005 the New York Stock Exchange, Inc. (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is an Information Memo providing certain interpretations of Exchange rules concerning the application of those rules in connection with the Pilot Program established by the Commission under Rule 202T[3] of Regulation SHO (the ''Pilot'').[4] The text of the proposed rule change is available on the Exchange's Internet Web site (*http://www.nyse.com*), at the Exchange's Office of the Secretary, and at the places specified in Item IV below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is issuing an Information Memo to provide guidance to its members and member organizations that are engaged in trading on the floor of the Exchange concerning the impact the Pilot will have with respect to certain rules of the Exchange governing such trading. The Information Memo reminds members and member organizations that, even though tick tests will not apply to short sales in Pilot securities, short sales in these securities must still be conducted in a manner consistent with all other applicable Exchange rules and Federal securities laws regarding market manipulation, fraud, market maintenance and other violative trading situations. The Information Memo also identifies specific Exchange rules, which have tick-sensitive components, but which are not affected by the suspension of tick tests for short sales outlined in the Pilot. For example, Exchange Rule 80A (Index Arbitrage Trading Restrictions) requires in certain circumstances that index arbitrage orders in certain stocks be entered on the Exchange as ''sell plus,'' meaning the orders must be executed on a plus or zero-plus tick. This requirement will continue to apply even if the order is a short sale entered in a stock that is part of the Pilot. The Exchange identifies several other tick-sensitive rules that will not be affected by the Pilot.

The Exchange is alerting specialists and other floor members as to the manner in which it is interpreting certain provisions of Exchange Rule 104 (Dealings by Specialists) once the Pilot begins. As the Exchange anticipates that trading in certain stocks may see an increase in speed and volatility, the Exchange is advising specialists that, in such circumstances, Floor Official approval required under the Rule may be sought after a trade has taken place, but, in any case, as soon as possible. The Exchange is advising Floor Officials in these situations to review requests for approval as quickly as possible, and that they should complete their review and

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 242.202T.

[4] 17 CFR 242.200 through 203.

make a decision before the close of trading on the same day. The Exchange is also providing guidance to Floor Officials with respect to reviewing approval requests involving specialist short sale proprietary trades against the existing bid in a declining market. Here the Exchange is advising Floor Officials to use the same considerations to reach a decision as to whether to give approval as they would use in evaluating specialist proprietary trades against existing offers in a rising market. Floor Officials must promptly report to the Exchange's On Floor Surveillance Unit instances where they have declined to give approval to a transaction.

The Information Memo also highlights the application of depth guidelines in certain stocks. Depth guidelines specify what are considered general tolerances for price movements per trading sequence of 3,000 shares or less based on a stock's current price range and the prior month's adjusted average daily volume, which excluded trades of 25,000 shares or more. The Exchange reminds Floor Officials that requests to widen or suspend depth guidelines should continue to be evaluated based on what is reasonable given the relevant facts and circumstances in the market at the time of the request.

The Exchange believes that the guidance offered in the Information Memo will help the membership in facing any challenges offered by new market dynamics that could result from trading after the Pilot has begun.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[5] of the Act that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

The Exchange has neither solicited nor received comments on the proposed rule change.

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

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i)[6] of the Act and subparagraph (f)(1) of Rule 19b–4[7] thereunder. The proposed rule change is a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of existing rules of the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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*. Please include File Number SR–NYSE–2005–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NYSE–2005–31. 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 NYSE. 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–NYSE–2005–31 and should be submitted on or before June 23, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–2809 Filed 6–1–05; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5093]

Culturally Significant Objects Imported for Exhibition Determinations: Assorted Egyptian Treasures for Public Exhibition

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects covered by this Notice, imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects as part of the exhibition ''Mummy: the inside story'', at the

Houston Museum of Natural Science, Houston, TX, from on or about September 30, 2005, until on or about February 12, 2006, is in the national interest. I further determine that the exhibition or display of certain of the exhibit objects as part of the exhibition ''Treasures of Ancient Art from the British Museum'', at the Oklahoma City Museum of Art, Oklahoma City, OK, from on or about August 31, 2006, until on or about November 26, 2006; at the Cummer Museum of Art and Gardens, Jacksonville, FL, from on or about December 22, 2006, until on or about March 18, 2007; at the North Carolina Museum of Art, Raleigh, NC, from on or about April 15, 2007, until on or about July 8, 2007; at the Joslyn Art Museum, Omaha, NE, from on or about August 3, 2007, until on or about October 28, 2007; at the Albuquerque Museum of Art and History, Albuquerque, NM, from on or about November 16, 2007, until on or about February 10, 2008; and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: May 25, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–10982 Filed 6–1–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–2005–21178]

Notice of Request for Approval of a New Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department of Transportation's (DOT) intention to request the approval of a new information collection.

DATES: Comments on this notice must be received by August 1, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number OST–2005–21178 by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments to the DOT electronic docket site.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

Hand 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 thru Friday, except on Federal holidays.

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Comments are invited'' heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading under Regulatory Notes.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to 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.

FOR FURTHER INFORMATION CONTACT:

Deborah Perkins, Departmental Office of Human Resources, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington DC 20590 (202) 366–9447.

SUPPLEMENTARY INFORMATION:

Title: Applicant Background Questionnaire.

OMB Control Number: Pending.

Type of Request: Authorization for a new form.

Abstract: The Department of Transportation (DOT) is required to collect information from both applicants and Departmental employees on their disability status, race and national origin affiliation. Additionally, this form will be used to ask applicants for employment how they learned about a vacancy to ensure that recruitment sources yield qualified women and minority applicants, as well as applicants with disabilities, in compliance with Equal Employment Opportunity Commission (EEOC) management directives.

Abstract: The purpose of the collection is to standardize the collection of race, ethnicity, sex, national origin, and disability status for all DOT Operating Administrations. When established, this information will assist the DOT in monitoring programs and will be the basis for several different reports required by statute.

Background: The DOT is required to analyze the civil rights impact(s) of policies, actions, or decisions that affect federally conducted programs and activities and the DOT workforce. In order to assess the civil rights impact, data on recruitment, employment, and diversity must be analyzed in a consistent manner with respect to the race, ethnicity, sex, national origin, disability status, and age of applicants and employees. Currently, no uniform method of reporting and tabulating race and ethnicity data exits in the DOT. There are 10 Operating Administrations providing employee information through a centralized system as well as an Executive Agent collecting selected applicant data through an automated staffing system. The collection of data is necessary to provide each Operating Administration, and the DOT as a whole, with the composition of its workforce particularly from a race, ethnicity, and disability standpoint. Further, data is necessary to give DOT a baseline on its applicants and assist it in planning recruitment and outreach efforts.

The goal of a comprehensive DOT collection of race, ethnicity, sex, national origin, and disability status is to reduce the burden on applicants and employees to provide this type of information by creating a single voluntary survey where the data is collected in a standard format.

Respondents: Employees upon initial hire and applicants for positions.

Estimated Number of Respondents: 120,000.

Estimated Total Burden on Respondents: 3 minutes.

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility as described; (b) the accuracy of the Department's estimate of burden of the proposed collection of information, including the validity of methodology and

assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate, automated, electronic, mechanical or other technology. Comments should be addressed to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

Issued in Washington, DC on May 25, 2005.

Patricia A. Prosperi,

Director, Departmental Office of Human Resource Management.

BILLING CODE 4910–62–P

OMB No. xxxx-xxxx
Expiration: xx/xx/xxxx

U.S. DEPARTMENT OF TRANSPORTATION
APPLICANT BACKGROUND QUESTIONNAIRE

The U.S. Department of Transportation requests that you voluntarily complete this form to assist the agency in evaluating and improving its efforts to publicize job openings and to encourage employment applications from a diverse group of qualified candidates. The Department will use the data you supply to determine how many applicants are from different groups and how many of these applicants are qualified for the job in question. The Department will then assess the effectiveness of specific outreach efforts and means of communicating information on job vacancies in light of this information. Personal identifying information will not be included in the tabulation of data.

The completion of this form is voluntary. This information will have no effect on the processing of your application or hiring decisions.

PRIVACY ACT INFORMATION: This information is provided pursuant to Public Law 93-579 (Privacy Act of 1974), December 31, 1974, for individuals completing Federal records and forms that solicit personal information. Authority: Section 7201 of title 5 of the U.S. Code and Section e-16 of title 42 of the U.S. Code

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 2105-XXXX

The public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the U.S. Department of Transportation, Departmental Human Resources Office, 400 7th St, SW., Washington, DC 20590; and the Office of Management and Budget, Paperwork Reduction Project, Washington, D.C. 20503.

Solicitation of this information is in accordance with "Federal Equal Opportunity Recruitment Program" (FEORP), found in part 720 of title 5, Code of Federal Regulations.

PLEASE COMPLETE THE FOLLOWING:

Name:	**Sex:** __ Male __ Female

Title, Grade, and Announcement Number of position for which you are applying:

Do you have a disability? ___ Yes ___ No

If yes, please provide information on your disability by selecting the appropriate category:

__ I do not chose to identify my disability
__ Total Deafness
__ Blind/uncorrectable visual impairment
__ Missing extremity(ies)
__ Partial paralysis
__ Complete paralysis
__ Convulsive disorder
__ Mental retardation
__ Mental or emotional illness
__ Severe distortion of limbs or spine
__ I have a disability but it is not listed

Please select one or more racial/and or national origin categories with which you most closely identify:

__ American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains cultural identification through tribal affiliation or community attachment.
__ Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Philippine Islands, Thailand, and Vietnam.
__ Black or African American	A person having origins in any of the black racial groups of Africa.
__ Hispanic	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
__ Native Hawaiian or other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
__ White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

How did you find out about this vacancy? (Select all that apply)

_____ 1. Magazine/Newspaper
_____ 2. Radio/Television Broadcast
_____ 3. DOT Human Resources Office
_____ 4. State Employment Office
_____ 5. Government Recruitment at School
_____ 6. Attendance at Conference, Meeting, or Job Fair (specify: _____)
_____ 7. Federal, State, or Local Job Information Center
_____ 8. Friend or Relative Working for DOT
_____ 9. Friend or Relative Not Working for DOT
_____ 10. DOT's Careers in Motion Website (www.careers.dot.gov)
_____ 11. Internet or Other Website
_____ 12. State Vocational Rehabilitation Agency or U.S. Department of Veteran's Affairs
_____ 13. Other (specify _____)

[FR Doc. 05–10997 Filed 6–1–05; 8:45 am]
BILLING CODE 4910–62–C

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending May 13, 2005

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2005–21205.
Date Filed: May 9, 2005.
Parties: Members of the International Air Transport Association.
Subject: CTC COMP 0525 dated 31 March 2005; Mail Vote 445—Cargo Composite Resolutions r1–r10. CTC COMP 0529 dated 6 May 2005; Amendment to Filing Period. CTC COMP 0530 dated 9 May 2005; Description of Agreement. Minutes: CTC COMP 0528 dated 5 May 2005; Intended effective date: 1 June 2005.

Docket Number: OST–2005–21237.
Date Filed: May 10, 2005.
Parties: Members of the International Air Transport Association.
Subject: CAC/33/Meet/004/05 dated 29 April, 2005; Expedited Resolutions 809/809e/809zz/823. (Minutes relevant to the Resolutions are included in CAC/33/Meet/004/05) Intended effective date: expedited July 1, 2005.

Andrea M. Jenkins,
Program Manager, Docket Operations, Federal Register Liaison.
[FR Doc. 05–11000 Filed 6–1–05; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending May 13, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2004–17171.
Date Filed: May 12, 2005.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 2, 2005.
Description: Amended Application of Maxjet Airways, Inc. pursuant to Subpart B of the Department of Transportation rules of practice for a certificate of public convenience and necessity authorizing interstate air transportation.

Andrea M. Jenkins,
Program Manager, Docket Operations, Federal Register Liaison.
[FR Doc. 05–10999 Filed 6–1–05; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Federal Aviation Administration Order 8100.14A, Interim Procedures for Working With the European Community on Airworthiness Certification and Continued Airworthiness

AGENCY: Federal Aviation Administration (DOT).

ACTION: Notice of availability and requests for public comment.

SUMMARY: This notice announces the availability of and requests comments on proposed Federal Aviation Administration (FAA) Order 8100.14A, Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness. The proposed revision will replace FAA Order 8100.14; Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness dated September 30, 2003. The proposed revised Order provides guidance to Aircraft Certification Field Offices personnel on how to work with their counterparts in the European Aviation Safety Agency (EASA) and the National Aviation Authorities (NAA) of European Union Member States.

DATES: Submit comments on or before July 5, 2005.

ADDRESSES: Send all comments on proposed FAA Order 8100.14A to: Federal Aviation Administration, Aircraft Certification Service, International Policy Office, Federal Office Building 10B, Floor 6 West, 800 Independence Avenue, SW., Washington, DC 20591. ATTN. Walter Dillon, AIR–40. Or deliver comments to: Federal Aviation Administration, Federal Office Building–10B, Room 6 West, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Walter Dillon, Federal Aviation Administration, Aircraft Certification Service, International Policy Office, AIR–40, Floor 6 West, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 385–8943, fax (202) 493–5144. E-mail *walter.dillon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

Submit written data, views, or arguments on the proposed Order to the above-specified address. Your comments should stipulate ''Comments to proposed FAA Order 8100.14A.'' You may examine comments before and after the comment closing date by visiting Room 6 West, FAA Building 10B, 800 Independence Avenue, SW., Washington, DC, weekdays except Federal holidays, between 8 a.m. and 4 p.m. The Director, Aircraft Certification Service, will consider all comments received on or before the closing date before issuing the final Order.

Background

FAA Order 8100.14 was first published to coincide with the date the European Aviation Safety Agency (EASA) began operations in September 2003. This order provided interim policy and guidance on how to interact with the newly established EASA and the National Aviation Authorities of European Union Member States for the purposes of type, production, and airworthiness certification, and continued airworthiness of aeronautical products.

Over the past two years EASA moved its headquarters, expanded its infrastructure, and developed and implemented several internal policies. EASA's growth and resulting process changes have affected the interaction between EASA and the FAA, resulting in the first revision of Order 8100.14.

How To Obtain Copies

You can get a copy of proposed FAA Order 8100.14A from the FAA's Regulatory and Guidance Library (RGL) at: *http://www.airweb.faa.gov/rgl.* On the RGL Web site, click on ''Draft Advisory Circulars'' then on ''Open for Comment'' to view the draft Order. Or, contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on May 25, 2005.

Mary Cheston,

Manager, International Policy Office, Aircraft Certification Service.

[FR Doc. 05–10903 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–18755; Notice 4]

Coupled Products, Inc., Grant of Appeal of Decision on Inconsequential Noncompliance

Coupled Products, Inc. (Coupled Products) has appealed a decision by the National Highway Traffic Safety Administration (NHTSA) that denied its petition for a determination that its noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, ''Brake hoses,'' is inconsequential to motor vehicle safety. Coupled Products had applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301, ''Motor Vehicle Safety.''

Notice of receipt of the original petition was published on August 5, 2004, in the **Federal Register** (69 FR 47484). On December 24, 2004, NHTSA published a notice in the **Federal Register** denying Coupled Products' petition (69 FR 76520), stating that the petitioner had not met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Coupled Products appealed, and notice of the appeal was published in the **Federal Register** on March 2, 2005 (70 FR 10162). NHTSA received one public comment.

Coupled Products determined that certain hydraulic brake hose assemblies that it produced do not comply with S5.3.4 of 49 CFR 571.106, FMVSS No. 106. S5.3.4 of FMVSS No. 106, tensile strength, requires that ''a hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings.'' A total of approximately 24,622 brake hose assemblies, consisting of 3,092 assemblies bearing Part Number 5478 and 21,530 assemblies bearing Part Number 5480 may not comply with S5.3.4. The potentially affected hoses were manufactured using a ''straight cup'' procedure rather than the appropriate ''step cup'' procedure. Compliance testing by the petitioner of eight sample hose assemblies from two separate manufacturing lots of these hoses revealed that seven of the eight samples experienced hose separation from the end fittings at loads from 224 to 317 pounds.

Coupled Products asserted that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Coupled Products had stated in its original petition that because of the specific vehicle application involved (the hoses are used in specific boat trailer applications of a single trailer manufacturer), the hoses are installed in such a manner as to make it unlikely that the hose assembly would be subject to the type of forces to which the tensile strength test is directed.

In the notice denying Coupled Products' original petition, NHTSA determined that this was not a persuasive argument. NHTSA pointed out that the tensile strength test is a worst case test, subjecting the crimped joint to a separation pull. The purpose of the tensile strength test is to test only the crimped area in a brake hose. A test conducted at an angle to the end fitting centerline, such as conducted by the Coupled Products, would not measure the strength of the crimped area by itself but also the interaction of the end fitting with the interior wall of the brake hose. This would result in a more lenient test for the crimped area.

In its original petition, Coupled Products had also asserted that because the braking system on the trailer is independent of the towing vehicle's braking system, a failure of the hose assembly on the trailer would not result in a loss of braking capability of the towing vehicle, and the driver would be able to stop both vehicles. In response, NHTSA stated that in the event that the failure of the hose assembly occurred, the driver of the towing vehicle would be faced with a potentially serious safety situation due to the reduced stopping capability of the vehicle combination.

In consideration of the foregoing, NHTSA decided that the petitioner did not meet its burden of persuasion that the noncompliance it described is inconsequential to motor vehicle safety. Accordingly, its petition was denied.

In its appeal from NHTSA's denial, Coupled Products provided new data. Based on the additional data submitted by Coupled Products, NHTSA agrees that the noncompliance is inconsequential to safety. The Agency had a major concern with the possibility of the loss of braking capability when it denied the original petition. However, the petitioner has addressed this issue satisfactorily by comparing the performance of correctly crimped and incorrectly crimped brake hose assemblies. Coupled Products used two types of pressure cycle tests for this purpose.

One type of pressure cycle test purported to simulate the situation of a ''panic stop.'' For this, the petitioner used the maximum pressure level in the trailer (1000 psi) as the upper limit for the pressure cycle (10 seconds at 1000 psi/2 seconds at zero psi), while keeping the brake hoses exposed to 212° F. The brake hoses were exposed to over 10,000 cycles with no failures.

The other type of pressure cycle test conducted by the petitioner (SAE J1401, paragraph 4.2.12 ''Hot Impulse Test'') while exposing the brake hose assemblies to more extreme conditions of temperature (295° F) and pressure (maximum pressure cycle limit of 1600 psi), using a lesser number of cycles (150 cycles), calls for holding 4000 psi for two minutes. All brake hoses tested passed, demonstrating a burst pressure of over 10,000 psi, well over the 4000 psi pressure hold. The performance of the incorrectly crimped brake hose assemblies at the pressure/temperature envelopes covered by Coupled Products' testing satisfactorily addresses NHTSA's concerns that the brake hoses will perform their intended function under operating conditions. Under both types of pressure cycle tests the incorrectly crimped brake hose assemblies performed as well as the correctly crimped assemblies.

NHTSA had additional concerns regarding the effect on the brake hoses of the trailer suspensions reaching their limit of travel, and also with the possibility of interference with the brake hoses during loading/unloading operations. The petitioner submitted a series of photos to address these issues. The photos indicated that there is no effect on the brake hose performance when the trailer's suspensions are in their full jounce (compressed) or rebound conditions, and that there is no possibility of interference with the brake hoses during loading/unloading operations.

The public comment in response to the notice of appeal was from EZ-Loader, Inc., a manufacturer of boat trailers. EZ-Loader stated that it has sold brake hose assemblies manufactured by Coupled Products, and has not had any warranty claims or reports of field incidents related to the brake hose assemblies in question. Therefore, EZ-Loader supports a determination that the noncompliance is inconsequential to motor vehicle safety.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is

inconsequential to motor vehicle safety. Accordingly, Coupled Products' appeal of NHTSA's decision on inconsequential noncompliance is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: May 25, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05–10784 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–21270; Notice 1]

Mercedes-Benz USA LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

Mercedes-Benz USA LLC (Mercedes) has determined that the designated seating capacity placards for certain vehicles that it produced in 2004 do not comply with S4.3(b) of 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110, ''Tire selection and rims.'' Mercedes has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Mercedes has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Mercedes' petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 1,576 SLK class vehicles produced between March 24, 2004 and December 15, 2004. S4.3(b) of FMVSS No. 110 requires that a ''placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the * * * [d]esignated seating capacity * * * .'' The noncompliant vehicles have placards stating that the seating capacity is four, when in fact the seating capacity is two.

Mercedes believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Mercedes states:

> * * * most, if not all, consumers will look at the number of seats in the vehicle and the number of safety belts to determine its capacity, rather than looking at the tire information placard. Because the SLK Roadster is a two-seater vehicle with no rear seat, it is immediately obvious that the seating capacity is two and not four, and that it is not possible to seat four occupants in the vehicle.

Mercedes further states:

> Because it is impossible for the SLK to hold four occupants, the seating capacity labeling error has no impact on the vehicle capacity weight, recommended cold tire inflation pressure and recommended size designation information. All of this information is correct on the tire information placard. Moreover, the purpose of providing seating capacity information is to prevent vehicle overloading. Because the SLK holds only two occupants, it is not possible to overload the vehicle due to reliance on the tire information placard.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 5, 2005.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8)

Issued on: May 25, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05–10785 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2005–20782; Notice 2]

Porsche Cars North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Dr. Ing. h.c.F Porsche AG has determined that certain vehicles that it manufactured for model years 2003, 2004 and 2005 do not comply with S4.2.2(a) of 49 CFR 571.114, Federal Motor Vehicle Safety Standard (FMVSS) No. 114, ''Theft protection.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), on behalf of Dr. Ing. h.c.F Porsche AG, Porsche Cars North America, Inc. (Porsche) has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of a petition was published, with a 30-day comment period, on April 11, 2005, in the **Federal Register** (70 FR 18459). NHTSA received no comments.

Approximately 28,949 model year 2003, 2004, and 2005 Porsche Cayenne, Cayenne S and Cayenne Turbo vehicles are affected. S4.2.2(a) of FMVSS No. 114 requires that

> * * * provided that steering is prevented upon the key's removal, each vehicle * * * [which has an automatic transmission with a ''park'' position] may permit key removal when electrical failure of this [key-locking] system * * * occurs or may have a device which, when activated, permits key removal.

In the affected vehicles, the steering does not lock when the ignition key is removed from the ignition switch using the optionally provided device that permits key removal in the event of electrical system failure or when the transmission is not in the ''park'' position.

Porsche believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Porsche states the following in its petition:

The ignition key/transmission interlock requirements of S4.2 were promulgated in Docket 1–21 (Notice 9 published in May 30, 1990). In that notice there was no provision for an emergency operation system to permit ignition key removal when the transmission is not in ''Park'' position. In response to several automobile manufacturer petitions for reconsideration, the agency published Notice 10 (March 26, 1991) to supplement S4.2 by the addition of S4.2.1 and S4.2.2 that did permit an emergency operation system to be located behind an opaque cover that could only be removed via the use of a tool. The use of the emergency operation system allows the removal of the ignition key when the transmission is not in ''Park.'' The emergency operation system would also permit moving the shift lever out of ''Park'' position after removal of the ignition key. The use of the emergency operation system was dependent upon the steering system being locked whenever the ignition key is removed.

Some manufacturers again filed petitions for reconsideration to the Notice 10 amendment which the agency responded [to] in Notice 11 (January 17, 1992). Notice 11 amended S4.2.2(a) to permit ignition key removal even if the transmission were not in ''Park'' if there is an electrical failure of the vehicle without activation of the emergency operating system. When the vehicle's electrical system was behaving normally, removal of the ignition key in transmission positions other than ''Park'' would only be permissible via the emergency operation system. Ignition key removal in transmission shift positions other than ''Park'' required, as before, that the steering system would lock.

The requirement that the steering be locked when the ignition key is removed was debated in both Notice 10 and 11 ''to ensure that Standard No. 114's theft protection aspects are not jeopardized.'' Nothing in the record indicates that this requirement was based on a need to prevent personal or property damage.

Porsche states that it believes the noncompliance is inconsequential to motor vehicle safety because the steering lock function when the vehicle is without electrical power and the ignition key is removed has no safety implication because the vehicle is immobilized. Porsche explains:

In the Cayenne models at issue here the removal of the ignition key using the emergency operation system is a vehicle security function to prevent the vehicle from being driven by simply jump-starting the vehicle, due to the fact that the vehicle is equipped with an immobilizer that prevents starting of the vehicle without the electronically coded ignition key. The key-code is recorded in the engine control module and cannot be electrically bypassed.

The agency agrees with Porsche. NHTSA issued an interpretation letter to an unnamed person on September 24, 2004, which stated in pertinent part as follows:

The engine control module immobilizer described in your letter satisfies the requirements of S4.2(b) because it locks out the engine control module if an attempt is made to start the vehicle without the correct key or to bypass the electronic ignition system. When the engine control module is locked, the vehicle is not capable of forward self-mobility because it is incapable of moving forward under its own power.

Theft protection of vehicles is addressed under S4.2 of the standard. Section 4.2(b) can be met by preventing either steering or forward self-mobility. Therefore, an equivalent level of theft protection is provided by ''either steering or forward self-mobility.''

NHTSA amended FMVSS No. 114 in 1990 to require that vehicles with an automatic transmission and a ''park'' position be shifted to ''park'' or become locked in park before the key can be removed to reduce incidents of vehicle rollaway. S4.2.2(a) was added in 1991 to permit key removal when an electrical failure occurred and the transmission could not be manually shifted into park, provided that steering was prevented for theft protection. The forward self-mobility feature does not prevent vehicle rollaway by itself. However, the parking brake used in combination with the forward self-mobility feature will prevent rollaway.

NHTSA recently granted two petitions for the same noncompliance based on the same rationale (Bentley Motors, Inc. and Volkswagen of America, Inc., both at 69 FR 67211, November 16, 2004).

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Porsche's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8).

Issued on: May 25, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05–10786 Filed 6–1–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Counseling for the Elderly (TCE) Program Availability of Application Packages

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document provides notice of the availability of Application Packages for the 2006 Tax Counseling for the Elderly (TCE) Program.

DATES: Application Packages are available from the IRS at this time. The deadline for submitting an application package to the IRS for the 2006 Tax Counseling for the Elderly (TCE) Program is August 1, 2005.

ADDRESSES: Application Packages may be requested by contacting: Internal Revenue Service, 5000 Ellin Road, Lanham, MD, 20706, Attention: Program Manager, Tax Counseling for the Elderly Program, SE:W:CAR:SPEC:FO:OA, Building C–4, Room 168. Applications can also be submitted electronically through the IRS E-grants System by logging on to *www.egrants.irs.gov.*

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Tyler, SE:W:CAR:SPEC:FO:OA, Building C–4, Room 168, Internal Revenue Service, 5000 Ellin Road, Lanham, MD 20706. The non-toll-free telephone number is (202) 283–0189.

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly (TCE) Program is contained in Section 163 of the Revenue Act of 1978, Public Law 95–600, (92 Stat. 12810), November 6, 1978. Regulations were published in the **Federal Register** at 44 FR 72113 on December 13, 1979. Section 163 gives the IRS authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Because applications are being solicited before the FY 2006 budget has been approved, cooperative agreements will be entered into subject to appropriation of funds. Once funded, sponsoring agencies and organizations will receive a grant from the IRS for administrative expenses and to reimburse volunteers for expenses incurred in training and in providing tax return assistance. The Tax Counseling for the Elderly (TCE) Program is referenced in the Catalog of Federal Domestic Assistance in Section 21.006.

Dated: May 22, 2005.

Marie A. Medeck,

Director, Field Operations, Stakeholder Partnerships, Education and Communication (SPEC).

[FR Doc. 05–11019 Filed 6–1–05; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Sunshine Act Meeting

DATE/TIME: Wednesday—June 15, 2005 (6 p.m.–9p.m.); Thursday—June 16, 2005 (8 a.m.–8 p.m.); Friday—June 17, 2005 (8 a.m.–12 p.m.).

LOCATION: Airlie Conference Center, 6809 Airlie Road, Warrenton, VA 20187, USA.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: June 2005 Board Meeting; Approval of Minutes of the One Hundred and Eighteenth Meeting, (March 17, 2005) of the Board of Directors; Chairman's Report; President's Report; Review, Discussion and Approval of Solicited Grant Topics for March 2006 Grants Cycle; Selection of National Peace Essay Contest Winners; Program Reports; Discussion of Budget Guidelines for Fiscal Year 2007; Review of Select USIP Policies; Other General Issues.

CONTACT: Tessie Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: May 26, 2005.

Michael Graham,

Executive Vice President, United States Institute of Peace.

[FR Doc. 05–11035 Filed 5–31–05; 10:36 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities will be held on Thursday, June 23, 2005 from 10 a.m. until 4:30 p.m., and on Friday, June 24, 2005, from 8:30 a.m. until 12:30 p.m., in Room 442, Export Import Bank, 811 Vermont Avenue, NW., Washington, DC. The meeting is open to the public.

The purpose of the committee is to advise the Secretary of Veterans Affairs on matters of structural safety in the construction and remodeling of VA facilities and to recommend standards for use by VA in the construction and alteration of facilities as prescribed under Section 8105 of Title 38, United States Code.

On June 23, the Committee in workshop will review developments in the fields of fire safety issues and structural design as they relate to seismic and other natural hazards' impact on the safety of buildings. On June 24, the Committee in formal meeting will receive appropriate briefings/presentations on current seismic, natural hazards, and fire safety issues that are particularly relevant to facilities owned and leased by the Department. The Committee will also vote on appropriate safety recommendations for inclusion in VA's standards.

No time will be allocated for receiving oral presentations from the public. However, the Committee will accept written comments. Comments should be sent to Krishna K. Banga, Senior Structural Engineer, Facilities Quality Service, Office of Facilities Management (181A), Department of Veterans Affairs, 811 Vermont Avenue, NW., Washington, DC 20420. Those wishing to attend should contact Mr. Banga at (202) 565–9370.

Dated: May 26, 2005.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–11002 Filed 6–1–05; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Thursday,
June 2, 2005

Part II

Department of Housing and Urban Development

Proposed Fair Market Rents for Fiscal Year 2006 for Housing Choice Voucher, Moderate Rehabilitation Single Room Occupancy and Certain Other HUD Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4995–N–01; HUD–2005–0010]

Proposed Fair Market Rents for Fiscal Year 2006 for Housing Choice Voucher, Moderate Rehabilitation Single Room Occupancy and Certain Other HUD Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of proposed Fiscal Year (FY) 2006 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish FMRs periodically, but not less than annually, adjusted to be effective on October 1 of each year. Today's notice proposes FMRs for FY2006. The proposed numbers would amend FMR schedules used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, and to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program. Other programs may require use of FMRs for other purposes.

The proposed FY2006 FMRs in this notice differ from the final FY2005 and previous year FMRs in that they were calculated using the revised Office of Management and Budget (OMB) area definitions that were issued in 2003. For FY2006, HUD is using the county-based statistical areas as defined by OMB, with some modifications. The FMR estimates have been trended to April 2006, the midpoint of FY2006.

DATES: *Comments Due Date:* August 1, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding HUD's estimates of the FMRs as published in this notice to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0001. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section. To ensure that the information is fully considered by all of the reviewers, each commenter is requested to submit two copies of its comments, one to the Rules Docket Clerk and the other to the Economic and Market Analysis Staff in the appropriate HUD field office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (8 a.m. to 5 p.m. Eastern Time) at the above address.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop fair market rents or a listing of all fair market rents, please call the HUD USER information line at 800–245–2691 or access the information on the HUD Web site at *http://www.huduser.org/datasets/fmr.html*. FMRs are listed at the 40th or 50th percentile in Schedule B. For informational purposes, a table of 40th percentile recent mover rents for the areas with 50th percentile FMRs will be provided on the same Web site noted above. Any questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys or further methodological explanations may be addressed to Marie L. Lihn or Lynn A. Rodgers, Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research, telephone 202–708–0590. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. (Other than the HUD USER information line and TDD numbers, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In the Housing Choice Voucher program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family (see 24 CFR 982.503). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities. In addition, all rents subsidized under the Housing Choice Voucher program must meet reasonable rent standards. The interim rule published on October 2, 2000 (65 FR 58870), established 50th percentile FMRs for certain areas.

Electronic Data Availability: This **Federal Register** notice is available electronically from the HUD news page: *http://www.hudclips.org*. **Federal Register** notices also are available electronically from the U.S. Government Printing Office Web site at *http://www.gpoaccess.gov/fr/index.html*.

II. Procedures for the Development of FMRs

Section 8(c) of the USHA requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. Section 8(c) states in part as follows:

> Proposed fair market rentals for an area shall be published in the **Federal Register** with reasonable time for public comment and shall become effective upon the date of publication in final form in the **Federal Register**. Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in this section.

HUD's regulations at 24 CFR part 888 provide that HUD will develop proposed FMRs, publish them for public comment, provide a public comment period of at least 30 days, analyze the comments, and publish final FMRs. (*See* 24 CFR 888.115.)

In addition, HUD's regulations at 24 CFR 888.113 set out procedures for HUD to assess whether areas are eligible for FMRs at the 50th percentile and, for areas that were formerly eligible for FMRs at the 50th percentile three years ago, whether these areas continue to remain eligible to use 50th percentile FMRs. The regulations provide that once an area is determined eligible for 50th percentile FMRs, that area is eligible to use 50th percentile FMRs for a period of three years. The three-year period for the first areas determined eligible to receive the 50th percentile FMRs, following promulgation of the regulation in § 888.113, has come to a close. HUD has commenced the assessment for eligibility and continued eligibility for the 50th percentile FMRs as provided in the regulations. In view, however, of HUD's proposal to apply new metropolitan area definitions for FY2006, this assessment is not yet complete and ready for publication with this notice. HUD will publish a separate notice in approximately six weeks that will identify any areas newly eligible for 50th percentile FMRs and those areas that remain eligible or no longer remain eligible for continued use of 50th percentile FMRs and the applicable proposed FY2006 FMRs for these areas.

III. Metropolitan Area Definitions

The proposed FY2006 FMRs reflect a change in metropolitan area definitions.

HUD is using the county-based statistical areas as defined by OMB, with some modifications. The new definitions have been implemented with modifications intended to minimize changes in FMRs due solely to the use of the new definitions. All proposed metropolitan FMR areas consist of areas within new OMB metropolitan areas. In general, any parts of old metropolitan areas, or formerly nonmetropolitan counties, that would have more than a 5 percent increase or decrease in their FMRs as a result of implementing the new OMB definitions, are defined as separate FMR areas. In general, HUD applies the same update factors (such as random digit dialing (RDD) or consumer price index (CPI) data) to the rents of all FMR areas within the same new metropolitan area.

Despite these efforts, the changes in area definitions have resulted in different proposed FMRs than if an area were subject to the normal updating of last year's FMRs, particularly, for example, in counties that were in old metropolitan areas that are now considered nonmetropolitan under the new OMB definitions. This approach, however, makes HUD FMR area definitions more consistent with those used by most other federal agencies and facilitates use of the extensive new Census data that will become available from the American Community Survey (ACS) and which will replace the decennial census ''long form'' starting in 2010.

A. Background

In June 2003, OMB issued new metropolitan area definitions based on 2000 Census data and a revised methodology that placed increased weight on commuting patterns. This methodology had been developed and made subject to public comment prior to and after the 2000 Census data collection, and reflected the consensus thinking of numerous experts. HUD economists and demographers were involved in this process and believe that the new definitions are technically superior to the old definitions and better reflect how local housing markets should be evaluated.

OMB metropolitan definitions are important for two reasons. One is that they are the basis on which the federal government collects and reports data (*e.g.*, new Census data collections will base samples and issue reports using the new definitions). For instance, the ACS, which the Census Bureau began administering in full in 2005 to replace decennial census sample data (the current source of Base Rent data), will, starting in 2006 provide extensive and relatively current data on rents and incomes using the new OMB definitions. The other reason OMB definitions are important is that federal agencies are expected to use these definitions in administering their programs unless there is some strong program reason to do otherwise.

HUD proposed using the new OMB definitions in an August 6, 2004 (69 FR 48040), **Federal Register** publication that issued proposed FY2005 FMRs. That publication introduced use of both the new OMB definitions and 2000 Census data and contained an unusually large number of proposed increases and decreases related to use of the new data and definitions. In response to the limited timeframe available for public comments and the number of comments received opposing use of the new definitions, HUD reverted to using the old definitions in its final FY2005 FMR publication and in the FY2005 income limit publication. HUD subsequently received a number of complaints from members of the public and the Congress related to its failure to implement the new OMB definitions.

For FY2006, HUD is implementing a modified version of the new OMB definitions that further reduces the number and scope of FMR changes that will occur. HUD believes that it is important to implement the new definitions for the following reasons: (1) The new definitions better reflect local housing market relationships; (2) inconsistencies with other federal program standards will be minimized; (3) the new definitions will facilitate the use of the extensive new ACS data that the Census will begin releasing next year that is collected and processed based on the new OMB definitions; and (4) it is responsive to complaints received after issuance of the final FY2005 FMRs from areas regarding HUD's failure to implement the new OMB definitions.

According to OMB guidance on the use of metropolitan area definitions for nonstatistical programs, such as setting FMRs for the Housing Choice Voucher program, HUD may alter OMB definitions of metropolitan areas to better suit program operations. As stated in OMB Bulletin 04–03 defining metropolitan areas:

> OMB establishes and maintains the definitions of Metropolitan * * * Statistical Areas * * * solely for statistical purposes. * * * OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the definitions[.] In cases where * * * an agency elects to use the Metropolitan * * * Area definitions in nonstatistical programs, it is the sponsoring agency's responsibility to ensure that the definitions are appropriate for such use. An agency using the statistical definitions in a nonstatistical program may modify the definitions, but only for the purposes of that program. In such cases, any modifications should be clearly identified as deviations from the OMB statistical area definitions in order to avoid confusion with OMB's official definitions of Metropolitan * * * Statistical Areas.

B. Modified Implementation of New OMB Definitions

HUD had three objectives in defining FMR areas for FY2006: (1) To incorporate new OMB metropolitan area definitions so the FMR estimation system can better use new data collected using those definitions; (2) to better reflect current housing markets; and (3) to minimize the number of large changes in FMRs due to use of the new OMB definitions. The proposed FMR area definitions were developed to achieve these objectives as follows:

- FMRs were calculated for each of the new OMB metropolitan areas using 2000 Census data.
- Subparts of any of the new areas that had separate FMRs under the old OMB definitions were identified, and 2000 Census Base Rents for these subparts were calculated. Only the subparts within the new OMB metropolitan area were included in this calculation (*e.g.*, counties that had been excluded from the new OMB metropolitan area were not included).
- Metropolitan subparts of new areas that had previously had separate FMRs were assigned their own FMRs if their 2000 Census Base Rents differed by more than 5 percent from the new OMB area 2000 Census Base Rent.
- Formerly metropolitan counties removed from metro areas got their own FMRs. These areas accounted for many of the FMR decrease of more than 5 percent.
- Nonmetropolitan counties that were added to the new OMB metropolitan areas and did not have enough renters to calculate separate 2000 Census Base Rents accounted for most of the large increases in FMRs.
- Proposed FY2006 FMRs were calculated using the same information used to compute FY2005 Final FMRs plus additional update factors.

Appendix I provides more detailed technical information about data sources and a summary of the impacts of the metropolitan area definitional changes. For nonmetropolitan areas, FMRs continue to be calculated at the county level. The area-specific data and computations used to calculate proposed FY2006 FMRs and FMR area definitions can be found at www.huduser.org/datasets/fmr/fmrs/.

C. Future FMR Annual Updates

HUD believes the new OMB definitions of MSAs are reasonable definitions of housing markets and that their relevance will increase with time. That is, while HUD makes distinctions among housing markets within some of these areas based on differences in rents measured in 2000, it believes that the new MSAs better reflect current rental housing markets than the 1990 Census-based metropolitan area definitions. Therefore, future updates to FMRs will be made at the metropolitan area level and applied to all FMR areas within metropolitan areas where they have been separately designated. HUD-funded RDDs will be conducted at the metropolitan area level and compared to the metropolitan area rent estimate to see if adjustments need to be made. If an RDD indicates that a metropolitan area rent needs to be changed, the metropolitan area-level change factor will be computed and applied to all FMRs within the metropolitan area. HUD will accept information supplied by local housing authorities to make adjustments to FMRs. HUD will re-benchmark all FMR areas when sufficient ACS or other data are available to estimate rents at the same level of accuracy for all FMR areas. To the extent such detailed data are available, the FY2006 separation of FMR sub-areas within new OMB metropolitan areas will be re-examined to determine if the new survey FMR area base rents are sufficiently different to warrant their continued separation within the metropolitan area.

D. Impacts of FMR Area Changes

The tables in this section present population totals for the parts of the country affected by various changes in FMRs. Table 1 shows the effect of the geographic definitional changes on the 2000 Census Base Rents. Note that 96.9 percent of the population is in areas where the 2000 Census Base Rent changes by less than 5 percent. Larger changes in base rent are generally limited to places that have been dropped from major metropolitan areas (these areas now have their own, generally lower, Base Rents), or small candidate sub-areas with too little census rent data to estimate a sub-area FMR (these areas are subsumed in metropolitan areas or FMR areas that have generally much higher 2000 Census Base Rents than the candidate sub-areas' old FMR-area Base Rents). A listing of the small candidate sub-areas is shown in Appendix II.

TABLE 1.—POPULATION-WEIGHTED EFFECT OF FMR AREA DEFINITION CHANGES ON 2000 CENSUS BASE RENTS

2000 Census base rent change	Number of areas*	2000 population	Percent of total population
15% or More Decline	37	1,560,972	0.5
10% to 14.9% Decline	23	751,880	0.3
5% to 9.9% Decline	21	1,798,385	0.6
1% to 4.9% Decline	346	37,794,535	13.2
Within +/−1%	3,817	209,401,324	73.1
1% to 4.9% Increase	357	30,341,010	10.6
5% to 9.9% Increase	47	3,244,608	1.1
10% to 14.9% Increase	16	192,499	0.1
15% or More Increase	100	1,332,179	0.5
All Areas	4,764	286,417,392	100.0

* Areas are counties or county-equivalent areas except in New England where areas are cities and towns.

Table 2 shows population distribution of changes in FMRs that can be attributed to all differences between the revised final FY2005 FMRs and proposed FY2006 FMRs including the geographical area changes and the results of RDDs. Relative to Table 1, there is more dispersion in the changes, which reflects the overall national trend of a slight increase in rent on the one hand, and the large number of RDDs resulting in decreased FMRs on the other. This influence is most apparent in the much larger percentage of the population that has a 1 percent to 4.9 percent increase in FMRs and the larger percentages with 5 percent to 9.9 percent increases/decreases.

TABLE 2.—POPULATION DISTRIBUTION BY CHANGES IN FMRS: REVISED FINAL FY2005 TO PROPOSED FY2006

FMR change	Number of areas*	2000 population	Percent of total population
15% or More Decline	32	1,091,769	0.4
10% to 14.9% Decline	29	5,721,614	2.0
5% to 9.9% Decline	74	16,490,802	5.8
1% to 4.9% Decline	131	22,005,803	7.7
Within +/-1%	132	32,600,796	11.4
1% to 4.9% Increase	3,956	164,012,622	57.3
5% to 9.9% Increase	238	37,355,878	13.0
10% to 14.9% Increase	57	4,539,642	1.6
15% or More Increase	115	2,598,466	0.9
All Areas	4,764	286,417,392	**100.0

* Areas are counties or county-equivalent areas except in New England where areas are cities and towns.
** Individual percentages may not sum to 100 percent due to rounding.

IV. FMR Methodology

As detailed in Appendix I, the proposed FY2006 FMRs use previously accumulated data differently than prior FMR publications. Because the Revised Final FY2005 FMRs are such an important source of accumulated information for the proposed FY2006 FMRs, discussion of the sources and methods used to develop the Revised Final FY2005 FMRs is included here along with the specific discussion of FY2006 FMR data and methods.

A. Data Sources: 2000 Census Base Rents

FY2005 FMRs were benchmarked for most areas using 2000 Decennial Census data, which served to correct estimation errors that accumulated since 1994 when FMRs were benchmarked with 1990 Decennial Census data.

At HUD's request, the Census Bureau prepared a special publicly releasable Census file that permits almost exact replication of HUD's 2000 Base Rent calculations except for areas with few rental units. This data set is located on HUD's HUD USER Web site at *http://www.huduser.org/datasets/fmr/CensusRentData/*. An area-specific explanation of how FY2005 FMRs were benchmarked to the 2000 Census and updated can be found at *http://www.huduser.org/datasets/fmr/fmrs/*.

The proposed FY2006 FMRs are also benchmarked to the 2000 Census. The FY2006 Census Base Rents are computed for the new geography of metropolitan areas, candidate sub-areas of metropolitan areas (which may become HUD Metro FMR areas), and nonmetropolitan counties using the same computational techniques as the FY2005 benchmarking. The 2000 Census Base Rents for old FMR areas are used, along with the Revised Final FY2005 FMRs, to determine the 2000-to-2005 portion of the 2000-to-2006 update factor for metropolitan areas, new FMR areas, and nonmetropolitan counties. A publicly releasable version of the data used for the FY2006 Census Base Rent determinations will also be available at the above website.

B. FMR Updates: 2000 Census to 2005

For the FY2006 FMR areas (metropolitan areas, HUD Metro FMR areas, and non-metropolitan counties), update factors from the 2000 Census Base Rent to 2005 are computed using weighted average update factors derived from old FMR area, Revised Final FY2005 FMRs, old FMR area 2000 Census Base Rents and 2000 Census 100 percent population counts as described in Appendix I.

After 2000 Census Base Rent estimates were established for each FMR area and bedroom size, they are updated from the estimated Census date of April 1, 2000, to April 1, 2005 (the midpoint of FY2005). Update factors for the 2000-through-end-of-2003 period were based either on the area-specific CPI survey data that were available for the largest metropolitan areas or on HUD regional RDD survey data.

FMRs are updated using a combination of data. Annual CPI data are available for most of the largest metropolitan areas. Data from the Census Bureau's American Housing Survey are also available for some of the larger areas. For the 2000-to-2003 period, HUD conducted regional RDD surveys to obtain rent changes for the metropolitan and nonmetropolitan parts of the 10 HUD regions not covered by area-specific CPI surveys. A 3 percent trending factor is used to cover the portions of time for which there are no better data.

For areas with local CPI surveys, CPI annual data on rents and utilities were used to update the Census rent estimates. Three-quarters of the 2000 CPI change factor was used to bring the FMR estimates forward from April to December of 2000. Annual CPI survey data could then be used for Calendar Years 2001, 2002, and 2003. Trending to cover the period from December 2003, to April 1, 2005, was then needed. An annual trending factor of 3 percent, based on the average annual increase in the median Census gross rent between 1990 and 2000, was used to update estimates from the end of 2003 (*i.e.*, the last date for which CPI data were available) until the midpoint of the fiscal year in which the estimates were used. The 15-month trending factor was 3.75 percent (3 percent times 15/12).

For areas without local CPI surveys, the same process was used except that regional RDD survey data were substituted for CPI data for the period through the end of 2003. Regional RDD surveys were done for 20 areas—the metropolitan and nonmetropolitan part of each of the 10 HUD regions. Areas covered by CPI metropolitan surveys were excluded from the RDD metropolitan regional surveys.

HUD also conducted RDD telephone FMR surveys for selected areas and incorporated these into FMR update factors.

C. Updates From 2005 to Proposed FY2006

After using the old FMR area data as described above to update metropolitan area, new FMR area, and nonmetropolitan county rents to 2005, metropolitan area and nonmetropolitan county update factors from 2005 to 2006 are applied to derive the proposed FY2006 FMRs. All new FMR areas that are part of a new metropolitan area are updated with the same metropolitan area-level 2005-to-2006 update factor.

Specifically, local CPI data is used to move rents from the end of 2003 to the end of 2004 and the same 15-month trending factor is then applied. Regional RDDs, however, were not conducted in 2004 in anticipation of the arrival of ACS data. Therefore, for proposed FY2006 FMRs, Census region-level CPI data for Class B- and C-size cities is being used to update areas without local CPI update factors. Data from the 2004 ACS will be used to replace regional CPI data if it becomes available in time for inclusion in the final FY2006 publication. Once full-scale ACS data collections start to become available in the latter part of 2006, sample sizes will be large enough to estimate FMRs for the larger metropolitan areas on an annual basis and for other areas on a two- to four-year basis.

D. Additional RDD Surveys and Other Data

RDDs covering 35 additional areas were conducted by HUD in the January-February period of 2005 and completed in time for use in this publication. In addition, PHA surveys were conducted for 5 area RDDs. Table 3 shows the results of the HUD and PHA surveys. The first column of Table 3 identifies the RDD survey area. Except where noted, RDD survey areas correspond to metropolitan areas as defined by OMB. In metropolitan areas where HUD defines HUD Metro FMR Areas (HMFAs), the percent change due to the RDD reported in the last column is applied to the unrevised FY2006 FMR of each HMFA in the metropolitan area. A change in FMR estimates is shown only if the RDD result shows a statistically significant difference from the FMR estimate based on non-RDD update factors. The ''Result of RDD'' column shows whether or not the RDD results were statistically different enough to justify replacing the unrevised estimates with the RDD results.

The RDD results show an unusually high percentage of FMR decreases. These decreases are consistent with multifamily apartment complex time-series data that also indicated decreases and were available for comparison for all of the larger metropolitan areas surveyed. Nationally, Census vacancy data continue to show rental vacancy rates at record highs, which, combined with loss of higher income renters to

homeownership, have adverse impacts on rents. The survey results were as follows:

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Table 3
RDD Results

Area Surveyed (New Area Name)	Old Area (part)	FY2005 FMR	Pre-RDD FY2006 FMR	FY2006 FMR	Result of RDD*
Allentown-Bethlehem-Easton, PA HMFA	Allentown—Bethlehem--Easton, PA MSA	671	715	753	+ 5.4%
Warren County, NJ HMFA	Newark, NJ PMSA	1020	1015	1070	+ 5.4%
Austin-Round Rock, TX MSA	Austin--San Marcos, TX MSA	912	938	804	- 14.3%
Birmingham-Hoover, AL HMFA	Birmingham, AL MSA	577	581	581	NC
Birmingham-Hoover, AL HMFA	Bibb County, AL	431	581	581	NC
Chilton County, AL HMFA	Chilton County, AL	446	459	459	NC
Walker County, AL HMFA	Walker County, AL	434	447	447	NC
Buffalo-Niagara Falls, NY MSA	Buffalo--Niagara Falls, NY MSA	648	676	625	- 7.5%
Charlotte-Gastonia-Concord, NC-SC HMFA	Charlotte--Gastonia--Rock Hill, NC--SC MSA	719	767	680	- 11.3%
Anson County, NC HMFA	Anson County, NC	434	447	396	- 11.3%
Dallas, TX HMFA	Dallas, TX PMSA	868	824	777	- 5.7%
Dallas, TX HMFA	Delta County, TX	488	824	777	- 5.7%
Fresno, CA MSA	Fresno, CA MSA	616	635	702	+ 10.6%
Jacksonville, FL HMFA	Jacksonville, FL MSA	732	749	749	NC
Baker County, FL HMFA	Baker County, FL	409	421	421	NC
Knoxville, TN MSA	Knoxville, TN MSA	553	569	569	NC
Las Vegas-Paradise, NV MSA	Las Vegas, NV--AZ MSA	907	958	861	- 10.1%
Little Rock-North Little Rock, AR HMFA	Little Rock--North Little Rock, AR MSA	576	590	590	NC
Little Rock-North Little Rock, AR HMFA	Perry County, AR	450	590	590	NC
Grant County, AR HMFA	Grant County, AR	453	466	466	NC
Memphis, TN-MS-AR HMFA	Memphis, TN--AR--MS MSA	622	636	636	NC
Marshall County, MS HMFA	Marshall County, MS	420	432	432	NC
Tate County, MS HMFA	Tate County, MS	446	459	459	NC
Tunica County, MS HMFA	Tunica County, MS	581	598	598	NC

Miami-Fort Lauderdale-Miami Beach, FL MSA	Fort Lauderdale, FL PMSA	998	999	967	- 3.2%
Miami-Fort Lauderdale-Miami Beach, FL MSA	Miami, FL PMSA	929	999	967	- 3.2%
Miami-Fort Lauderdale-Miami Beach, FL MSA	West Palm Beach--Boca Raton, FL MSA	898	999	967	- 3.2%
Milwaukee-Waukesha-West Allis, WI MSA	Milwaukee--Waukesha, WI PMSA	694	708	666	- 5.9%
Minneapolis-St. Paul-Bloomington, MN-WI MSA	Minneapolis--St. Paul, MN--WI MSA	928	942	882	- 6.4%
New Orleans-Metairie-Kenner, LA MSA	New Orleans, LA MSA	676	696	639	- 8.2%
Jersey City, NJ HMFA	Jersey City, NJ PMSA	1100	1150	1090	- 5.2%
Middlesex-Somerset-Hunterdon, NJ HMFA	Middlesex--Somerset--Hunterdon, NJ PMSA	1210	1264	1187	- 6.1%
Oklahoma City, OK HMFA	Oklahoma City, OK MSA	581	597	571	- 4.4%
Grady County, OK HMFA	Grady County, OK	433	446	426	- 4.4%
Lincoln County, OK HMFA	Lincoln County, OK	423	435	416	- 4.4%
Orlando, FL MSA	Orlando, FL MSA	838	862	782	- 9.3%
Phoenix-Mesa-Scottsdale, AZ MSA	Phoenix--Mesa, AZ MSA	817	824	770	- 6.6%
Pittsburgh, PA HMFA	Pittsburgh, PA MSA	639	655	719	+ 9.8%
Armstrong County, PA HMFA	Armstrong County, PA	446	461	506	+ 9.8%
Rapid City, SD HMFA	Rapid City, SD MSA	609	605	667	+ 10.2%
Richmond, VA HMFA	Richmond--Petersburg, VA MSA	810	822	757	- 7.9%
Richmond, VA HMFA	Amelia County, VA	452	822	757	- 7.9%
Richmond, VA HMFA	Caroline County, VA	595	822	757	- 7.9%
Richmond, VA HMFA	Cumberland County, VA	452	822	757	- 7.9%
Richmond, VA HMFA	King and Queen County, VA	565	822	757	- 7.9%
Richmond, VA HMFA	King William County, VA	565	822	757	- 7.9%
Richmond, VA HMFA	Sussex County, VA	485	822	757	- 7.9%
Louisa County, VA HMFA	Louisa County, VA	606	624	574	- 7.9%
Riverside-San Bernardino-Ontario, CA MSA	Riverside--San Bernardino, CA PMSA	752	792	792	NC
Rochester, NY MSA	Rochester, NY MSA	687	720	656	- 8.9%
St. Louis, MO-IL HMFA	St. Louis, MO--IL MSA	741	762	694	- 8.9%
St. Louis, MO-IL HMFA	Calhoun County, IL	485	762	694	- 8.9%
Bond County, IL HMFA	Bond County, IL	445	460	420	- 8.9%
Macoupin County, IL HMFA	Macoupin County, IL	500	517	471	- 8.9%
Washington County, MO HMFA	Washington County, MO	421	435	397	- 8.9%

Salem, OR MSA	Salem, OR PMSA	616	622	622	NC
San Diego-Carlsbad-San Marcos, CA MSA	San Diego, CA MSA	1183	1242	1158	- 6.8%
Santa Barbara-Santa Maria-Goleta, CA MSA	Santa Barbara--Santa Maria--Lompoc, CA MSA	1004	1037	1037	NC
Scranton--Wilkes-Barre, PA MSA	Scranton--Wilkes-Barre--Hazleton, PA MSA	568	594	594	NC
Tacoma, WA HMFA	Tacoma, WA PMSA	736	737	737	NC
Sioux Falls, SD MSA	Sioux Falls, SD MSA	607	618	621	+ 0.5%
Sioux Falls, SD MSA	McCook County, SD	474	618	621	+ 0.5%
Sioux Falls, SD MSA	Turner County, SD	504	618	621	+ 0.5%
Stockton, CA MSA	Stockton--Lodi, CA MSA	734	758	846	+ 11.6%
Syracuse, NY MSA	Syracuse, NY MSA	610	643	586	- 8.9%
Tampa-St. Petersburg-Clearwater, FL MSA	Tampa--St. Petersburg--Clearwater, FL MSA	805	838	838	NC
Virginia Beach-Norfolk-Newport News, VA-NC MSA	Norfolk--Virginia Beach--Newport News, VA--NC MSA	788	811	811	NC
Virginia Beach-Norfolk-Newport News, VA-NC MSA	Surry County, VA	485	811	811	NC
Codington County, SD	Codington County, SD	513	524	555	+ 5.9%
Davison County, SD	Davison County, SD	499	510	517	+ 1.4%
Yankton County, SD	Yankton County, SD	499	510	529	+ 3.7%

***Actual differences of up to 0.1 percent may occur because of rounding.**

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E. Large Bedroom Rents

FMR estimates are calculated for two-bedroom units. This is the most common size of rental units, and, therefore, the most reliable to survey and analyze. After each Decennial Census, rent relationships between two-bedroom units and other unit sizes are calculated and used to set FMRs for other units. This is done because it is much easier to update two-bedroom estimates and to use pre-established cost relationships with other bedroom sizes than it is to develop independent FMR estimates for each bedroom size, which was last done using 2000 Census data. A publicly releasable version of the data file that permits derivations of rent ratios is available at *http://www.huduser.org/datasets/fmr/CensusRentData/.*

The rents for three-bedroom and larger units continue to reflect HUD's policy to set higher rents for these units than would result from using normal market rents. This adjustment is intended to increase the likelihood that the largest families, which have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds bonuses of 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero-bedroom (efficiency) FMR.

A further adjustment was made using 2000 Census data in establishing rent ratios for areas with local bedroom-size intervals above or below what are considered to be reasonable ranges or where sample sizes are inadequate to accurately measure bedroom rent differentials. Experience has shown that highly unusual bedroom ratios typically reflect inadequate sample sizes or peculiar local circumstances that HUD would not want to utilize in setting FMRs (*e.g.*, luxury efficiency apartments in New York City that rent for more than typical one-bedroom units). Bedroom interval ranges were established based on an analysis of the range of such intervals for all areas with large enough

samples to permit accurate bedroom ratio determinations. The following ranges were used: efficiency units were between 0.65 and 0.83 of the two-bedroom FMR, one-bedroom units were between 0.76 and 0.90 of the two-bedroom unit, three-bedroom units were between 1.10 and 1.34 of the two-bedroom unit, and four-bedroom units were between 1.14 and 1.63 of the two-bedroom unit. Bedroom rents for a given FMR area were then adjusted if the differentials between bedroom-size FMRs were inconsistent with normally observed patterns (*e.g.*, efficiency rents were not allowed to be higher than one-bedroom rents and four-bedroom rents were set at a minimum of 3 percent higher than three-bedroom rents).

For low-population, nonmetropolitan counties with small Census recent-mover rent samples, Census-defined county group data were used in determining rents for each bedroom size. This adjustment was made to protect against unrealistically high or low FMRs due to insufficient sample sizes. The areas covered by this new estimation method had less than the HUD standard of 200 two-bedroom, Census-tabulated observations.

V. Manufactured Home Space Surveys

The FMR used to establish payment standard amounts for the rental of manufactured home spaces in the Housing Choice Voucher program is 40 percent of the FMR for a two-bedroom unit. HUD will consider modification of the manufactured home space FMRs where public comments present statistically valid survey data showing the 40th percentile manufactured home space rent (including the cost of utilities) for the entire FMR area.

All approved exceptions to these rents that were in effect in FY2005 were updated to FY2006 using the same data used to estimate the Housing Choice Voucher program FMRs if the respective FMR area's definition had remained the same. If the result of this computation was higher than 40 percent of the rebenchmarked two-bedroom rent, the exception remained and is listed in Schedule D. The FMR area definitions used for the rental of manufactured home spaces are the same as the area definitions used for the other FMRs. Areas with definitional changes that previously had exception, manufactured housing space rental FMRs have been requested to submit new surveys to justify higher than standard space rental FMRs if they believe higher space rental allowances are needed.

VI. Request for Public Comments

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one or more of the unit-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

For the supporting data, HUD recommends the use of professionally conducted RDD telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of approximately $20,000 to $30,000. Areas with 500 or more program units usually meet this cost criterion, and areas with fewer units may meet it if actual rents for two-bedroom units are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan public housing agencies (PHAs). This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of $5,000 or less.

PHAs in nonmetropolitan areas may, under certain circumstances, conduct surveys of groups of counties. HUD must approve all county-grouped surveys in advance. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties whose FMRs are based on the combined rents in the cluster of FMR areas will not have their FMRs revised unless the grouped survey results show a revised FMR above the combined rent level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled, ''Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain the guide entitled, ''Rental Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments.'' These guides are available from HUD USER on 800–245–2691, or from HUD's Web site, in Microsoft Word or Adobe Acrobat format, at *http://www.huduser.org/datasets/fmr.html.*

In providing data to support comments, other survey methodologies are acceptable if the survey methodology can provide statistically reliable, unbiased estimates of the gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The Decennial Census should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock.

Most surveys cover only one- and two-bedroom units, which has statistical advantages. If the survey is statistically acceptable, HUD will estimate FMRs for other bedroom sizes using ratios based on the Decennial Census. A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations HUD is prepared to relax normal sample size requirements.

HUD will consider increasing manufactured home space FMRs where public comment demonstrates that 40 percent of the two-bedroom FMR is not adequate. In order to be accepted as a basis for revising the manufactured home space FMRs, comments must include a pad rental survey of the mobile home parks in the area, identify the utilities included in each park's rental fee, and provide a copy of the applicable PHA's utility schedule.

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR Part 888, are proposed to be amended as shown in the Appendix to this notice:

Dated: May 26. 2005.

Roy A. Bernardi,

Deputy Secretary.

Fair Market Rents for the Housing Choice Voucher Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. *Metropolitan Areas*—FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are

in direct competition. The proposed FY2006 FMRs reflect a change in metropolitan area definitions. HUD is using the metropolitan Core-Based Statistical Areas (CBSA), which are made up of one or more counties, as defined by OMB, with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. *Modifications to OMB Definitions*—Following OMB guidance, the estimation procedure for the FY2006 proposed FMRs incorporates the 2003 OMB definitions of metropolitan areas based on the new CBSA standards as implemented with 2000 Census data, but makes adjustments to the definitions to separate subparts of these areas where FMRs would otherwise change significantly if the new area definitions were used without modification. In CBSAs where sub-areas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so as the social and economic integration of the CBSA component areas increases. Modifications to metropolitan CBSA definitions are made according to a formula as described below.

Metropolitan Areas CBSAs (referred to as Metropolitan Statistical Areas or MSAs) may be modified to allow for sub-area FMRs within MSAs based on the boundaries of old FMR areas (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs)). Collectively, they include old definition MSAs/PMSAs, metropolitan counties deleted from old definition MSAs/PMSAs by HUD for FMR purposes, and counties and county parts outside of old definition MSAs/PMSAs referred to as nonmetropolitan counties. Sub-areas of MSAs are assigned their own FMRs when the sub-area 2000 Census Base Rent differs by at least 5 percent from (i.e., is at most 95 percent or at least 105 percent of) the MSA 2000 Census Base Rent. MSA sub-areas, and the remaining portions of MSAs after sub-areas have been determined, are referred to as HMFAs to distinguish these areas from OMB's official definition of MSAs.

The specific counties (or New England towns and cities) within each state in MSAs and HMFAs are listed in the FMR tables.

2. Bedroom Size Adjustments

Schedule B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4 bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR. FMRs for single room occupancy (SRO) units are 0.75 times the 0-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each state. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by state.

b. The constituent counties (or New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

Appendix I—Detailed Explanation of How New FMR Areas Determined

A. Use and Modification of New OMB Metropolitan Area Definitions

Following OMB guidance, the estimation procedure for the FY2006 proposed FMRs incorporates the 2003 OMB definitions of metropolitan areas based on the new Core-Based Statistical Area (CBSA) standards as implemented with 2000 Census data, but makes adjustments to the definitions to separate subparts of these areas where FMRs would otherwise change significantly if the new area definitions were used without modification. In CBSAs where sub-areas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so as the social and economic integration of the CBSA component areas increases.

The geographic baseline for the new estimation procedure is the CBSA Metropolitan Areas (referred to as Metropolitan Statistical Areas or MSAs) and CBSA Nonmetropolitan Counties (nonmetropolitan counties include the county components of Micropolitan CBSAs where the counties are generally assigned separate FMRs). The proposed HUD-modified CBSA definitions allow for sub-area FMRs within MSAs based on the boundaries of ''Old FMR Areas'' (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs). Collectively, they include June 30, 1999, OMB definition Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas (old definition MSAs/PMSAs), metropolitan counties deleted from old definition MSAs/PMSAs by HUD for FMR purposes, and counties and county parts outside of old definition MSAs/PMSAs referred to as non-metropolitan counties. Sub-areas of MSAs are assigned their own FMRs when the sub-area 2000 Census Base Rent differs significantly from the MSA 2000 Census Base Rent. MSA sub-areas, and the remaining portions of MSAs after sub-areas have been determined, are referred to as ''HUD Metro FMR Areas (HMFAs)'' to distinguish these areas from OMB's official definition of MSAs. The proposed FY2006 FMRs are calculated using a three-step process designed to: (1) Identify MSAs that should be broken up into HMFAs because of quantified differences in OFA and CBSA rents; (2) capture information used to set the FY2005 Revised Final FMRs; and (3) update the FMRs to FY2006 and move the FMR estimation process toward a CBSA-based geography.

1. Step 1, Identifying Housing Markets

To identify MSAs that should be broken up into HMFAs because rental-housing markets are not yet well integrated, HUD compares 2000 Census Base Rents for the MSAs to 2000 Census Base Rent for the parts of each MSA that were in different OFAs and, therefore, had different FY2005 Revised Final FMRs. The parts of each MSA that were in different OFAs are referred to here as ''candidate sub-areas.'' If the 2000 Census Base Rent of a candidate sub-area differs from the MSA 2000 Census Base Rent by at least 5 percent (i.e., is at 95 percent or less or 105 percent or more) of the MSA 2000 Census Base Rent, then the candidate sub-area is designated as an HMFA and is assigned its own 2000 Census Base Rent to be updated, as described below, to derive the proposed FY2006 FMR. HUD identifies the HMFA with a name based on its geography and ending with ''HUD Metro FMR Area'' to distinguish it from the parent MSA.

The remaining candidate sub-areas within an MSA, having candidate sub-area 2000 Census Base Rents that differ from the MSA 2000 Census Base Rent by less than 5 percent (i.e., are 95 percent or more and 105 percent or less of the MSA 2000 Census Base Rent), are combined to form an HMFA and are assigned the MSA 2000 Base Rent which is updated, as described below, to derive the proposed FY2006 FMR. HUD identifies the HMFA with a name based on its geography and ending with ''HUD Metro FMR Area'' to distinguish it from the parent MSA.

MSAs with no candidate sub-areas, or where all candidate sub-areas have 2000 Census Base Rents within 5 percent of the MSA 2000 Census Base Rent, are assigned the MSA 2000 Census Base Rent, which is updated, as described below, to derive the proposed FY2006 FMR. Since these areas do not vary from OMB's official metropolitan area definitions, HUD identifies them with their official MSA names as determined by OMB.

Generally, 2000 Census Base Rents for MSAs, HMFAs, and nonmetropolitan counties are set at the 40th percentile rent of recent movers in standard quality two-

bedroom units. Base Rents are set at the 50th percentile recent mover rent if at least 75 percent of the population of the MSA, HMFA, or nonmetropolitan county was in an OFA with a 50th percentile FMR. In all cases except the Bergen-Passaic, NJ HMFA, the 40th percentile 2000 Census Base Rents are used to evaluate whether HMFAs are created from MSAs. The Bergen-Passaic, NJ HMFA was unique among the former FY2005 FMR areas with 50th percentile FMRs in that if the 50th percentile rent had not been used as its 2000 Census Base Rent for establishing the HMFA, the Bergen-Passaic, NJ HMFA would have been made part of a larger HMFA with no mechanism within the formula established in this notice to continue its 50th percentile FMR.

The 2000 Census data for any candidate sub-area must be sufficient to estimate a reliable FMR. HUD's standard is that at least 200 Census-tabulated cases are needed for a reliable 2000 Census Base Rent estimate. Candidate sub-areas with insufficient samples are combined with adjacent candidate sub-areas and 2000 Census Base Rents (as well as 2000-to-2005 update factors as described below) are computed for the combined areas. (See Table 3 for a list of counties and New England towns combined with different candidate sub-areas because of insufficient sample size). Nonmetropolitan counties must also meet the 200-case standard to get their own 2000 Census Base Rent. Nonmetropolitan counties with fewer than 200 cases are assigned the 2000 Census Base Rent of contiguous county groups designated by the Census Bureau for purposes of releasing data under the Public Use Microdata Sample program.

In New England, some towns that formerly were part of a metropolitan OFA are now in nonmetropolitan counties under the new OMB metropolitan area definitions. Because these towns were outlying parts of old metropolitan areas and were determined to have limited interaction with the old metropolitan areas, HUD did not include formerly metropolitan parts of now nonmetropolitan counties in developing HMFAs, but instead followed OMB's county-based area designations.

2. Step 2, Capturing 2000 to 2005 Update Information

MSA, HMFA, and nonmetropolitan county FMRs are updated from the 2000 Census Base Rents to 2005 using a population-weighted average aggregate update factor (WAUF). Within each component of a MSA, HMFA, or nonmetropolitan county having a different FY2005 Revised Final FMR (i.e., within a different OFA), the aggregate 2000-to-2005 OFA update factor is computed by dividing the FY2005 Revised Final FMR by the 2000 Census Base Rent for the OFA. The WAUF is computed by multiplying each component OFA update factor by the part of the population of the MSA, HMFA, or nonmetropolitan county in each of the OFAs, summing these products, and dividing by the total population of the MSA, HMFA, or nonmetropolitan county. The WAUF is then applied to the 2000 Census Base Rent for the MSA, HMFA, or nonmetropolitan county to determine the 2005 Rent.

3. Step 3, Updating From 2005 to 2006 on an MSA Basis

For each MSA and nonmetropolitan county, a 2005-to-2006 update factor is computed based on available information, such as local or regional CPI data, or the results of a local RDD survey. Most of the HMFA FMRs in an MSA are updated from 2005 to 2006 using MSA-wide update factors. Exceptions to this practice are areas where HUD conducted RDDs at the HMFA level, and where there are variations among HMFAs with local CPI update factors in the utilities-to-gross rent ratio. Numerical examples of this approach are provided in the following sections.

B. Numerical Examples of Proposed FY2006 FMR Computations

FMRs are estimated for all MSAs as follows: the 40th percentile rent for renters who recently moved into two-bedroom standard quality units is estimated for each MSA using the 2000 Census. This is the MSA 2000 Census Base Rent. The MSA 2000 Census Base Rent is updated through 2005 by applying the population-weighted average of the update factors used to produce the Revised Final FY2005 FMRs for OFAs (or OFA parts) within the MSA. Multiplying the MSA 2000 Census Base rent by the blended 2005 update factor, and that result (the 2005 intermediate rent) by an MSA-based 2005-to-2006 update factor, produces the proposed FY2006 FMR.

For areas without RDDs, the FY2006 FMRs equal the Base 2000 FMR times the 2000-to-2005 update factor times the most recent year's local or regional CPI change. (Strictly speaking, a year of trending is removed, the most recent annual rent change factor is used as a replacement, and another year of trending is then added.) For areas with MSA RDDs, the same process is used, but the 2005-to-2006 update factor is based on the RDD change. For instance, a forward-trended April 2005 RDD result for an MSA would be compared with the FY2006 evaluated rent calculated from the 2000 Census Base MSA Rent, the MSA 2000-to-2005 update factor, and the MSA 2005-to-2006 update factor. If the MSA 2006 evaluated rent is outside the 90 percent confidence interval of the RDD, then the MSA 2005-to-2006 update factor is set at the ratio of the RDD result to the 2005 MSA intermediate rent. This ratio is used as the 2005-to-2006 update factor for all HMFAs within the MSA in the event that the MSA has been split into more than one HMFA.

The following paragraphs provide examples of different ways the proposed FY2006 FMRs are computed based on the differences in geography and 2000 Census Base Rents between the Revised Final FY2005 FMRs and the proposed FY2006 FMRs.

1. No Geographic Change

The A MSA has the same geographic definition as OFA A. In this case, the proposed FY2006 FMR is simply an update of the OFA A Revised Final FY2005 FMR. That is because the 2000 Census Base Rent for the A MSA is identical to that of OFA A, and there is no need to compute a weighted average 2000-to-2005 update factor because there is only one OFA in the A MSA. This same logic applies to nonmetropolitan counties, and to any new MSA that consists of a part of a single OFA.

2. Candidate Sub-Areas in an MSA With Similar 2000 Census Base Rents

HUD examined MSA sub-areas in establishing proposed FY2006 FMR areas. Candidate sub-areas considered for calculation of separate FMRs were generally determined from the way MSAs are divided by OFAs. Any candidate sub-area with a 2000 Census Base Rent that differs from the MSA Census Base Rent by 5 percent or more is designated an HMFA and receives a separate proposed FY2006 FMR based on its own 2000 Census Base Rent and OFA 2000-to-2005 update factor. Remaining candidate sub-areas with 2000 Census Base Rents that differ from their MSA Census Base Rent by less than 5 percent are combined into HMFAs, receive the MSA Base Rent, and are updated to 2005 using a population-weighted average of their component OFA 2000-to-2005 update factors. All HMFAs are updated from 2005-to-2006 using the same MSA-wide update factor.

The D–E MSA is made up of OFA D and part of OFA E. These two areas are candidate sub-areas of the D–E MSA. Suppose they had the following characteristics:

Area	2000 population	2000 census base rent	2000-to-2005 FMR update factor from OFA FMRs
Candidate Sub-area D	700,000	$700	1.250
Candidate Sub-area E	300,000	740	1.210
D–E MSA Total	1,000,000	710	1.238

The 2000 Census Base Rents of the candidate sub-areas D and E do not differ from the D–E MSA 2000 Census Base Rent by more than 5 percent, and is calculated as follows:

($710 − $700)/$710 = $10/$710 = 1.4% < 5%, and
($740 − $710)/$710 = $30/$710 = 4.2% < 5%.

Therefore, HUD does not establish sub-areas within the D–E MSA; the D–E MSA is a single proposed FY2006 FMR area.

The update factor for the D–E MSA through 2005 is:

(1.250 × 700,000 + 1.210 × 300,000)/1,000,000
= (875,000 + 363,000)/1,000,000
= (1,238,000)/1,000,000 = 1.238

The 2005 intermediate rent estimate for the D–E MSA is $710 × 1.238 = $879. The 2005-to-2006 regional update factor for D–E MSA is 1.03 for a proposed FY2006 FMR of:

$710 × 1.238 × 1.03
= $879 × 1.03 = $905.

3. Candidate Sub-areas in an MSA With Dissimilar 2000 Census Base Rents

Next, consider the X-Y-Z MSA made up of three candidate sub-areas with the following characteristics:

Area	2000 population	2000 census base rent	2000-to-2005 FMR update factor from OFA FMRs
Candidate Sub-area X	500,000	$700	1.280
Candidate Sub-area Y	300,000	715	1.230
Candidate Sub-area Z	200,000	625	1.200
X–Y–Z MSA Total	1,000,000	690	1.249

Suppose further that the regionally estimated 2005-to-2006 update factor for the X–Y–Z MSA is 1.03. First, the 2000 Census Base Rents for candidate sub-areas X and Y differ from the MSA 2000 Census Base Rent by less than 5 percent:

($700—$690)/$690 = $10/ $690 = 1.45 % < 5%, and
($715—$690)/$690 = $25/$690 = 3.62 % < 5%.

Therefore, these two areas are assigned the MSA 2000 Census Base Rent and form the X–Y HUD Metro FMR Area. Their combined 2000-to-2005 update factor is derived from the 2000 Census-to-Revised Final FY2005 FMR update factors for their OFAs:

(1.28 × 500,000 + 1.23 × 300,000)/800,000
= (640,000 + 369,000)/800,000
= 1,009,000/800,000 = 1.2613.

The proposed FY2006 FMR for the X-Y HUD Metro FMR Area is therefore:

$690 × 1.2613 × 1.03
= $870 × 1.03 = $896.

In candidate sub-area Z, the 2000 Census Base Rent differs from the X–Y–Z MSA 2000 Census Base Rent by more than 5 percent [($690—$625)/$690 = $65/$690 = 9.42% > 5%], so it is designated the Z HUD Metro FMR Area. Because of its difference from the X–Y–Z MSA 2000 Census Base Rent, the proposed FY2006 FMR for the Z HUD Metro FMR Area is estimated using that area's own 2000 Census Base Rent, a 2000-to-2005 FMR update factor derived from its OFA 2000 Census Base Rent to Revised Final FY2005 FMR update factor, and the X–Y–Z MSA 2005-to-2006 update factor. The proposed FY2006 FMR for the Z HUD Metro FMR Area is:

$625.00 × 1.20 × 1.03
= $750 × 1.03 = $773.

4. Application of an MSA RDD in an MSA With HMFAs

Finally, suppose that an RDD survey was performed in X–Y–Z MSA. The results of the MSA RDD survey are compared to a 2006 evaluated rent for the MSA. The 2006 X–Y–Z MSA evaluated rent is computed from the X–Y–Z MSA 2000 Census Base Rent, the combined 2000-to-2005 update factor for all of the candidate sub-areas, and the regionally estimated 2005-to-2006 update factor for the X–Y–Z MSA as follows:

$690 × [(1.28 × 500,000 + 1.23 × 300,000 + 1.20 × 200,000)/1,000,000] × 1.03
= $690 × [(640,000 + 369,000 + 240,000)/1,000,000] × 1.03
= $690 × [1,249,000/1,000,000] × 1.03
= $690 ×1.249 × 1.03
= $862 × 1.03 = $888

The RDD finds, however, that the proposed FY2006 FMR for the X–Y–Z MSA should be $800. So, the actual RDD-based 2005-to-2006 update factor for the X–Y–Z MSA is set at the ratio of the RDD result to the MSA 2005 intermediate rent:

$800/$862 = 0.9281.

The FMRs for the X–Y HUD Metro FMR Area and the Z HUD Metro FMR Area are computed by applying the MSA RDD-based 2005-to-2006 update factor (0.9281) to the two HMFAs' 2005 intermediate rents. Therefore, the proposed FY2006 FMR for the X–Y HUD Metro FMR Area is:

$690 × 1.2613 × 0.9281
= $870 × 0.9281 = $808,
and the proposed FY2006 FMR for the Z HUD Metro FMR Area is:
$625.00 × 1.20 × 0.9281
= $750 × 0.9281 = $696.

APPENDIX II.—CANDIDATE MSA SUB-AREAS WITH INSUFFICIENT FMR SAMPLE ASSIGNED TO ADJACENT AREAS

State	County or New England city or town	Old FMR area (OFA)	New MSA or HUD Metro FMR area assigned to
Alabama	Bibb County	Bibb County	Birmingham-Hoover, AL MSA.
	Geneva County	Geneva County	Dothan, AL MSA.
	Greene County	Greene County	Tuscaloosa, AL MSA.
	Hale County	Hale County	Tuscaloosa, AL MSA.
	Lowndes County	Lowndes County	Montgomery, AL MSA.
Arkansas	Cleveland County	Cleveland County	Pine Bluff, AR MSA.
	Lincoln County	Lincoln County	Pine Bluff, AR MSA.
	Madison County	Madison County	Fayetteville-Springdale-Rogers, AR-MO MSA.
	Perry County	Perry County	Little Rock-North Little Rock, AR MSA.
Colorado	Clear Creek County	Clear Creek County	Denver-Aurora, CO MSA.
	Elbert County	Elbert County	Denver-Aurora, CO MSA.
	Gilpin County	Gilpin County	Denver-Aurora, CO MSA.
Connecticut	Hartland town	Hartford County	Hartford-West Hartford-East Hartford, CT MSA.
	Chester town	Middlesex County	Hartford-West Hartford-East Hartford, CT MSA.
	Clinton town	New Haven-Meriden, CT	Southern Middlesex County, CT HUD Metro FMR Area.
	Deep River town	Middlesex County	Southern Middlesex County, CT HUD Metro FMR Area.
	Essex town	Middlesex County	Southern Middlesex County, CT HUD Metro FMR Area.
	Killingworth town	New Haven-Meriden, CT	Southern Middlesex County, CT HUD Metro FMR Area.
	Old Saybrook town	New London-Norwich, CT-RI	Southern Middlesex County, CT HUD Metro FMR Area.
	Westbrook town	Middlesex County	Southern Middlesex County, CT HUD Metro FMR Area.
	Lyme town	New London County	Norwich-New London, CT MSA.

APPENDIX II.—CANDIDATE MSA SUB-AREAS WITH INSUFFICIENT FMR SAMPLE ASSIGNED TO ADJACENT AREAS—Continued

State	County or New England city or town	Old FMR area (OFA)	New MSA or HUD Metro FMR area assigned to
	Voluntown town	New London County	Norwich-New London, CT MSA.
	Union town	Tolland County	Hartford-West Hartford-East Hartford, CT MSA.
Florida	Gilchrist County	Gilchrist County	Gainesville, FL MSA.
	Jefferson County	Jefferson County	Tallahassee, FL MSA.
Georgia	Baker County	Baker County	Albany, GA MSA.
	Brantley County	Brantley County	Brunswick, GA MSA.
	Brooks County	Brooks County	Valdosta, GA MSA.
	Burke County	Burke County	Augusta-Richmond County, GA-SC MSA.
	Crawford County	Crawford County	Macon, GA MSA.
	Dawson County	Dawson County	Atlanta-Sandy Springs-Marietta, GA MSA.
	Echols County	Echols County	Valdosta, GA MSA.
	Heard County	Heard County	Atlanta-Sandy Springs-Marietta, GA MSA.
	Jasper County	Jasper County	Atlanta-Sandy Springs-Marietta, GA MSA.
	Lanier County	Lanier County	Valdosta, GA MSA.
	McIntosh County	McIntosh County	Brunswick, GA MSA.
	Marion County	Marion County	Columbus, GA-AL MSA.
	Oglethorpe County	Oglethorpe County	Athens-Clarke County, GA MSA.
	Pike County	Pike County	Atlanta-Sandy Springs-Marietta, GA MSA.
	Terrell County	Terrell County	Albany, GA MSA.
	Worth County	Worth County	Albany, GA MSA.
Idaho	Boise County	Boise County	Boise City-Nampa, ID MSA.
	Franklin County	Franklin County	Logan, UT-ID MSA.
	Jefferson County	Jefferson County	Idaho Falls, ID MSA.
	Owyhee County	Owyhee County	Boise City-Nampa, ID MSA.
	Power County	Power County	Pocatello, ID MSA.
Illinois	Calhoun County	Calhoun County	St. Louis, MO-IL MSA.
	Ford County	Ford County	Champaign-Urbana, IL MSA.
	Marshall County	Marshall County	Peoria, IL MSA.
	Mercer County	Mercer County	Davenport-Moline-Rock Island, IA-IL MSA.
	Piatt County	Piatt County	Champaign-Urbana, IL MSA.
	Stark County	Stark County	Peoria, IL MSA.
Indiana	Benton County	Benton County	Lafayette, IN MSA.
	Brown County	Brown County	Indianapolis, IN MSA.
	Franklin County	Franklin County	Cincinnati-Middletown, OH-KY-IN MSA.
	Newton County	Newton County	Gary, IN HUD Metro FMR Area.
	Ohio County	Cincinnati, OH-KY-IN	Cincinnati-Middletown, OH-KY-IN MSA.
Iowa	Grundy County	Grundy County	Waterloo-Cedar Falls, IA MSA.
	Guthrie County	Guthrie County	Des Moines, IA MSA.
	Harrison County	Harrison County	Omaha-Council Bluffs, NE-IA MSA.
	Madison County	Madison County	Des Moines, IA MSA.
	Mills County	Mills County	Omaha-Council Bluffs, NE-IA MSA.
Kansas	Doniphan County	Doniphan County	St. Joseph, MO-KS MSA.
	Jackson County	Jackson County	Topeka, KS MSA.
	Jefferson County	Jefferson County	Topeka, KS MSA.
	Linn County	Linn County	Kansas City, MO-KS MSA.
	Osage County	Osage County	Topeka, KS MSA.
	Wabaunsee County	Wabaunsee County	Topeka, KS MSA.
Kentucky	Bracken County	Bracken County	Cincinnati-Middletown, OH-KY-IN MSA.
	Edmonson County	Edmonson County	Bowling Green, KY MSA.
	Gallatin County	Cincinnati, OH-KY-IN	Cincinnati-Middletown, OH-KY-IN MSA.
	Hancock County	Hancock County	Owensboro, KY MSA.
	Henry County	Henry County	Louisville, KY-IN MSA.
	Larue County	Larue County	Elizabethtown, KY MSA.
	McLean County	McLean County	Owensboro, KY MSA.
	Pendleton County	Cincinnati, OH-KY-IN	Cincinnati-Middletown, OH-KY-IN MSA.
	Spencer County	Spencer County	Louisville, KY-IN MSA.
	Trigg County	Trigg County	Clarksville, TN-KY MSA.
	Trimble County	Trimble County	Louisville, KY-IN MSA.
	Webster County	Webster County	Evansville, IN-KY MSA.
Louisiana	Cameron Parish	Cameron Parish	Lake Charles, LA MSA.
	De Soto Parish	De Soto Parish	Shreveport-Bossier City, LA MSA.
	East Feliciana Parish	East Feliciana Parish	Baton Rouge, LA MSA.
	Grant Parish	Grant Parish	Alexandria, LA MSA.
	Pointe Coupee Parish	Pointe Coupee Parish	Baton Rouge, LA MSA.
	St. Helena Parish	St. Helena Parish	Baton Rouge, LA MSA.
	Union Parish	Union Parish	Monroe, LA MSA.
	West Feliciana Parish	West Feliciana Parish	Baton Rouge, LA MSA.
Maine	Durham town	Androscoggin County	Lewiston-Auburn, ME MSA.
	Leeds town	Androscoggin County	Lewiston-Auburn, ME MSA.
	Livermore town	Androscoggin County	Lewiston-Auburn, ME MSA.

APPENDIX II.—CANDIDATE MSA SUB-AREAS WITH INSUFFICIENT FMR SAMPLE ASSIGNED TO ADJACENT AREAS—Continued

State	County or New England city or town	Old FMR area (OFA)	New MSA or HUD Metro FMR area assigned to
	Livermore Falls town	Androscoggin County	Lewiston-Auburn, ME MSA.
	Minot town	Androscoggin County	Lewiston-Auburn, ME MSA.
Massachusetts	Blandford town	Hampden County	Springfield, MA MSA.
	Brimfield town	Hampden County	Springfield, MA MSA.
	Chester town	Hampden County	Springfield, MA MSA.
	Granville town	Hampden County	Springfield, MA MSA.
	Holland town	Worcester, MA—CT	Springfield, MA MSA.
	Tolland town	Hampden County	Springfield, MA MSA.
	Wales town	Hampden County	Springfield, MA MSA.
	Chesterfield town	Hampshire County	Springfield, MA MSA.
	Cummington town	Hampshire County	Springfield, MA MSA.
	Goshen town	Hampshire County	Springfield, MA MSA.
	Middlefield town	Hampshire County	Springfield, MA MSA.
	Pelham town	Hampshire County	Springfield, MA MSA.
	Plainfield town	Hampshire County	Springfield, MA MSA.
	Westhampton town	Hampshire County	Springfield, MA MSA.
	Worthington town	Hampshire County	Springfield, MA MSA.
	Ashby town	Fitchburg—Leominster, MA	Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area.
	Marion town	New Bedford, MA	Brockton, MA HUD Metro FMR Area.
	Mattapoisett town	New Bedford, MA	Brockton, MA HUD Metro FMR Area.
	Rochester town	New Bedford, MA	Brockton, MA HUD Metro FMR Area.
Minnesota	Dodge County	Dodge County	Rochester, MN MSA.
Mississippi	Copiah County	Copiah County	Jackson, MS MSA.
	George County	George County	Pascagoula, MS MSA.
	Perry County	Perry County	Hattiesburg, MS MSA.
	Stone County	Stone County	Gulfport-Biloxi, MS MSA.
Missouri	Caldwell County	Caldwell County	Kansas City, MO-KS MSA.
	DeKalb County	DeKalb County	St. Joseph, MO-KS MSA.
	Howard County	Howard County	Columbia, MO MSA.
	Osage County	Osage County	Jefferson City, MO MSA.
Montana	Carbon County	Carbon County	Billings, MT MSA.
Nebraska	Dixon County	Dixon County	Sioux City, IA-NE-SD MSA.
Nevada	Storey County	Storey County	Reno-Sparks, NV MSA.
New Hampshire	Pelham town	Lowell, MA—NH	Nashua, NH HUD Metro FMR Area.
	Deerfield town	Rockingham County	Western Rockingham County, NH HUD Metro FMR Area.
	Northwood town	Rockingham County	Western Rockingham County, NH HUD Metro FMR Area.
	Nottingham town	Rockingham County	Western Rockingham County, NH HUD Metro FMR Area.
	Middleton town	Strafford County	Portsmouth-Rochester, NH HUD Metro FMR Area.
	New Durham town	Strafford County	Portsmouth-Rochester, NH HUD Metro FMR Area.
	Strafford town	Strafford County	Portsmouth-Rochester, NH HUD Metro FMR Area.
New Mexico	Torrance County	Torrance County	Albuquerque, NM MSA.
Rhode Island	New Shoreham town	Washington County	Westerly-Hopkinton-New Shoreham, RI HUD Metro FMR Area.
South Carolina	Calhoun County	Calhoun County	Columbia, SC MSA.
	Fairfield County	Fairfield County	Columbia, SC MSA.
	Saluda County	Saluda County	Columbia, SC MSA.
South Dakota	McCook County	McCook County	Sioux Falls, SD MSA.
	Turner County	Turner County	Sioux Falls, SD MSA.
	Union County	Union County	Sioux City, IA-NE-SD MSA.
Tennessee	Cannon County	Cannon County	Nashville-Davidson—Murfreesboro, TN MSA.
	Polk County	Polk County	Cleveland, TN MSA.
	Sequatchie County	Sequatchie County	Chattanooga, TN-GA MSA.
	Trousdale County	Trousdale County	Nashville-Davidson—Murfreesboro, TN MSA.
Texas	Armstrong County	Armstrong County	Amarillo, TX MSA.
	Bandera County	Bandera County	San Antonio, TX MSA.
	Burleson County	Burleson County	College Station-Bryan, TX MSA.
	Callahan County	Callahan County	Abilene, TX MSA.
	Carson County	Carson County	Amarillo, TX MSA.
	Clay County	Clay County	Wichita Falls, TX MSA.
	Crosby County	Crosby County	Lubbock, TX MSA.
	Delta County	Delta County	Dallas-Fort Worth-Arlington, TX MSA.
	Goliad County	Goliad County	Victoria, TX MSA.
	Irion County	Irion County	San Angelo, TX MSA.
	Jones County	Jones County	Abilene, TX MSA.
	Robertson County	Robertson County	College Station-Bryan, TX MSA.
	San Jacinto County	San Jacinto County	Houston-Baytown-Sugar Land, TX MSA.
Utah	Juab County	Juab County	Provo-Orem, UT MSA.
	Morgan County	Morgan County	Ogden-Clearfield, UT MSA.
Vermont	Bolton town	Chittenden County	Burlington-South Burlington, VT MSA.

APPENDIX II.—CANDIDATE MSA SUB-AREAS WITH INSUFFICIENT FMR SAMPLE ASSIGNED TO ADJACENT AREAS—Continued

State	County or New England city or town	Old FMR area (OFA)	New MSA or HUD Metro FMR area assigned to
	Buels gore	Chittenden County	Burlington-South Burlington, VT MSA.
	Huntington town	Chittenden County	Burlington-South Burlington, VT MSA.
	Underhill town	Chittenden County	Burlington-South Burlington, VT MSA.
	Westford town	Chittenden County	Burlington-South Burlington, VT MSA.
	Bakersfield town	Franklin County	Burlington-South Burlington, VT MSA.
	Berkshire town	Franklin County	Burlington-South Burlington, VT MSA.
	Enosburg town	Franklin County	Burlington-South Burlington, VT MSA.
	Fairfield town	Franklin County	Burlington-South Burlington, VT MSA.
	Fletcher town	Franklin County	Burlington-South Burlington, VT MSA.
	Franklin town	Franklin County	Burlington-South Burlington, VT MSA.
	Highgate town	Franklin County	Burlington-South Burlington, VT MSA.
	Montgomery town	Franklin County	Burlington-South Burlington, VT MSA.
	Richford town	Franklin County	Burlington-South Burlington, VT MSA.
	Sheldon town	Franklin County	Burlington-South Burlington, VT MSA.
	Alburg town	Grand Isle County	Burlington-South Burlington, VT MSA.
	Isle La Motte town	Grand Isle County	Burlington-South Burlington, VT MSA.
	North Hero town	Grand Isle County	Burlington-South Burlington, VT MSA.
Virginia	Amelia County	Amelia County	Richmond, VA MSA.
	Appomattox County	Appomattox County	Lynchburg, VA MSA.
	Caroline County	Caroline County	Richmond, VA MSA.
	Clarke County	Clarke County, VA	Washington-Arlington-Alexandria, DC-VA-MD-WV MSA.
	Craig County	Craig County	Roanoke, VA MSA.
	Cumberland County	Cumberland County	Richmond, VA MSA.
	King and Queen County	King and Queen County	Richmond, VA MSA.
	King William County	King William County	Richmond, VA MSA.
	Nelson County	Nelson County	Charlottesville, VA MSA.
	Surry County	Surry County	Virginia Beach-Norfolk-Newport News, VA-NC MSA.
	Sussex County	Sussex County	Richmond, VA MSA.
Washington	Skamania County	Skamania County	Portland-Vancouver-Beaverton, OR-WA MSA.
West Virginia	Clay County	Clay County	Charleston, WV MSA.
	Lincoln County	Lincoln County	Charleston, WV MSA.
	Morgan County	Morgan County	Hagerstown-Martinsburg, MD-WV MSA.
	Pleasants County	Pleasants County	Parkersburg-Marietta, WV-OH MSA.
	Wirt County	Wirt County	Parkersburg-Marietta, WV-OH MSA.
Wisconsin	Kewaunee County	Kewaunee County	Green Bay, WI MSA.
Puerto Rico	Añasco Municipio	Mayağez, PR	Aguadilla-Isabela-San Sebastián, PR MSA.

Note: Counties or New England cities or towns with common Old FMR Area names are in the same insufficient sample candidate sub-area.

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 1

ALABAMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston-Oxford, AL MSA	346	382	474	626	736	Calhoun
Auburn-Opelika, AL MSA	342	407	525	691	709	Lee
Birmingham-Hoover, AL HMFA	469	521	581	737	759	Bibb, Blount, Jefferson, St. Clair, Shelby
Chilton County, AL HMFA	298	413	459	577	661	Chilton
Walker County, AL HMFA	372	373	447	558	610	Walker
Columbus, GA-AL MSA	454	479	548	729	863	Russell
Decatur, AL MSA	378	424	488	638	662	Lawrence, Morgan
Dothan, AL HMFA	337	396	449	574	656	Geneva, Houston
Henry County, AL HMFA	270	372	413	494	509	Henry
Florence-Muscle Shoals, AL MSA	399	400	486	620	768	Colbert, Lauderdale
Gadsden, AL MSA	315	398	484	620	640	Etowah
Huntsville, AL MSA	419	456	538	737	809	Limestone, Madison
Mobile, AL MSA	469	502	567	743	877	Mobile
Montgomery, AL MSA	450	532	599	794	1049	Autauga, Elmore, Lowndes, Montgomery
Tuscaloosa, AL MSA	391	452	586	753	776	Greene, Hale, Tuscaloosa

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baldwin	433	521	619	821	940	Barbour	363	364	437	541	557
Bullock	322	365	447	536	577	Butler	322	365	447	536	577
Chambers	347	377	418	567	585	Cherokee	380	381	458	545	563
Choctaw	334	353	403	511	683	Clarke	282	390	434	519	763
Clay	362	363	435	538	669	Cleburne	365	366	439	538	669
Coffee	348	397	450	616	790	Conecuh	334	353	403	511	683
Coosa	351	388	432	585	657	Covington	346	347	416	567	585
Crenshaw	322	365	447	536	577	Cullman	379	390	457	615	632
Dale	329	380	426	615	746	Dallas	289	402	446	562	603
DeKalb	323	343	433	576	592	Escambia	346	351	417	520	639
Fayette	241	280	368	537	648	Franklin	270	349	414	558	727
Jackson	344	373	414	527	727	Lamar	265	329	396	529	694
Macon	324	349	450	600	620	Marengo	356	378	429	556	571
Marion	267	312	411	522	722	Marshall	385	412	465	628	691
Monroe	335	364	404	559	618	Perry	356	378	429	556	571
Pickens	265	329	396	529	694	Pike	323	347	405	520	537
Randolph	362	363	435	538	669	Sumter	265	339	396	529	694
Talladega	368	369	442	596	779	Tallapoosa	347	356	436	615	714
Washington	334	353	403	511	683	Wilcox	334	353	403	511	683
Winston	271	309	407	487	501						

ALASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK HMFA	646	734	921	1326	1615	Anchorage
Matanuska-Susitna Borough, AK HMFA	524	611	779	1108	1345	Matanuska-Susitna
Fairbanks, AK MSA	540	649	830	1202	1269	Fairbanks North Star

ALASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians East	673	765	970	1199	1236	Aleutians West	673	765	970	1199	1236
Bethel	771	966	1172	1402	2058	Bristol Bay	673	765	970	1199	1236
Denali	569	702	876	1230	1385	Dillingham	673	765	970	1199	1236
Haines	569	702	876	1230	1385	Juneau	687	842	1059	1431	1783
Kenai Peninsula	508	581	707	969	1241	Ketchikan Gateway	606	774	930	1355	1633
Kodiak Island	648	759	999	1436	1519	Lake and Peninsula	673	765	970	1199	1236
Nome	675	867	995	1201	1237	North Slope	695	812	1067	1276	1313
Northwest Arctic	673	765	970	1199	1236	Prince of Wales-Outer Ketchikan	673	765	970	1199	1236
Sitka	646	745	889	1295	1560	Skagway-Hoonah-Angoon	673	765	970	1199	1236
Southeast Fairbanks	569	702	876	1230	1385	Valdez-Cordova	569	702	876	1230	1385
Wade Hampton	673	765	970	1199	1236	Wrangell-Petersburg	673	765	970	1199	1236
Yakutat	673	765	970	1199	1236	Yukon-Koyukuk	673	765	970	1199	1236

ARIZONA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ MSA	675	803	907	1166	1471	Coconino
*Phoenix-Mesa-Scottsdale, AZ MSA	544	638	770	1122	1338	Maricopa, Pinal
Prescott, AZ MSA	551	569	719	1048	1079	Yavapai
Tucson, AZ MSA	461	541	695	1001	1058	Pima
Yuma, AZ MSA	476	562	672	953	1168	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	348	426	504	699	886	Cochise	410	475	596	823	1011
Gila	447	524	689	946	974	Graham	466	502	562	777	894
Greenlee	426	473	594	816	924	La Paz	476	477	572	809	833
*Mohave	551	589	695	981	1114	Navajo	418	446	589	793	940
Santa Cruz	491	492	623	908	935						

ARKANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR HMFA	420	443	554	807	829	Benton, Madison, Washington
Fort Smith, AR-OK HMFA	335	381	474	631	688	Crawford, Sebastian
Franklin County, AR HMFA	278	363	427	541	661	Franklin
Hot Springs, AR MSA	358	445	553	690	712	Garland
Jonesboro, AR HMFA	408	428	490	677	698	Craighead
Poinsett County, AR HMFA	273	353	420	559	669	Poinsett
Little Rock-North Little Rock, AR HMFA	466	529	590	790	815	Faulkner, Lonoke, Perry, Pulaski, Saline
Grant County, AR HMFA	370	382	466	675	695	Grant
Memphis, TN-MS-AR HMFA	527	572	636	847	874	Crittenden
Pine Bluff, AR MSA	354	420	526	631	748	Cleveland, Jefferson, Lincoln
Texarkana, TX-Texarkana, AR MSA	422	426	525	641	697	Miller

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Arkansas	328	346	430	624	642	Ashley	355	368	483	579	637
Baxter	351	408	493	663	836	Boone	386	387	465	596	669

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING

ARKANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bradley	329	334	442	548	581
Carroll	401	402	482	608	846
Clark	363	368	474	611	629
Cleburne	414	414	497	681	875
Conway	370	381	445	613	667
Dallas	286	397	442	563	716
Drew	338	433	521	655	913
Greene	295	412	456	667	687
Hot Spring	375	376	450	590	608
Independence	317	378	456	590	640
Jackson	254	334	378	533	550
Lafayette	360	412	473	566	676
Lee	307	348	433	577	671
Logan	268	346	412	589	659
Mississippi	322	359	470	620	748
Montgomery	355	413	520	654	673
Newton	382	383	460	594	667
Phillips	339	342	409	533	549
Polk	345	374	415	540	656
Prairie	372	373	447	560	578
St. Francis	387	401	468	660	820
Searcy	382	383	460	594	667
Sharp	372	373	447	569	588
Union	390	410	469	608	789
White	391	392	471	640	658
Yell	357	376	432	592	611

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Calhoun	286	397	442	563	716
Chicot	329	334	442	548	581
Clay	310	312	385	493	525
Columbia	300	386	462	567	649
Cross	383	384	461	672	734
Desha	329	334	442	562	581
Fulton	349	351	439	577	644
Hempstead	357	400	468	561	644
Howard	300	349	393	506	523
Izard	349	351	439	577	644
Johnson	290	399	448	597	714
Lawrence	265	325	407	501	662
Little River	360	412	473	577	676
Marion	352	353	424	558	614
Monroe	372	373	447	560	578
Nevada	360	412	473	566	676
Ouachita	253	352	391	538	631
Pike	360	412	473	566	676
Pope	344	369	478	674	693
Randolph	283	354	435	520	763
Scott	319	320	384	531	673
Sevier	342	353	410	567	656
Stone	349	351	439	577	644
Van Buren	283	330	435	539	695
Woodruff	372	373	447	560	578

CALIFORNIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	485	524	624	902	1081	Kern
Chico, CA MSA	473	562	678	956	1141	Butte
El Centro, CA MSA	471	533	657	904	1152	Imperial
Fresno, CA MSA	540	595	702	1021	1100	Fresno
Hanford-Corcoran, CA MSA	495	527	612	892	1075	Kings
Los Angeles-Long Beach, CA HMFA	789	952	1189	1597	1921	Los Angeles
*Orange County, CA HMFA	1034	1161	1392	1992	2288	Orange
Madera, CA MSA	496	521	664	965	995	Madera
Merced, CA MSA	458	523	635	906	1057	Merced
Modesto, CA MSA	564	623	734	1053	1216	Stanislaus
Napa, CA MSA	754	845	1098	1519	1725	Napa
*Oxnard-Thousand Oaks-Ventura, CA MSA	1042	1156	1462	2127	2453	Ventura
Redding, CA MSA	464	540	657	959	1155	Shasta
Riverside-San Bernardino-Ontario, CA MSA	611	672	792	1114	1300	Riverside, San Bernardino
*Sacramento--Arden-Arcade--Roseville, CA HMFA	742	846	1008	1469	1712	El Dorado, Placer, Sacramento
Yolo, CA HMFA	679	719	879	1281	1362	Yolo
Salinas, CA MSA	827	931	1069	1510	1582	Monterey
*San Diego-Carlsbad-San Marcos, CA MSA	836	954	1158	1688	2036	San Diego

CALIFORNIA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Oakland-Fremont, CA HMFA	943	1130	1339	1865	2288	Alameda, Contra Costa
San Francisco, CA HMFA	998	1227	1536	2051	2167	Marin, San Francisco, San Mateo
*San Jose-Sunnyvale-Santa Clara, CA HMFA	939	1103	1302	1870	2051	Santa Clara
San Benito County, CA HMFA	588	796	885	1254	1552	San Benito
San Luis Obispo-Paso Robles, CA MSA	641	758	923	1345	1384	San Luis Obispo
Santa Barbara-Santa Maria-Goleta, CA MSA	828	924	1037	1366	1559	Santa Barbara
Santa Cruz-Watsonville, CA MSA	873	1030	1343	1933	1992	Santa Cruz
Santa Rosa-Petaluma, CA MSA	749	912	1151	1633	1910	Sonoma
Stockton, CA MSA	602	686	846	1162	1463	San Joaquin
Vallejo-Fairfield, CA MSA	796	857	983	1378	1698	Solano
Visalia-Porterville, CA MSA	481	538	625	894	918	Tulare
Yuba City, CA MSA	437	493	606	882	944	Sutter, Yuba

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alpine	498	559	713	1017	1047	Amador	537	629	826	1200	1237
Calaveras	548	548	659	961	1060	Colusa	500	502	653	843	1146
Del Norte	490	496	642	935	964	Glenn	428	439	578	752	772
Humboldt	455	533	701	1005	1113	Inyo	450	471	613	893	1053
Lake	449	527	686	994	1107	Lassen	437	513	674	980	1010
Mariposa	498	559	713	1017	1047	Mendocino	502	620	753	1028	1321
Modoc	434	479	627	893	927	Mono	586	705	901	1234	1583
Nevada	563	657	866	1251	1522	Plumas	445	521	687	1002	1206
Sierra	527	615	811	1149	1422	Siskiyou	389	466	596	848	874
Tehama	407	463	604	878	1054	Trinity	441	463	608	834	925
Tuolumne	484	576	744	1028	1059						

COLORADO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder, CO MSA	702	813	1020	1487	1783	Boulder
Colorado Springs, CO HMFA	536	601	759	1083	1281	El Paso
Teller County, CO HMFA	561	656	863	1257	1514	Teller
*Denver-Aurora, CO MSA	616	702	889	1262	1471	Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Park
Fort Collins-Loveland, CO MSA	533	639	775	1128	1315	Larimer
Grand Junction, CO MSA	484	485	582	847	1024	Mesa
Greeley, CO MSA	517	547	670	978	1153	Weld
Pueblo, CO MSA	455	479	630	825	934	Pueblo

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alamosa	357	441	490	666	861	Archuleta	487	573	721	877	1132
Baca	363	427	475	676	730	Bent	411	424	516	676	831
Chaffee	406	512	624	909	936	Cheyenne	411	424	516	676	831
Conejos	363	427	475	676	730	Costilla	363	427	475	676	730
Crowley	411	424	516	676	831	Custer	434	507	668	935	1076
Delta	477	487	574	788	812	Dolores	489	573	663	878	1133
Eagle	807	942	1240	1560	2130	Fremont	387	463	594	852	977
Garfield	619	704	781	964	993	Grand	485	554	704	1024	1055

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 5

COLORADO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Gunnison	501	551	716	991	1257
Huerfano	363	427	475	676	730
Kiowa	411	424	516	676	831
Lake	612	771	931	1159	1634
Las Animas	367	486	539	695	717
Logan	418	419	534	695	805
Moffat	392	429	538	705	945
Montrose	411	539	625	829	1028
Otero	367	387	470	651	670
Phillips	411	424	516	676	831
Prowers	357	419	465	631	817
Rio Grande	364	426	474	688	730
Saguache	363	427	475	676	730
San Miguel	657	788	1007	1468	1513
Summit	707	831	1086	1546	1906
Yuma	411	424	516	676	831

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hinsdale	612	771	931	1159	1634
Jackson	543	627	696	897	1083
Kit Carson	411	424	516	676	831
La Plata	534	652	746	1047	1191
Lincoln	411	424	516	676	831
Mineral	612	771	931	1159	1634
Montezuma	427	500	577	689	920
Morgan	464	502	560	746	901
Ouray	612	771	931	1159	1634
Pitkin	852	996	1311	1821	2302
Rio Blanco	543	627	696	897	1083
Routt	629	744	968	1158	1700
San Juan	489	573	663	878	1133
Sedgwick	411	424	516	676	831
Washington	411	424	516	676	831

CONNECTICUT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Danbury, CT HMFA	821	992	1148	1374	1801	Fairfield County towns of Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
Bridgeport, CT HMFA	627	810	966	1154	1402	Fairfield County towns of Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
Stamford-Norwalk, CT HMFA	987	1202	1502	1957	2364	Fairfield County towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town
Hartford-West Hartford-East Hartford, CT HMFA	626	748	922	1102	1313	Hartford County towns of Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Hartland town, Manchester town, Marlborough town, New Britain town, Newington town, Plainville town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town Middlesex County towns of Chester town, Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town Tolland County towns of Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Union town, Vernon town, Willington town
Southern Middlesex County, CT HMFA	740	780	992	1273	1451	Middlesex County towns of Clinton town, Deep River town, Essex town, Killingworth town, Old Saybrook town, Westbrook town
Milford-Ansonia-Seymour, CT HMFA	756	877	981	1249	1371	New Haven County towns of Ansonia town, Beacon Falls town,

CONNECTICUT continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New Haven-Meriden, CT HMFA	663	784	943	1127	1225	Derby town, Milford town, Oxford town, Seymour town New Haven County towns of Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, West Haven town, Woodbridge town
Waterbury, CT HMFA	505	653	777	930	968	New Haven County towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town
Norwich-New London, CT HMFA	593	704	815	998	1102	New London County towns of Bozrah town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Lyme town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Voluntown town, Waterford town
Colchester-Lebanon, CT HMFA	644	756	992	1186	1224	New London County towns of Colchester town, Lebanon town
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Litchfield County, CT	555	723	854	1097	1233	Barkhamsted town, Bethlehem town, Bridgewater town, Canaan town, Colebrook town, Cornwall town, Goshen town, Harwinton town, Kent town, Litchfield town, Morris town, New Hartford town, New Milford town, Norfolk town, North Canaan town, Plymouth town, Roxbury town, Salisbury town, Sharon town, Thomaston town, Torrington town, Warren town, Washington town, Watertown town, Winchester town, Woodbury town
Windham County, CT	510	618	744	936	993	Ashford town, Brooklyn town, Canterbury town, Chaplin town, Eastford town, Hampton town, Killingly town, Plainfield town, Pomfret town, Putnam town, Scotland town, Sterling town, Thompson town, Windham town, Woodstock town

DELAWARE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	566	616	682	892	1198	Kent
*Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	New Castle

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sussex	525	572	635	869	894

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR

DISTRICT OF COLUMBIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	District of Columbia

FLORIDA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cape Coral-Fort Myers, FL MSA	592	639	728	989	1018	Lee
Deltona-Daytona Beach-Ormond Beach, FL MSA	483	564	702	908	934	Volusia
Fort Walton Beach-Crestview-Destin, FL MSA	477	558	628	916	1006	Okaloosa
Gainesville, FL MSA	498	550	626	915	943	Alachua, Gilchrist
Jacksonville, FL HMFA	565	643	749	940	1077	Clay, Duval, Nassau, St. Johns
Baker County, FL HMFA	274	379	421	616	632	Baker
Lakeland, FL MSA	449	496	571	724	850	Polk
*Miami-Fort Lauderdale-Miami Beach, FL MSA	702	805	967	1305	1497	Broward, Miami-Dade, Palm Beach
Naples-Marco Island, FL MSA	667	765	861	1070	1114	Collier
Ocala, FL MSA	476	491	576	756	779	Marion
Orlando, FL MSA	630	684	782	979	1153	Lake, Orange, Osceola, Seminole
Palm Bay-Melbourne-Titusville, FL MSA	469	574	676	911	1015	Brevard
Panama City-Lynn Haven, FL MSA	492	519	594	820	912	Bay
Pensacola-Ferry Pass-Brent, FL MSA	479	522	579	839	1015	Escambia, Santa Rosa
Port St. Lucie-Fort Pierce, FL MSA	556	557	706	933	962	Martin, St. Lucie
Punta Gorda, FL MSA	496	520	674	984	1184	Charlotte
Sarasota-Bradenton-Venice, FL MSA	571	634	768	944	1077	Manatee, Sarasota
Tallahassee, FL HMFA	501	556	687	916	943	Gadsden, Jefferson, Leon
Wakulla County, FL HMFA	471	512	569	748	772	Wakulla
*Tampa-St. Petersburg-Clearwater, FL MSA	622	696	838	1079	1316	Hernando, Hillsborough, Pasco, Pinellas
Vero Beach, FL MSA	459	554	706	879	904	Indian River

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bradford	307	427	473	586	604	Calhoun	396	397	475	599	683
Citrus	425	461	511	741	892	Columbia	370	428	506	631	888
DeSoto	419	429	504	608	625	Dixie	345	377	418	522	582
Flagler	509	588	739	1035	1103	Franklin	397	398	477	601	684
Glades	439	468	532	650	694	Gulf	396	397	475	599	683
Hamilton	345	377	418	522	582	Hardee	419	455	504	618	636
Hendry	398	476	531	638	787	Highlands	450	453	542	701	838
Holmes	380	403	458	596	626	Jackson	302	388	432	535	624
Lafayette	345	377	418	522	582	Levy	370	396	446	570	586
Liberty	396	397	475	599	683	Madison	396	397	475	599	683
Monroe	665	810	997	1451	1553	Okeechobee	448	464	540	727	749
Putnam	376	408	453	544	560	Sumter	356	387	430	565	755
Suwannee	278	378	419	528	579	Taylor	405	440	489	585	601
Union	369	425	477	631	651	Walton	444	458	536	662	682
Washington	285	324	428	613	631						

GEORGIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	427	456	535	718	741	Baker, Dougherty, Lee, Terrell, Worth
Athens-Clarke County, GA MSA	458	509	639	851	878	Clarke, Madison, Oconee, Oglethorpe
*Atlanta-Sandy Springs-Marietta, GA HMFA	677	735	818	1014	1136	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Heard, Henry, Jasper, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, Walton
Butts County, GA HMFA	347	463	535	781	929	Butts
Haralson County, GA HMFA	347	364	417	607	736	Haralson
Lamar County, GA HMFA	403	405	486	641	853	Lamar

GEORGIA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Meriwether County, GA HMFA	396	401	478	576	594	Meriwether
Augusta-Richmond County, GA-SC MSA	461	500	562	753	791	Burke, Columbia, McDuffie, Richmond
Brunswick, GA MSA	430	468	519	740	911	Brantley, Glynn, McIntosh
Chattanooga, TN-GA MSA	469	496	584	719	845	Catoosa, Dade, Walker
Columbus, GA-AL MSA	454	479	548	729	863	Chattahoochee, Harris, Marion, Muscogee
Dalton, GA HMFA	438	476	526	651	670	Whitfield
Murray County, GA HMFA	411	444	494	591	608	Murray
Gainesville, GA MSA	600	629	725	890	1032	Hall
Hinesville-Fort Stewart, GA HMFA	433	471	524	737	839	Liberty
Long County, GA HMFA	387	420	467	640	659	Long
Macon, GA MSA	449	487	542	668	696	Bibb, Crawford, Jones, Monroe, Twiggs
Rome, GA MSA	413	421	543	666	688	Floyd
Savannah, GA MSA	561	607	676	897	926	Bryan, Chatham, Effingham
Valdosta, GA MSA	444	445	535	725	748	Brooks, Echols, Lanier, Lowndes
Warner Robins, GA MSA	491	500	594	862	991	Houston

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Appling	370	402	446	544	560	Atkinson	344	359	414	527	600
Bacon	344	359	414	527	600	Baldwin	355	428	531	634	654
Banks	394	427	473	575	816	Ben Hill	300	386	461	558	573
Berrien	356	357	434	538	554	Bleckley	300	351	428	530	607
Bulloch	421	436	516	619	636	Calhoun	332	360	400	513	630
Camden	470	471	568	826	997	Candler	370	402	446	544	560
Charlton	344	359	414	527	600	Chattooga	287	351	440	528	768
Clay	332	360	400	513	630	Clinch	344	359	414	527	600
Coffee	352	364	425	529	647	Colquitt	361	390	434	519	653
Cook	342	349	412	560	724	Crisp	351	354	423	534	551
Decatur	339	394	519	621	690	Dodge	301	302	381	510	524
Dooly	364	376	438	552	745	Early	332	360	400	513	630
Elbert	374	390	450	565	583	Emanuel	261	303	400	488	623
Evans	370	402	446	544	560	Fannin	308	428	474	567	681
Franklin	394	427	473	575	816	Gilmer	445	483	538	710	857
Glascock	300	317	418	500	588	Gordon	445	449	576	689	711
Grady	256	354	394	546	565	Greene	374	390	450	565	583
Habersham	450	452	541	648	949	Hancock	374	390	450	565	583
Hart	375	406	451	538	791	Irwin	364	385	438	555	678
Jackson	471	512	569	691	902	Jeff Davis	370	402	446	544	560
Jefferson	300	334	418	500	588	Jenkins	300	317	418	500	588
Johnson	343	421	469	606	633	Laurens	368	400	443	595	722
Lincoln	374	390	450	565	583	Lumpkin	400	520	617	833	924
Macon	364	376	438	552	745	Miller	353	411	458	573	683
Mitchell	287	364	440	528	732	Montgomery	300	351	396	530	606
Morgan	409	410	506	606	623	Peach	413	414	499	714	751
Pierce	344	359	414	527	600	Polk	374	417	508	626	647
Pulaski	300	351	396	576	605	Putnam	299	303	397	577	594
Quitman	332	360	400	513	630	Rabun	447	464	539	695	838
Randolph	332	360	400	513	630	Schley	364	376	438	552	745

GEORGIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Screven	300	317	418	500	588	Seminole	353	411	458	573	683
Stephens	304	423	469	561	579	Stewart	332	360	400	513	630
Sumter	356	400	492	589	864	Talbot	437	439	529	652	671
Taliaferro	374	390	450	565	583	Tattnall	298	322	358	472	517
Taylor	364	376	438	552	745	Telfair	300	351	396	530	606
Thomas	417	453	503	646	883	Tift	396	429	475	607	701
Toombs	260	360	400	557	617	Towns	447	464	539	692	838
Treutlen	300	351	396	530	606	Troup	439	444	556	703	726
Turner	364	385	438	555	678	Union	447	464	539	692	838
Upson	321	435	495	592	609	Ware	380	409	458	587	616
Warren	374	390	450	565	583	Washington	300	344	418	511	588
Wayne	306	347	428	565	751	Webster	364	376	438	552	745
Wheeler	300	351	396	530	606	White	401	500	555	700	843
Wilcox	300	351	396	530	606	Wilkes	374	390	450	565	583
Wilkinson	343	421	469	606	633						

HAWAII

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	787	923	1126	1634	1829	Honolulu

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hawaii	627	753	845	1191	1306	Kalawao	677	780	917	1159	1320
Kauai	739	832	1096	1375	1497	Maui	921	1021	1187	1588	1701

IDAHO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City-Nampa, ID HMFA	480	570	672	977	1039	Ada, Boise, Canyon, Owyhee
Gem County, ID HMFA	421	509	566	823	847	Gem
Coeur d'Alene, ID MSA	480	519	624	907	1015	Kootenai
Idaho Falls, ID MSA	408	430	549	753	945	Bonneville, Jefferson
Lewiston, ID-WA MSA	424	440	551	782	953	Nez Perce
Logan, UT-ID MSA	440	475	594	797	984	Franklin
Pocatello, ID MSA	352	409	527	762	893	Bannock, Power

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	409	426	537	727	866	Bear Lake	350	404	516	733	865
Benewah	471	479	602	860	887	Bingham	354	392	503	692	715
Blaine	681	740	821	1166	1439	Bonner	476	500	613	867	893
Boundary	471	479	602	860	887	Butte	389	417	532	752	894
Camas	417	456	569	750	802	Caribou	350	404	516	733	865
Cassia	417	456	569	750	802	Clark	389	417	532	752	894
Clearwater	417	431	534	771	889	Custer	389	417	532	752	894
Elmore	354	413	543	689	843	Fremont	389	417	532	752	894
Gooding	417	456	569	750	802	Idaho	407	436	574	687	812

IDAHO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jerome	417	456	569	750	802	Latah	419	437	528	770	891
Lemhi	389	417	532	752	894	Lewis	417	431	534	771	889
Lincoln	417	456	569	750	802	Madison	371	372	477	693	754
Minidoka	314	414	485	642	661	Oneida	350	404	516	733	865
Payette	352	424	539	682	891	Shoshone	404	405	489	644	682
Teton	389	417	532	752	894	Twin Falls	376	457	579	746	883
Valley	409	426	537	727	866	Washington	409	426	537	727	866

ILLINOIS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	448	495	625	836	1045	McLean
Champaign-Urbana, IL MSA	429	522	614	771	1059	Champaign, Ford, Piatt
*Chicago-Naperville-Joliet, IL HMFA	701	802	901	1102	1244	Cook, DuPage, Kane, Kendall, Lake, McHenry, Will
DeKalb County, IL HMFA	504	569	748	970	1190	DeKalb
Grundy County, IL HMFA	506	593	777	978	1317	Grundy
Danville, IL MSA	340	406	523	626	664	Vermilion
Davenport-Moline-Rock Island, IA-IL MSA	409	457	575	733	764	Henry, Mercer, Rock Island
Decatur, IL MSA	354	421	534	712	734	Macon
Kankakee-Bradley, IL MSA	471	513	677	878	941	Kankakee
Peoria, IL MSA	398	471	586	755	857	Marshall, Peoria, Stark, Tazewell, Woodford
Rockford, IL MSA	431	486	616	806	830	Boone, Winnebago
*St. Louis, MO-IL HMFA	513	559	694	905	967	Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair
Bond County, IL HMFA	303	324	420	611	718	Bond
Macoupin County, IL HMFA	391	392	471	587	608	Macoupin
Springfield, IL MSA	381	448	579	756	844	Menard, Sangamon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	320	380	492	639	660	Alexander	347	354	426	561	618
Brown	303	368	467	623	643	Bureau	347	403	533	657	720
Carroll	373	421	530	660	679	Cass	372	374	471	599	617
Christian	315	403	482	623	728	Clark	305	426	472	687	709
Clay	278	346	424	566	582	Coles	340	435	523	737	918
Crawford	281	332	431	567	594	Cumberland	340	424	512	681	898
De Witt	404	405	494	645	755	Douglas	332	417	512	729	751
Edgar	311	365	479	603	621	Edwards	347	354	426	561	618
Effingham	432	433	521	658	696	Fayette	377	388	455	630	649
Franklin	302	370	466	578	817	Fulton	326	389	469	600	744
Gallatin	347	354	426	561	618	Greene	339	377	495	627	659
Hamilton	347	354	426	561	618	Hancock	375	376	450	541	559
Hardin	347	354	426	561	618	Henderson	327	382	474	599	715
Iroquois	353	392	475	598	701	Jackson	332	406	511	696	866
Jasper	279	346	430	566	582	Jefferson	420	431	514	647	666
Jo Daviess	369	395	470	627	646	Johnson	347	354	426	561	618
Knox	338	395	520	691	712	La Salle	406	438	577	728	936
Lawrence	285	334	439	584	602	Lee	353	434	522	697	811
Livingston	365	448	563	672	700	Logan	420	421	504	692	793

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING

ILLINOIS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
McDonough	328	386	486	623	815
Mason	301	381	464	652	672
Montgomery	397	398	478	573	710
Moultrie	327	386	503	634	770
Perry	287	375	442	534	686
Pope	347	354	426	561	618
Putnam	332	388	511	646	706
Richland	325	393	436	600	719
Schuyler	301	368	464	624	643
Shelby	403	404	486	633	717
Union	369	370	444	544	676
Warren	311	364	478	597	680
Wayne	252	306	389	495	510
Whiteside	376	443	546	676	695

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Marion	336	385	461	590	649
Massac	387	388	466	678	700
Morgan	345	402	529	656	713
Ogle	415	443	581	760	812
Pike	301	368	464	624	643
Pulaski	347	354	426	561	618
Randolph	309	360	474	628	770
Saline	276	356	424	574	744
Scott	339	377	495	627	659
Stephenson	369	431	568	679	701
Wabash	347	354	426	561	618
Washington	338	387	488	627	646
White	347	354	426	561	618
Williamson	317	371	486	700	722

INDIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, IN MSA	487	488	586	754	785	Madison
Bloomington, IN HMFA	458	524	621	873	936	Monroe
Greene County, IN HMFA	325	326	419	608	629	Greene
Owen County, IN HMFA	431	433	519	657	911	Owen
Gary, IN HMFA	478	596	727	869	896	Lake, Newton, Porter
Jasper County, IN HMFA	480	481	598	780	804	Jasper
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Dearborn, Franklin, Ohio
Columbus, IN MSA	564	566	679	832	891	Bartholomew
Elkhart-Goshen, IN MSA	465	519	641	806	844	Elkhart
Evansville, IN-KY HMFA	374	437	543	670	728	Posey, Vanderburgh, Warrick
Gibson County, IN HMFA	421	422	505	646	888	Gibson
Fort Wayne, IN MSA	446	474	592	738	759	Allen, Wells, Whitley
Indianapolis, IN HMFA	489	567	673	871	921	Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
Putnam County, IN HMFA	486	487	586	700	789	Putnam
Kokomo, IN MSA	469	474	602	768	790	Howard, Tipton
Lafayette, IN HMFA	466	550	676	880	1007	Benton, Tippecanoe
Carroll County, IN HMFA	355	417	547	720	741	Carroll
Louisville, KY-IN HMFA	411	473	563	785	834	Clark, Floyd, Harrison
Washington County, IN HMFA	367	410	482	593	790	Washington
Michigan City-La Porte, IN MSA	404	466	592	786	809	LaPorte
Muncie, IN MSA	484	495	598	806	846	Delaware
South Bend-Mishawaka, IN HMFA	464	516	621	797	820	St. Joseph
Terre Haute, IN HMFA	359	409	527	650	748	Clay, Vermillion, Vigo
Sullivan County, IN HMFA	301	353	464	555	571	Sullivan

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	386	419	465	608	717
Cass	366	394	518	660	681
Crawford	358	408	502	620	658
Decatur	487	489	587	761	784

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Blackford	430	432	518	659	712
Clinton	447	474	579	723	758
Daviess	373	375	449	584	716
DeKalb	415	444	564	776	797

INDIANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Dubois	338	406	520	710	731	Fayette	345	427	530	702	722
Fountain	354	425	481	644	673	Fulton	430	447	518	731	754
Grant	441	442	534	674	786	Henry	458	460	551	709	792
Huntington	395	470	556	694	840	Jackson	471	472	574	738	895
Jay	308	378	475	644	664	Jefferson	375	402	529	633	783
Jennings	364	429	561	679	935	Knox	331	377	476	589	735
Kosciusko	383	447	587	747	869	LaGrange	465	466	559	674	748
Lawrence	367	433	565	675	695	Marshall	399	460	572	754	777
Martin	333	367	467	575	672	Miami	327	385	504	734	791
Montgomery	372	439	558	759	800	Noble	496	497	597	713	734
Orange	304	357	471	593	647	Parke	415	417	499	629	791
Perry	323	378	497	645	666	Pike	327	387	504	652	673
Pulaski	435	436	525	697	719	Randolph	396	397	477	680	702
Ripley	481	482	581	700	801	Rush	455	456	548	657	720
Scott	371	415	525	678	785	Spencer	327	387	504	652	673
Starke	436	461	527	697	733	Steuben	422	481	632	762	784
Switzerland	397	431	567	710	792	Union	357	436	550	685	707
Wabash	315	367	482	659	750	Warren	359	440	552	679	788
Wayne	361	425	532	722	744	White	383	529	587	701	991

IOWA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ames, IA MSA	508	536	662	947	1121	Story
Cedar Rapids, IA HMFA	387	450	593	840	955	Linn
Benton County, IA HMFA	308	364	475	591	792	Benton
Jones County, IA HMFA	395	396	475	666	686	Jones
Davenport-Moline-Rock Island, IA-IL MSA	409	457	575	733	764	Scott
Des Moines, IA MSA	460	549	669	857	955	Dallas, Guthrie, Madison, Polk, Warren
Dubuque, IA MSA	372	400	526	707	770	Dubuque
Iowa City, IA HMFA	440	519	653	951	1059	Johnson
Washington County, IA HMFA	329	397	504	643	773	Washington
Omaha-Council Bluffs, NE-IA HMFA	467	531	662	884	909	Harrison, Mills, Pottawattamie
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Woodbury
Waterloo-Cedar Falls, IA HMFA	373	459	549	674	825	Black Hawk, Grundy
Bremer County, IA HMFA	328	404	503	602	814	Bremer

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	339	378	497	606	678	Adams	339	378	497	606	678
Allamakee	323	356	456	591	629	Appanoose	302	354	466	589	645
Audubon	341	351	457	601	629	Boone	371	447	570	742	799
Buchanan	383	384	462	596	612	Buena Vista	387	391	512	614	705
Butler	323	356	456	591	629	Calhoun	381	382	481	618	646
Carroll	338	394	520	620	640	Cass	371	452	569	698	751
Cedar	352	388	512	662	716	Cerro Gordo	376	418	550	683	702
Cherokee	341	351	457	601	629	Chickasaw	323	356	456	591	629
Clarke	338	387	508	608	678	Clay	304	356	469	569	713

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 13

IOWA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clayton	323	356	456	591	629
Crawford	341	361	457	601	629
Decatur	339	378	497	606	678
Des Moines	385	421	533	670	755
Emmet	324	349	461	564	662
Floyd	329	356	469	587	604
Fremont	371	452	569	698	751
Hamilton	382	382	491	619	647
Hardin	425	427	511	611	650
Howard	323	356	456	591	629
Ida	341	351	457	601	629
Jackson	352	388	512	662	716
Jefferson	416	423	501	631	767
Kossuth	334	368	463	592	620
Louisa	382	427	528	683	723
Lyon	324	349	461	564	662
Marion	371	456	569	703	723
Mitchell	334	368	463	592	620
Monroe	339	378	497	606	678
Muscatine	380	470	584	719	775
Osceola	324	349	461	564	662
Palo Alto	324	349	461	564	662
Pocahontas	381	382	481	618	646
Ringgold	339	378	497	606	678
Shelby	371	452	569	698	751
Tama	385	407	505	661	682
Union	339	378	497	606	678
Wapello	356	414	546	651	679
Webster	380	387	502	694	717
Winneshiek	311	364	478	621	842
Wright	381	382	481	618	646

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clinton	323	378	498	635	725
Davis	339	378	497	606	678
Delaware	352	388	512	662	716
Dickinson	318	393	491	621	861
Fayette	323	356	456	591	629
Franklin	334	368	463	592	620
Greene	341	351	457	601	629
Hancock	334	368	463	592	620
Henry	419	421	504	721	742
Humboldt	381	382	481	618	646
Iowa	385	407	505	661	682
Jasper	388	423	556	707	738
Keokuk	339	378	497	606	678
Lee	352	410	483	612	630
Lucas	339	378	497	606	678
Mahaska	367	417	531	636	840
Marshall	380	441	550	707	812
Monona	341	351	457	601	629
Montgomery	371	452	569	698	751
O'Brien	324	349	461	564	662
Page	321	378	497	593	610
Plymouth	400	401	483	651	670
Poweshiek	346	404	532	680	701
Sac	341	351	457	601	629
Sioux	363	368	447	604	622
Taylor	339	378	497	606	678
Van Buren	339	378	497	606	678
Wayne	339	378	497	606	678
Winnebago	334	368	463	592	620
Worth	334	368	463	592	620

KANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Kansas City, MO-KS HMFA	510	612	703	951	1000	Johnson, Leavenworth, Linn, Miami, Wyandotte
Franklin County, KS HMFA	429	430	533	679	726	Franklin
Lawrence, KS MSA	484	498	640	934	1124	Douglas
St. Joseph, MO-KS MSA	333	412	512	645	764	Doniphan
Topeka, KS MSA	426	464	568	720	757	Jackson, Jefferson, Osage, Shawnee, Wabaunsee
*Wichita, KS HMFA	439	492	635	816	930	Butler, Harvey, Sedgwick
Sumner County, KS HMFA	319	375	493	664	772	Sumner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	337	341	447	592	645
Atchison	390	434	532	775	934
Anderson	331	368	458	590	642
Barber	286	337	440	573	676

KANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barton	278	335	428	569	737
Brown	390	434	532	775	934
Chautauqua	331	368	458	590	642
Cheyenne	348	353	464	594	611
Clay	385	423	520	667	822
Coffey	338	369	484	616	635
Cowley	317	387	474	601	618
Decatur	348	353	464	594	611
Edwards	286	337	440	573	676
Ellis	356	404	531	734	769
Finney	437	437	564	685	867
Geary	352	417	512	678	758
Graham	348	353	464	594	611
Gray	429	433	527	641	704
Greenwood	338	369	484	616	635
Harper	286	337	440	573	676
Hodgeman	429	433	527	641	704
Kearny	429	433	527	641	704
Kiowa	286	337	440	573	676
Lane	429	433	527	641	704
Logan	348	353	464	594	611
McPherson	410	411	493	645	664
Marshall	385	423	520	667	822
Mitchell	386	393	497	653	674
Morris	385	423	520	667	822
Nemaha	390	434	532	775	934
Ness	429	433	527	641	704
Osborne	348	353	464	594	611
Pawnee	286	337	440	573	676
Pottawatomie	336	465	516	657	757
Rawlins	348	353	464	594	611
Republic	386	393	497	653	674
Riley	405	438	543	791	953
Rush	286	337	440	573	676
Saline	410	412	542	722	744
Seward	372	458	529	650	787
Sherman	347	359	472	592	611
Stafford	286	337	440	573	676
Stevens	429	433	527	641	704
Trego	348	353	464	594	611
Washington	386	393	497	653	674
Wilson	331	368	459	590	642

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bourbon	323	344	446	644	726
Chase	338	369	484	616	635
Cherokee	369	382	442	619	759
Clark	429	433	527	641	704
Cloud	386	393	497	653	674
Comanche	286	337	440	573	676
Crawford	352	412	542	730	814
Dickinson	303	352	465	560	690
Elk	331	368	458	590	642
Ellsworth	386	393	497	653	674
Ford	455	456	549	676	722
Gove	348	353	464	594	611
Grant	429	433	527	641	704
Greeley	429	433	527	641	704
Hamilton	429	433	527	641	704
Haskell	429	433	527	641	704
Jewell	386	393	497	653	674
Kingman	286	337	440	573	676
Labette	291	348	447	606	623
Lincoln	386	393	497	653	674
Lyon	321	375	493	659	779
Marion	338	369	484	616	635
Meade	429	433	527	641	704
Montgomery	340	380	475	584	727
Morton	429	433	527	641	704
Neosho	294	353	453	539	792
Norton	348	353	464	594	611
Ottawa	386	393	497	653	674
Phillips	348	353	464	594	611
Pratt	288	337	442	573	676
Reno	353	393	516	707	728
Rice	359	392	496	658	678
Rooks	348	353	464	594	611
Russell	348	353	464	594	611
Scott	429	433	527	641	704
Sheridan	348	353	464	594	611
Smith	348	353	464	594	611
Stanton	429	433	527	641	704
Thomas	347	354	467	594	611
Wallace	348	353	464	594	611
Wichita	429	433	527	641	704
Woodson	331	368	458	590	642

KENTUCKY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bowling Green, KY MSA	391	467	568	757	892	Edmonson, Warren
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Boone, Bracken, Campbell, Gallatin, Kenton, Pendleton
Grant County, KY HMFA	396	478	608	748	838	Grant
Clarksville, TN-KY HMFA	466	485	563	814	838	Christian, Trigg
Elizabethtown, KY MSA	362	404	487	693	853	Hardin, Larue
Evansville, IN-KY HMFA	374	437	543	670	728	Henderson, Webster
Huntington-Ashland, WV-KY-OH MSA	351	416	499	615	636	Boyd, Greenup
Lexington-Fayette, KY MSA	420	504	622	836	862	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Louisville, KY-IN HMFA	411	473	563	785	834	Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, Trimble
Meade County, KY HMFA	399	400	479	615	689	Meade
Nelson County, KY HMFA	342	413	499	727	786	Nelson
Owensboro, KY MSA	350	390	513	712	754	Daviess, Hancock, McLean

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	303	336	400	488	544	Allen	255	332	390	521	674
Anderson	415	444	586	847	1010	Ballard	352	389	480	615	693
Barren	297	347	450	561	618	Bath	337	365	450	562	581
Bell	262	358	399	476	584	Boyle	361	400	525	629	649
Breathitt	305	321	368	457	478	Breckinridge	352	354	455	608	627
Butler	385	457	556	731	753	Caldwell	344	345	414	524	595
Calloway	427	428	515	634	904	Carlisle	352	389	480	615	693
Carroll	423	424	527	697	757	Carter	282	375	435	518	586
Casey	303	336	400	488	544	Clay	222	307	342	408	420
Clinton	303	336	400	488	544	Crittenden	332	333	400	522	593
Cumberland	303	336	400	488	544	Elliott	377	378	455	578	683
Estill	332	333	400	511	674	Fleming	337	365	450	562	581
Floyd	315	353	416	546	629	Franklin	425	451	593	804	827
Fulton	352	389	480	615	693	Garrard	364	407	488	583	854
Graves	344	346	429	512	625	Grayson	346	347	416	542	636
Green	303	336	403	487	544	Harlan	312	336	377	464	586
Harrison	370	372	486	637	658	Hart	306	334	411	524	611
Hickman	352	389	480	615	693	Hopkins	353	354	426	534	747
Jackson	334	351	403	487	502	Johnson	252	329	387	528	543
Knott	305	321	368	460	478	Knox	238	288	364	513	531
Laurel	356	386	429	527	720	Lawrence	275	321	424	566	583
Lee	305	321	368	460	478	Leslie	305	321	368	460	478
Letcher	305	321	368	457	478	Lewis	337	365	450	562	581
Lincoln	310	424	470	563	744	Livingston	336	337	406	522	593
Logan	381	414	460	630	698	Lyon	419	426	505	655	679
McCracken	322	405	498	668	688	McCreary	299	323	360	464	476
Madison	367	390	499	704	825	Magoffin	344	347	414	510	532
Marion	352	354	455	608	627	Marshall	385	386	465	606	788
Martin	344	347	414	510	532	Mason	289	370	447	652	749
Menifee	337	365	450	562	581	Mercer	390	415	471	620	730
Metcalfe	306	334	411	524	611	Monroe	306	334	411	524	611
Montgomery	346	403	532	635	654	Morgan	337	365	450	562	581

KENTUCKY continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Muhlenberg	324	325	393	499	512
Ohio	326	347	395	524	575
Owsley	305	321	368	460	478
Pike	363	364	438	526	541
Pulaski	300	332	423	522	553
Rockcastle	334	351	403	487	502
Russell	303	336	400	488	544
Taylor	272	372	413	532	699
Union	380	381	459	559	588
Wayne	255	312	390	505	521
Wolfe	305	321	368	460	478

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Nicholas	439	440	576	706	778
Owen	471	537	613	825	1075
Perry	331	349	399	477	585
Powell	326	411	503	602	620
Robertson	337	365	450	562	581
Rowan	380	421	468	587	606
Simpson	385	452	594	738	761
Todd	419	426	505	655	679
Washington	352	354	455	608	627
Whitley	329	347	457	546	562

LOUISIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	374	405	482	627	645	Grant, Rapides
*Baton Rouge, LA HMFA	495	532	619	800	955	Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana
Iberville Parish, LA HMFA	354	355	427	578	596	Iberville
Houma-Bayou Cane-Thibodaux, LA MSA	416	419	520	683	778	Lafourche, Terrebonne
Lafayette, LA MSA	431	494	548	703	892	Lafayette, St. Martin
Lake Charles, LA MSA	405	456	555	685	964	Calcasieu, Cameron
Monroe, LA MSA	368	416	517	686	708	Ouachita, Union
New Orleans-Metairie-Kenner, LA MSA	493	546	639	820	848	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany
Shreveport-Bossier City, LA MSA	419	482	563	714	737	Bossier, Caddo, De Soto

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Acadia	327	327	398	503	577
Assumption	393	394	473	577	593
Beauregard	357	366	431	628	755
Caldwell	315	336	399	505	563
Claiborne	386	392	464	554	607
East Carroll	315	336	399	505	563
Franklin	315	336	399	505	563
Jackson	315	336	399	505	563
La Salle	303	327	400	507	613
Madison	315	336	399	505	563
Natchitoches	403	404	484	580	749
Richland	315	336	399	505	563
St. James	402	469	575	706	727
St. Mary	381	388	466	609	629
Tensas	315	336	399	505	563
Vernon	345	380	421	611	730
Webster	338	339	429	578	597
Winn	324	351	390	492	524

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	324	325	391	568	631
Avoyelles	251	342	388	528	631
Bienville	386	392	464	554	607
Catahoula	303	327	400	507	613
Concordia	303	327	400	518	613
Evangeline	302	304	366	469	482
Iberia	399	409	482	595	694
Jefferson Davis	347	348	418	529	543
Lincoln	413	426	496	645	667
Morehouse	357	359	446	535	579
Red River	386	392	464	554	607
Sabine	386	392	464	554	607
St. Landry	257	309	394	532	566
Tangipahoa	363	422	531	636	755
Vermilion	346	347	416	570	590
Washington	317	320	382	509	524
West Carroll	315	336	399	505	563

MAINE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME HMFA	450	517	642	824	892	Penobscot County towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Reservation, Veazie town
Penobscot County, ME (part) HMFA	457	458	551	689	845	Penobscot County towns of Alton town, Argyle UT, Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penobscot UT, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Howland town, Hudson town, Kingman UT, Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot UT, Passadumkeag town, Patten town, Plymouth town, Prentiss UT, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly UT, Webster plantation, Whitney UT, Winn town, Woodville town
Lewiston-Auburn, ME MSA	370	464	567	718	796	Androscoggin County towns of Auburn city, Durham town, Greene town, Leeds town, Lewiston city, Lisbon town, Livermore town, Livermore Falls town, Mechanic Falls town, Minot town, Poland town, Sabattus town, Turner town, Wales town
Portland, ME HMFA	606	720	933	1176	1260	Cumberland County towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Frye Island town, Gorham town, Gray town, Long Island town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town York County towns of Buxton town, Hollis town, Limington town, Old Orchard Beach town
York-Kittery-South Berwick, ME HMFA	785	790	947	1379	1503	York County towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town
Cumberland County, ME (part) HMFA	478	570	735	878	1125	Cumberland County towns of Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town
Sagadahoc County, ME HMFA	576	576	691	834	1197	Sagadahoc County towns of Arrowsic town, Bath city, Bowdoin town, Bowdoinham town, Georgetown town, Perkins UT, Phippsburg town, Richmond town, Topsham town, West Bath town, Woolwich town
York County, ME (part) HMFA	526	546	695	831	908	York County towns of Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Aroostook County, ME	349	430	516	673	742	Allagash town, Amity town, Ashland town, Bancroft town,

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Blaine town, Bridgewater town, Caribou city, Cary plantation, Castle Hill town, Caswell town, Central Aroostook UT, Chapman town, Connor UT, Crystal town, Cyr plantation, Dyer Brook town, Eagle Lake town, Easton town, Fort Fairfield town, Fort Kent town, Frenchville town, Garfield plantation, Glenwood plantation, Grand Isle town, Hamlin town, Hammond town, Haynesville town, Hersey town, Hodgdon town, Houlton town, Island Falls town, Limestone town, Linneus town, Littleton town, Ludlow town, Macwahoc plantation, Madawaska town, Mapleton town, Mars Hill town, Masardis town, Merrill town, Monticello town, Moro plantation, Nashville plantation, New Canada town, New Limerick town, New Sweden town, Northwest Aroostook UT, Oakfield town, Orient town, Oxbow plantation, Penobscot Indian Island Reservation, Perham town, Portage Lake town, Presque Isle city, Reed plantation, St. Agatha town, St. Francis town, St. John plantation, Sherman town, Smyrna town, South Aroostook UT, Square Lake UT, Stockholm town, Van Buren town, Wade town, Wallagrass town, Washburn town, Westfield town, Westmanland town, Weston town, Winterville plantation, Woodland town
Franklin County, ME	434	468	570	681	884	Avon town, Carrabassett Valley town, Carthage town, Chesterville town, Coplin plantation, Dallas plantation, East Central Franklin UT, Eustis town, Farmington town, Industry town, Jay town, Kingfield town, Madrid town, New Sharon town, New Vineyard town, North Franklin UT, Phillips town, Rangeley town, Rangeley plantation, Sandy River plantation, South Franklin UT, Strong town, Temple town, Weld town, West Central Franklin UT, Wilton town, Wyman UT
Hancock County, ME	474	546	636	895	922	Amherst town, Aurora town, Bar Harbor town, Blue Hill town, Brooklin town, Brooksville town, Bucksport town, Castine town, Central Hancock UT, Cranberry Isles town, Dedham town, Deer Isle town, Eastbrook town, East Hancock UT, Ellsworth city, Franklin town, Frenchboro town, Gouldsboro town, Great Pond town, Hancock town, Lamoine town, Mariaville town, Mount Desert town, Northwest Hancock UT, Orland town, Osborn town, Otis town, Penobscot town, Sedgwick town, Sorrento town, Southwest Harbor town, Stonington town, Sullivan town, Surry town, Swans Island town, Tremont town, Trenton town, Verona town, Waltham town, Winter Harbor town
Kennebec County, ME	375	450	560	764	816	Albion town, Augusta city, Belgrade town, Benton town, Chelsea town, China town, Clinton town, Farmingdale town, Fayette town, Gardiner city, Hallowell city, Litchfield town, Manchester town, Monmouth town, Mount Vernon town, Oakland town, Pittston town, Randolph town, Readfield town, Rome town, Sidney town, Unity UT, Vassalboro town, Vienna town, Waterville city, Wayne town, West Gardiner town, Windsor town, Winslow town, Winthrop town
Knox County, ME	429	567	647	876	1011	Appleton town, Camden town, Criehaven UT, Cushing town, Friendship town, Hope town, Isle au Haut town,

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MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Matinicus Isle plantation, North Haven town, Owls Head town, Rockland city, Rockport town, St. George town, South Thomaston town, Thomaston town, Union town, Vinalhaven town, Warren town, Washington town
Lincoln County, ME	518	556	671	811	835	Alna town, Boothbay town, Boothbay Harbor town, Bremen town, Bristol town, Damariscotta town, Dresden town, Edgecomb town, Hibberts gore, Jefferson town, Monhegan plantation, Newcastle town, Nobleboro town, Somerville town, South Bristol town, Southport town, Waldoboro town, Westport town, Whitefield town, Wiscasset town
Oxford County, ME	361	480	553	737	924	Andover town, Bethel town, Brownfield town, Buckfield town, Byron town, Canton town, Denmark town, Dixfield town, Fryeburg town, Gilead town, Greenwood town, Hanover town, Hartford town, Hebron town, Hiram town, Lincoln plantation, Lovell town, Magalloway plantation, Mexico town, Milton UT, Newry town, North Oxford UT, Norway town, Otisfield town, Oxford town, Paris town, Peru town, Porter town, Roxbury town, Rumford town, South Oxford UT, Stoneham town, Stow town, Sumner town, Sweden town, Upton town, Waterford town, West Paris town, Woodstock town
Piscataquis County, ME	450	513	635	806	862	Abbot town, Atkinson town, Beaver Cove town, Blanchard UT, Bowerbank town, Brownville town, Dover-Foxcroft town, Greenville town, Guilford town, Kingsbury plantation, Lake View plantation, Medford town, Milo town, Monson town, Northeast Piscataquis UT, Northwest Piscataquis UT, Parkman town, Sangerville town, Sebec town, Shirley town, Southeast Piscataquis UT, Wellington town, Willimantic town
Somerset County, ME	360	446	529	747	792	Anson town, Athens town, Bingham town, Brighton plantation, Cambridge town, Canaan town, Caratunk town, Central Somerset UT, Cornville town, Dennistown plantation, Detroit town, Embden town, Fairfield town, Harmony town, Hartland town, Highland plantation, Jackman town, Madison town, Mercer town, Moose River town, Moscow town, New Portland town, Norridgewock town, Northeast Somerset UT, Northwest Somerset UT, Palmyra town, Pittsfield town, Pleasant Ridge plantation, Ripley town, St. Albans town, Seboomook Lake UT, Skowhegan town, Smithfield town, Solon town, Starks town, The Forks plantation, West Forks plantation
Waldo County, ME	504	541	652	799	850	Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town, Stockton Springs town, Swanville town, Thorndike town, Troy town, Unity town, Waldo town, Winterport town
Washington County, ME	434	468	559	693	755	Addison town, Alexander town, Baileyville town, Baring plantation, Beals town, Beddington town, Calais city, Centerville town, Charlotte town, Cherryfield town, Codyville plantation, Columbia town, Columbia Falls town, Cooper town, Crawford town, Cutler town, Danforth town, Deblois town, Dennysville town, East Central Washington UT, East Machias town, Eastport city,

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Grand Lake Stream plantation, Harrington town, Jonesboro town, Jonesport town, Lubec town, Machias town, Machiasport town, Marshfield town, Meddybemps town, Milbridge town, Northfield town, North Washington UT, Passamaquoddy Indian Township Reservation, Passamaquoddy Pleasant Point Reservation, Pembroke town, Perry town, Princeton town, Robbinston town, Roque Bluffs town, Steuben town, Talmadge town, Topsfield town, Vanceboro town, Waite town, Wesley town, Whiting town, Whitneyville town

MARYLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore-Towson, MD MSA	633	735	878	1113	1297	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city
Columbia city, MD HMFA	1068	1110	1288	1750	2039	Columbia city
Cumberland, MD-WV MSA	318	385	452	610	711	Allegany
Hagerstown-Martinsburg, MD-WV MSA	442	506	629	874	971	Washington
*Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Cecil
Salisbury, MD HMFA	430	534	628	778	892	Wicomico
Somerset County, MD HMFA	424	451	531	657	863	Somerset
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	Calvert, Charles, Frederick, Montgomery, Prince George's

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Caroline	480	497	581	786	807
Garrett	302	374	465	600	795
St. Mary's	608	631	822	1080	1422
Worcester	518	539	624	911	970

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Dorchester	362	436	555	749	770
Kent	541	542	652	800	1074
Talbot	565	566	681	921	973

MASSACHUSETTS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable Town, MA MSA	619	725	954	1138	1174	Barnstable County towns of Barnstable Town city, Bourne town, Brewster town, Chatham town, Dennis town, Eastham town, Falmouth town, Harwich town, Mashpee town, Orleans town, Provincetown town, Sandwich town, Truro town, Wellfleet town, Yarmouth town
Boston-Cambridge-Quincy, MA-NH HMFA	1063	1128	1324	1584	1740	Essex County towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester-by-the-Sea town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town Middlesex County towns of Acton town, Arlington town, Ashby town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city,

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 21

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown city, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city
						Norfolk County towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin city, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town
						Plymouth County towns of Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town
						Suffolk County towns of Boston city, Chelsea city, Revere city, Winthrop town
Brockton, MA HMFA	842	876	1103	1319	1653	Norfolk County towns of Avon town
						Plymouth County towns of Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Marion town, Mattapoisett town, Middleborough town, Plympton town, Rochester town, West Bridgewater town, Whitman town
Lawrence, MA-NH HMFA	677	862	1042	1244	1283	Essex County towns of Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen city, North Andover town, West Newbury town
Lowell, MA HMFA	738	883	1135	1355	1487	Middlesex County towns of Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town
Pittsfield, MA HMFA	464	542	672	864	890	Berkshire County towns of Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
Berkshire County, MA (part) HMFA	491	551	636	871	895	Berkshire County towns of Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Providence-Fall River, RI-MA HMFA	695	773	891	1065	1313	Bristol County towns of Attleboro city, Fall River city, North Attleborough town, Rehoboth town, Seekonk town, Somerset town, Swansea town, Westport town
Taunton-Mansfield-Norton, MA HMFA	610	770	940	1153	1245	Bristol County towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Easton-Raynham, MA HMFA	833	1103	1283	1534	2218	Bristol County towns of Easton town, Raynham town
New Bedford, MA HMFA	473	607	694	831	1122	Bristol County towns of Acushnet town, Dartmouth town,

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Springfield, MA HMFA	529	629	799	956	1110	Fairhaven town, Freetown town, New Bedford city Franklin County towns of Sunderland town Hampden County towns of Agawam city, Blandford town, Brimfield town, Chester town, Chicopee city, East Longmeadow town, Granville town, Hampden town, Holland town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Tolland town, Wales town, Westfield city, West Springfield town, Wilbraham town Hampshire County towns of Amherst town, Belchertown town, Chesterfield town, Cummington town, Easthampton city, Goshen town, Granby town, Hadley town, Hatfield town, Huntington town, Middlefield town, Northampton city, Pelham town, Plainfield town, Southampton town, South Hadley town, Ware town, Westhampton town, Williamsburg town, Worthington town
Franklin County, MA (part) HMFA	471	550	681	908	1097	Franklin County towns of Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Worcester, MA HMFA	612	704	857	1025	1087	Worcester County towns of Auburn town, Barre town, Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, West Brookfield town, Worcester city
Eastern Worcester County, MA HMFA	724	809	1065	1273	1869	Worcester County towns of Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town, Mendon town, Milford town, Millville town, Southborough town, Upton town
Fitchburg-Leominster, MA HMFA	563	646	811	993	1079	Worcester County towns of Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town
Western Worcester County, MA HMFA	400	549	616	735	944	Worcester County towns of Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Dukes County, MA	742	942	1121	1340	1381	Aquinnah town, Chilmark town, Edgartown town, Gosnold town, Oak Bluffs town, Tisbury town, West Tisbury town
Nantucket County, MA	867	1200	1332	1593	1641	Nantucket town

MICHIGAN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI MSA	669	750	913	1149	1182	Washtenaw
Battle Creek, MI MSA	422	484	592	721	742	Calhoun
Bay City, MI MSA	390	436	530	708	728	Bay
*Detroit-Warren-Livonia, MI HMFA	619	686	826	986	1017	Lapeer, Macomb, Oakland, St. Clair, Wayne
Livingston County, MI HMFA	670	706	831	1198	1458	Livingston
Flint, MI MSA	494	521	626	776	800	Genesee
*Grand Rapids-Wyoming, MI HMFA	528	564	679	866	908	Kent
Barry County, MI HMFA	368	464	567	817	899	Barry
Ionia County, MI HMFA	392	455	555	664	740	Ionia
Newaygo County, MI HMFA	432	456	521	705	725	Newaygo
*Holland-Grand Haven, MI MSA	560	578	675	983	1081	Ottawa
Jackson, MI MSA	442	493	588	731	753	Jackson
Kalamazoo-Portage, MI MSA	472	504	612	813	849	Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	490	532	659	835	905	Clinton, Eaton, Ingham
*Monroe, MI MSA	630	632	761	1008	1099	Monroe
*Muskegon-Norton Shores, MI MSA	421	436	565	754	776	Muskegon
Niles-Benton Harbor, MI MSA	415	465	567	693	890	Berrien
Saginaw-Saginaw Township North, MI MSA	408	467	590	707	726	Saginaw
Cass County, MI HMFA	411	469	519	688	799	Cass

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcona	356	412	504	679	719	Alger	305	386	461	568	640
*Allegan	520	551	654	848	891	Alpena	369	419	467	645	713
Antrim	440	441	532	739	933	Arenac	377	397	474	634	702
Baraga	305	386	461	568	640	Benzie	544	545	660	824	848
Branch	422	450	592	710	730	Charlevoix	461	499	553	795	821
Cheboygan	355	413	510	685	720	Chippewa	336	418	516	625	701
Clare	353	367	482	649	669	Crawford	355	413	515	679	719
Delta	321	382	463	609	646	Dickinson	313	380	481	580	790
Emmet	387	476	593	799	846	Gladwin	377	397	474	634	702
Gogebic	319	381	462	565	672	Grand Traverse	556	557	698	914	942
Gratiot	417	418	500	667	745	Hillsdale	355	437	521	733	801
Houghton	329	385	463	602	690	Huron	373	375	449	595	723
Iosco	377	400	462	672	697	Iron	319	381	462	565	672
Isabella	413	447	498	717	782	Kalkaska	436	474	526	639	659
Keweenaw	319	381	462	565	672	Lake	385	421	503	658	792
Leelanau	544	545	660	824	848	Lenawee	420	527	647	826	901
Luce	328	400	475	623	679	Mackinac	336	418	517	624	679
Manistee	405	419	550	658	738	Marquette	303	394	468	589	640
Mason	309	364	476	623	684	Mecosta	371	441	534	710	936
Menominee	366	367	441	582	776	Midland	412	469	578	796	851
Missaukee	390	469	553	727	799	Montcalm	391	454	519	701	722
Montmorency	356	413	516	680	719	Oceana	367	425	507	613	654
Ogemaw	378	397	491	634	702	Ontonagon	319	381	462	565	672
Osceola	388	389	468	641	807	Oscoda	356	412	504	679	719
Otsego	415	485	638	765	804	Presque Isle	356	412	504	679	719
Roscommon	399	401	481	625	769	St. Joseph	419	467	551	680	763

MICHIGAN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sanilac	417	450	501	705	725
Shiawassee	363	446	556	766	853
Wexford	355	469	547	724	798
Schoolcraft	328	400	475	623	679
Tuscola	366	418	530	636	761

MINNESOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth, MN-WI MSA	351	427	539	677	862	Carlton, St. Louis
Fargo, ND-MN MSA	373	443	563	812	939	Clay
Grand Forks, ND-MN MSA	363	456	559	708	963	Polk
La Crosse, WI-MN MSA	359	420	553	734	901	Houston
*Minneapolis-St. Paul-Bloomington, MN-WI MSA	619	725	882	1168	1318	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright
Rochester, MN HMFA	520	556	730	947	988	Dodge, Olmsted
Wabasha County, MN HMFA	358	398	510	638	896	Wabasha
St. Cloud, MN MSA	428	472	565	799	928	Benton, Stearns

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	361	424	557	695	752
Beltrami	349	413	525	722	921
Blue Earth	411	514	594	855	1045
Cass	323	413	498	628	646
Clearwater	349	394	499	630	875
Cottonwood	318	347	434	553	579
Douglas	355	423	532	771	843
Fillmore	346	417	520	679	851
Goodhue	402	472	620	789	854
Hubbard	349	394	499	630	875
Jackson	318	347	434	553	579
Kandiyohi	405	415	515	694	715
Koochiching	323	413	498	628	646
Lake	325	413	501	628	646
Le Sueur	447	461	555	773	797
Lyon	384	431	530	661	680
Mahnomen	349	394	499	630	875
Martin	347	347	418	607	625
Mille Lacs	423	435	573	710	788
Mower	322	378	482	599	617
Nicollet	466	478	562	737	760
Norman	323	387	491	625	733
Pennington	315	371	482	609	665
Pipestone	318	347	434	553	579
Red Lake	323	387	491	625	733
Renville	404	421	519	678	698
Rock	318	347	434	553	579
Sibley	404	421	519	678	698
Stevens	324	407	499	601	812
Becker	299	355	462	578	601
Big Stone	305	371	470	601	621
Brown	372	423	508	608	625
Chippewa	375	407	489	585	603
Cook	325	413	501	628	646
Crow Wing	372	435	574	736	861
Faribault	318	347	434	553	579
Freeborn	321	376	495	590	778
Grant	305	371	470	601	621
Itasca	340	420	523	633	743
Kanabec	393	461	606	756	817
Kittson	323	387	491	625	733
Lac qui Parle	375	407	489	585	603
Lake of the Woods	349	394	499	630	875
Lincoln	375	407	489	585	603
McLeod	468	469	581	832	859
Marshall	323	387	491	625	733
Meeker	404	447	519	678	698
Morrison	336	400	517	618	907
Murray	318	347	434	553	579
Nobles	309	386	469	622	642
Otter Tail	320	381	491	599	617
Pine	403	437	564	737	760
Pope	305	371	470	601	621
Redwood	375	407	489	585	603
Rice	489	511	672	803	933
Roseau	325	386	501	625	731
Steele	391	474	599	754	982
Swift	305	371	470	601	621

MINNESOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Todd	363	408	504	608	808	Traverse	305	371	470	601	621
Wadena	363	408	504	608	808	Waseca	361	424	557	666	696
Watonwan	318	347	434	553	579	Wilkin	305	371	470	601	621
Winona	367	433	565	781	991	Yellow Medicine	375	407	489	585	603

MISSISSIPPI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Gulfport-Biloxi, MS MSA	497	526	615	801	823	Hancock, Harrison, Stone
Hattiesburg, MS MSA	389	444	528	769	794	Forrest, Lamar, Perry
Jackson, MS HMFA	468	528	613	737	760	Copiah, Hinds, Madison, Rankin
Simpson County, MS HMFA	357	377	431	516	746	Simpson
Memphis, TN-MS-AR HMFA	527	572	636	847	874	DeSoto
Marshall County, MS HMFA	280	350	432	631	650	Marshall
Tate County, MS HMFA	356	413	459	643	806	Tate
Tunica County, MS HMFA	388	467	598	718	881	Tunica
Pascagoula, MS MSA	427	489	587	808	867	George, Jackson

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	313	433	481	577	826	Alcorn	338	365	407	565	716
Amite	339	381	424	513	583	Attala	332	342	405	543	680
Benton	415	465	515	618	634	Bolivar	370	418	481	577	846
Calhoun	332	342	405	543	680	Carroll	291	326	431	572	599
Chickasaw	343	421	493	591	621	Choctaw	332	342	405	543	680
Claiborne	344	345	414	519	609	Clarke	378	420	483	632	654
Clay	334	335	403	587	606	Coahoma	387	400	528	631	927
Covington	344	345	414	519	609	Franklin	339	381	424	513	583
Greene	328	352	433	565	595	Grenada	326	358	419	590	702
Holmes	383	443	493	590	618	Humphreys	291	326	431	572	599
Issaquena	383	443	493	590	618	Itawamba	279	380	430	568	671
Jasper	347	375	442	531	565	Jefferson	344	345	414	519	609
Jefferson Davis	344	345	414	519	609	Jones	308	357	455	599	619
Kemper	378	420	483	632	654	Lafayette	407	481	593	710	731
Lauderdale	383	429	503	691	713	Lawrence	344	345	414	519	609
Leake	347	375	442	531	565	Lee	413	430	496	677	763
Leflore	285	334	439	583	686	Lincoln	302	373	414	568	727
Lowndes	397	407	477	693	715	Marion	323	367	411	540	614
Monroe	353	377	426	533	570	Montgomery	332	342	405	543	680
Neshoba	294	397	455	541	796	Newton	378	420	483	632	654
Noxubee	383	397	462	633	675	Oktibbeha	361	438	534	696	716
Panola	280	388	432	518	597	Pearl River	400	401	480	586	826
Pike	354	384	427	562	579	Pontotoc	353	354	426	579	596
Prentiss	273	318	420	504	519	Quitman	370	396	467	559	701
Scott	360	383	433	518	559	Sharkey	383	443	493	590	618
Smith	347	375	442	531	565	Sunflower	301	370	414	590	609
Tallahatchie	291	326	431	572	599	Tippah	322	350	388	505	629

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Tishomingo	267	347	411	516	533
Walthall	339	381	424	513	583
Washington	313	408	481	624	763
Webster	332	342	405	543	680
Winston	343	421	493	591	621
Yazoo	356	378	430	513	531

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Union	308	428	474	567	687
Warren	462	507	566	676	697
Wayne	328	352	433	565	595
Wilkinson	339	381	424	513	583
Yalobusha	332	342	405	543	680

MISSOURI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	380	455	565	823	918	Boone, Howard
McDonald County, MO HMFA	349	350	438	623	643	McDonald
Jefferson City, MO HMFA	364	392	504	700	782	Callaway, Cole, Osage
Moniteau County, MO HMFA	304	356	469	567	756	Moniteau
Joplin, MO MSA	330	396	505	643	662	Jasper, Newton
*Kansas City, MO-KS HMFA	510	612	703	951	1000	Caldwell, Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
Bates County, MO HMFA	305	358	468	657	679	Bates
St. Joseph, MO-KS MSA	333	412	512	645	764	Andrew, Buchanan, DeKalb
*St. Louis, MO-IL HMFA	513	559	694	905	967	Sullivan city part of Crawford, Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city
Washington County, MO HMFA	304	354	397	522	583	Washington
Springfield, MO HMFA	347	410	524	747	853	Christian, Greene, Webster
Dallas County, MO HMFA	270	351	415	566	585	Dallas
Polk County, MO HMFA	290	339	445	648	744	Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	334	388	512	672	743
Audrain	375	376	453	572	726
Barton	277	349	426	516	566
Bollinger	339	381	500	639	740
Camden	423	429	527	768	789
Carroll	404	405	511	641	715
Cedar	289	344	444	616	638
Clark	333	343	453	560	660
Crawford	290	367	445	592	781
Daviess	368	369	459	571	707
Douglas	294	330	399	528	612
Gasconade	328	357	462	578	736
Grundy	368	369	459	571	707
Henry	334	388	512	614	633
Holt	368	369	459	571	707
Iron	339	381	500	639	740
Knox	333	343	453	560	660
Lawrence	381	381	459	625	721
Linn	333	343	453	560	660
Macon	336	337	416	498	535

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Atchison	368	369	459	571	707
Barry	291	367	447	583	603
Benton	289	344	444	616	638
Butler	351	351	424	588	628
Cape Girardeau	343	399	527	681	858
Carter	342	342	412	573	616
Chariton	404	405	511	641	715
Cooper	369	388	505	674	784
Dade	356	375	493	631	681
Dent	329	357	439	579	736
Dunklin	314	341	405	518	578
Gentry	368	369	459	571	707
Harrison	368	369	459	571	707
Hickory	289	344	444	616	638
Howell	304	349	442	548	776
Johnson	406	433	525	702	790
Laclede	368	369	449	587	770
Lewis	333	343	453	560	660
Livingston	356	357	453	605	792
Madison	339	381	500	639	740

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 27

MISSOURI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Maries	329	357	439	579	736
Mercer	368	369	459	571	707
Mississippi	304	331	434	573	661
Montgomery	304	356	469	603	620
New Madrid	300	345	422	563	579
Oregon	294	330	399	528	612
Pemiscot	285	334	437	549	565
Pettis	404	405	525	655	784
Pike	300	351	463	606	662
Putnam	333	343	453	560	660
Randolph	313	367	481	610	627
Ripley	342	342	412	573	616
Ste. Genevieve	339	381	500	639	740
Saline	306	359	472	612	718
Scotland	333	343	453	560	660
Shannon	294	330	399	528	612
Stoddard	321	333	414	564	610
Sullivan	333	343	453	560	660
Texas	301	318	382	526	606
Wayne	342	342	412	573	616
Wright	301	315	410	517	533

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Marion	305	355	468	609	626
Miller	367	367	439	586	611
Monroe	304	356	469	603	620
Morgan	391	392	471	640	745
Nodaway	410	411	511	611	713
Ozark	294	330	399	528	612
Perry	345	375	492	589	865
Phelps	343	370	464	642	790
Pulaski	397	428	476	692	757
Ralls	304	356	469	603	620
Reynolds	342	342	412	573	616
St. Clair	289	344	444	616	638
St. Francois	401	404	485	677	705
Schuyler	333	343	453	560	660
Scott	385	386	483	602	712
Shelby	333	343	453	560	660
Stone	342	398	526	690	759
Taney	439	440	556	663	844
Vernon	323	384	465	651	671
Worth	368	369	459	571	707

MONTANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	376	447	578	780	939	Carbon, Yellowstone
Great Falls, MT MSA	344	414	531	718	864	Cascade
Missoula, MT MSA	444	511	645	836	1000	Missoula

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	415	484	636	823	997
Blaine	336	401	508	677	773
Carter	361	375	445	600	638
Custer	282	392	433	630	652
Dawson	361	375	445	600	638
Fallon	361	375	445	600	638
Flathead	375	461	579	819	1004
Garfield	361	375	445	600	638
Golden Valley	361	375	445	600	638
Hill	304	374	467	673	715
Judith Basin	336	401	508	677	773
Lewis and Clark	400	457	571	829	856
Lincoln	360	442	552	764	856
Madison	415	484	636	823	997
Mineral	444	503	631	809	968

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Big Horn	361	376	484	600	639
Broadwater	370	424	539	729	783
Chouteau	336	401	508	677	773
Daniels	361	375	445	600	638
Deer Lodge	370	424	539	729	783
Fergus	361	376	495	599	639
Gallatin	424	505	657	877	1151
Glacier	336	401	508	677	773
Granite	370	424	539	729	783
Jefferson	370	424	539	729	783
Lake	441	443	537	724	780
Liberty	336	401	508	677	773
McCone	361	375	445	600	638
Meagher	415	484	636	823	997
Musselshell	361	375	445	600	638

MONTANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Park	395	461	606	725	958	Petroleum	361	375	445	600	638
Phillips	361	375	445	600	638	Pondera	336	401	508	677	773
Powder River	361	375	445	600	638	Powell	370	424	539	729	783
Prairie	361	375	445	600	638	Ravalli	422	460	590	773	915
Richland	361	375	445	600	638	Roosevelt	361	375	445	600	638
Rosebud	361	375	486	600	639	Sanders	360	442	552	764	856
Sheridan	361	375	445	600	638	Silver Bow	364	392	504	659	721
Stillwater	361	375	445	600	638	Sweet Grass	361	375	445	600	638
Teton	336	401	508	677	773	Toole	336	401	508	677	773
Treasure	361	375	445	600	638	Valley	361	375	445	600	638
Wheatland	361	375	445	600	638	Wibaux	361	375	445	600	638

NEBRASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE HMFA	417	468	596	836	1013	Lancaster
Seward County, NE HMFA	314	387	484	643	816	Seward
Omaha-Council Bluffs, NE-IA HMFA	467	531	662	884	909	Cass, Douglas, Sarpy, Washington
Saunders County, NE HMFA	481	483	580	846	871	Saunders
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Dakota, Dixon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	348	407	535	677	697	Antelope	413	414	497	623	643
Arthur	356	412	472	623	642	Banner	346	351	463	601	720
Blaine	418	419	503	622	725	Boone	413	414	497	623	643
Box Butte	346	351	463	606	720	Boyd	346	351	463	601	720
Brown	346	351	463	601	720	Buffalo	378	442	582	792	920
Burt	413	414	497	623	643	Butler	399	400	481	610	639
Cedar	413	414	497	623	643	Chase	356	412	472	623	642
Cherry	346	351	463	601	720	Cheyenne	346	351	463	601	720
Clay	352	412	542	693	805	Colfax	413	414	497	623	643
Cuming	413	414	497	623	643	Custer	418	419	503	622	725
Dawes	316	373	489	586	728	Dawson	432	469	522	635	655
Deuel	346	351	463	601	720	Dodge	397	465	611	730	891
Dundy	356	412	472	623	642	Fillmore	399	400	481	610	639
Franklin	352	412	542	693	805	Frontier	356	412	472	623	642
Furnas	356	412	472	623	642	Gage	417	418	502	612	631
Garden	346	351	463	601	720	Garfield	418	419	503	622	725
Gosper	356	412	472	623	642	Grant	356	412	472	623	642
Greeley	418	419	503	622	725	Hall	423	424	531	664	859
Hamilton	418	419	503	622	725	Harlan	352	412	542	693	805
Hayes	356	412	472	623	642	Hitchcock	356	412	472	623	642
Holt	346	351	463	601	720	Hooker	356	412	472	623	642
Howard	418	419	503	622	725	Jefferson	399	400	481	610	639
Johnson	399	400	481	610	639	Kearney	352	412	542	693	805

NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Keith	356	412	472	623	642	Keya Paha	346	351	463	601	720
Kimball	346	351	463	601	720	Knox	413	414	497	623	643
Lincoln	366	412	524	642	809	Logan	356	412	472	623	642
Loup	418	419	503	622	725	McPherson	356	412	472	623	642
Madison	370	390	513	699	721	Merrick	418	419	503	622	725
Morrill	346	351	463	601	720	Nance	413	414	497	623	643
Nemaha	399	400	481	610	639	Nuckolls	352	412	542	693	805
Otoe	408	410	492	610	639	Pawnee	399	400	481	610	639
Perkins	356	412	472	623	642	Phelps	352	412	542	693	805
Pierce	413	414	497	623	643	Platte	410	411	493	719	740
Polk	399	400	481	610	639	Red Willow	299	390	433	630	650
Richardson	399	400	481	610	639	Rock	346	351	463	601	720
Saline	442	466	533	651	673	Scotts Bluff	415	416	500	637	841
Sheridan	346	351	463	601	720	Sherman	418	419	503	622	725
Sioux	346	351	463	601	720	Stanton	413	414	497	623	643
Thayer	399	400	481	610	639	Thomas	356	412	472	623	642
Thurston	413	414	497	623	643	Valley	418	419	503	622	725
Wayne	413	414	497	623	643	Webster	352	412	542	693	805
Wheeler	418	419	503	622	725	York	354	418	547	664	798

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Carson City, NV MSA	528	637	767	1118	1348	Carson
*Las Vegas-Paradise, NV MSA	622	728	861	1195	1453	Clark
Reno-Sparks, NV MSA	596	712	880	1279	1545	Storey, Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	570	572	718	908	1067	Douglas	597	734	892	1242	1376
Elko	514	559	725	903	1163	Esmeralda	447	517	659	875	968
Eureka	447	517	659	875	968	Humboldt	450	528	693	830	854
Lander	447	517	659	875	968	Lincoln	447	517	659	875	968
Lyon	472	530	698	1017	1048	Mineral	447	517	659	875	968
*Nye	432	597	664	967	997	Pershing	447	517	659	875	968
White Pine	447	517	659	875	968						

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston-Cambridge-Quincy, MA-NH HMFA	1063	1128	1324	1584	1740	Rockingham County towns of Seabrook town, South Hampton town
Lawrence, MA-NH HMFA	677	862	1042	1244	1283	Rockingham County towns of Atkinson town, Chester town, Danville town, Derry town, Fremont town, Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town
Western Rockingham County, NH HMFA	823	824	992	1311	1352	Rockingham County towns of Auburn town, Candia town, Deerfield town, Londonderry town, Northwood town,

NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Portsmouth-Rochester, NH HMFA	650	768	957	1263	1425	Nottingham town Rockingham County towns of Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town Strafford County towns of Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Middleton town, Milton town, New Durham town, Rochester city, Rollinsford town, Somersworth city, Strafford town
Manchester, NH HMFA	689	822	1013	1211	1383	Hillsborough County towns of Bedford town, Goffstown town, Manchester city, Weare town
Nashua, NH HMFA	734	863	1079	1443	1544	Hillsborough County towns of Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Pelham town, Wilton town
Hillsborough County, NH (part) HMFA	602	611	802	1169	1408	Hillsborough County towns of Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
NONMETROPOLITAN COUNTIES	**0 BR**	**1 BR**	**2 BR**	**3 BR**	**4 BR**	**Towns within nonmetropolitan counties**
Belknap County, NH	475	584	729	962	1237	Alton town, Barnstead town, Belmont town, Center Harbor town, Gilford town, Gilmanton town, Laconia city, Meredith town, New Hampton town, Sanbornton town, Tilton town
Carroll County, NH	526	556	733	997	1224	Albany town, Bartlett town, Brookfield town, Chatham town, Conway town, Eaton town, Effingham town, Freedom town, Hale's location, Hart's Location town, Jackson town, Madison town, Moultonborough town, Ossipee town, Sandwich town, Tamworth town, Tuftonboro town, Wakefield town, Wolfeboro town
Cheshire County, NH	583	622	780	941	1145	Alstead town, Chesterfield town, Dublin town, Fitzwilliam town, Gilsum town, Harrisville town, Hinsdale town, Jaffrey town, Keene city, Marlborough town, Marlow town, Nelson town, Richmond town, Rindge town, Roxbury town, Stoddard town, Sullivan town, Surry town, Swanzey town, Troy town, Walpole town, Westmoreland town, Winchester town
Coos County, NH	342	447	525	737	827	Atkinson and Gilmanton Academy grant, Beans grant, Beans purchase, Berlin city, Cambridge township, Carroll town, Chandlers purchase, Clarksville town, Colebrook town, Columbia town, Crawfords purchase, Cutts grant, Dalton town, Dixs grant, Dixville township, Dummer town, Errol town, Ervings location, Gorham town, Greens grant, Hadleys purchase, Jefferson town, Kilkenny township, Lancaster town, Low and Burbanks grant, Martins location, Milan town, Millsfield township, Northumberland town, Odell township, Pinkhams grant, Pittsburg town, Randolph town, Sargents purchase, Second College grant, Shelburne town, Stark town,

NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Stewartstown town, Stratford town, Success township, Thompson and Meserves purchase, Wentworth location, Whitefield town
Grafton County, NH	517	569	721	970	1022	Alexandria town, Ashland town, Bath town, Benton town, Bethlehem town, Bridgewater town, Bristol town, Campton town, Canaan town, Dorchester town, Easton town, Ellsworth town, Enfield town, Franconia town, Grafton town, Groton town, Hanover town, Haverhill town, Hebron town, Holderness town, Landaff town, Lebanon city, Lincoln town, Lisbon town, Littleton town, Livermore town, Lyman town, Lyme town, Monroe town, Orange town, Orford town, Piermont town, Plymouth town, Rumney town, Sugar Hill town, Thornton town, Warren town, Waterville Valley town, Wentworth town, Woodstock town
Merrimack County, NH	528	624	815	1007	1290	Allenstown town, Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hooksett town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Sullivan County, NH	440	533	679	920	994	Acworth town, Charlestown town, Claremont city, Cornish town, Croydon town, Goshen town, Grantham town, Langdon town, Lempster town, Newport town, Plainfield town, Springfield town, Sunapee town, Unity town, Washington town

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Warren County, NJ HMFA	844	886	1070	1323	1362	Warren
Atlantic City, NJ MSA	704	775	925	1173	1315	Atlantic
New York-Monmouth-Ocean, NY-NJ HMFA	940	1003	1133	1406	1556	Monmouth, Ocean
*Bergen-Passaic, NJ HMFA	946	1035	1183	1492	1806	Bergen, Passaic
Jersey City, NJ HMFA	884	934	1090	1321	1422	Hudson
Middlesex-Somerset-Hunterdon, NJ HMFA	973	1009	1187	1490	1757	Hunterdon, Middlesex, Somerset
*Newark, NJ HMFA	767	937	1070	1300	1495	Essex, Morris, Sussex, Union
Ocean City, NJ MSA	623	636	800	1048	1079	Cape May
*Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Burlington, Camden, Gloucester, Salem
Trenton-Ewing, NJ MSA	739	850	1022	1221	1371	Mercer
Vineland-Millville-Bridgeton, NJ MSA	674	676	852	1035	1091	Cumberland

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Albuquerque, NM MSA	485	571	721	1050	1259	Bernalillo, Sandoval, Torrance, Valencia
Farmington, NM MSA	433	458	552	730	823	San Juan
Las Cruces, NM MSA	418	451	503	694	771	Dona Ana
Santa Fe, NM MSA	559	693	843	1103	1319	Santa Fe

NEW MEXICO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	330	372	445	648	668	Chaves	363	365	466	610	628
Cibola	344	371	413	600	652	Colfax	404	431	485	612	637
Curry	379	393	456	617	803	De Baca	377	389	454	612	745
Eddy	292	373	438	588	714	Grant	364	422	480	676	696
Guadalupe	445	451	537	674	703	Harding	377	389	454	612	745
Hidalgo	330	372	445	648	668	Lea	354	385	427	562	591
Lincoln	354	446	543	684	954	Los Alamos	568	661	868	1042	1073
Luna	328	356	395	504	605	McKinley	360	423	556	664	861
Mora	445	451	537	674	703	Otero	345	409	452	661	796
Quay	377	389	454	612	745	Rio Arriba	406	414	489	633	702
Roosevelt	351	360	423	586	725	San Miguel	381	411	506	672	781
Sierra	294	365	453	662	796	Socorro	374	374	449	538	762
Taos	540	587	650	778	802	Union	377	389	454	612	745

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	565	586	715	856	935	Albany, Rensselaer, Saratoga, Schenectady, Schoharie
Binghamton, NY MSA	454	456	546	713	836	Broome, Tioga
*Buffalo-Niagara Falls, NY MSA	519	523	625	778	867	Erie, Niagara
Elmira, NY MSA	498	499	599	770	802	Chemung
Glens Falls, NY MSA	474	501	630	795	895	Warren, Washington
Ithaca, NY MSA	610	628	735	889	922	Tompkins
Kingston, NY MSA	590	640	766	971	1206	Ulster
New York-Monmouth-Ocean, NY-NJ HMFA	940	1003	1133	1406	1556	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
Nassau-Suffolk, NY HMFA	938	1084	1280	1699	1851	Nassau, Suffolk
Poughkeepsie-Newburgh-Middletown, NY MSA	694	815	998	1224	1303	Dutchess, Orange
Rochester, NY MSA	485	537	656	788	834	Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	485	486	586	750	812	Madison, Onondaga, Oswego
Utica-Rome, NY MSA	470	471	567	695	789	Herkimer, Oneida
Westchester County, NY HMFA	949	1132	1316	1587	1957	Westchester

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allegany	440	443	530	660	811	Cattaraugus	446	447	538	707	811
Cayuga	471	472	566	753	874	Chautauqua	444	446	535	690	754
Chenango	449	453	542	683	952	Clinton	507	509	610	775	1007
Columbia	554	566	667	806	859	Cortland	484	485	592	752	924
Delaware	454	456	547	676	890	Essex	477	478	574	763	830
Franklin	438	439	524	673	745	Fulton	375	457	578	692	735
Genesee	515	516	620	769	870	Greene	479	517	630	819	892
Hamilton	482	483	580	723	838	Jefferson	500	501	602	776	815
Lewis	444	446	535	669	747	Montgomery	438	470	528	668	723
Otsego	471	483	567	754	784	St. Lawrence	445	446	537	680	743
Schuyler	484	486	583	777	803	Seneca	513	514	616	811	1026
Steuben	474	475	571	733	809	Sullivan	488	541	694	831	973
Wyoming	461	474	556	810	883	Yates	472	478	568	736	758

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 33

NORTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC HMFA	447	522	596	799	1047	Buncombe, Henderson, Madison
Haywood County, NC HMFA	425	426	531	688	890	Haywood
Burlington, NC MSA	558	577	673	914	942	Alamance
Charlotte-Gastonia-Concord, NC-SC HMFA	565	613	680	857	997	Cabarrus, Gaston, Mecklenburg, Union
Anson County, NC HMFA	329	354	396	557	588	Anson
Durham, NC HMFA	492	673	755	987	1064	Chatham, Durham, Orange
Person County, NC HMFA	438	439	530	633	726	Person
Fayetteville, NC HMFA	487	526	588	835	988	Cumberland
Hoke County, NC HMFA	451	490	543	743	906	Hoke
Goldsboro, NC MSA	377	447	523	655	875	Wayne
Greensboro-High Point, NC HMFA	533	608	678	859	919	Guilford, Randolph
Rockingham County, NC HMFA	409	433	513	637	657	Rockingham
Greenville, NC HMFA	436	452	557	772	797	Pitt
Greene County, NC HMFA	375	376	451	637	658	Greene
Hickory-Lenoir-Morganton, NC MSA	440	462	531	681	793	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	445	476	535	751	882	Onslow
Raleigh-Cary, NC MSA	655	734	817	1027	1064	Franklin, Johnston, Wake
Rocky Mount, NC MSA	376	454	578	718	739	Edgecombe, Nash
*Virginia Beach-Norfolk-Newport News, VA-NC MSA	672	706	811	1118	1401	Currituck
Wilmington, NC HMFA	512	566	683	957	984	Brunswick, New Hanover
Pender County, NC HMFA	445	448	538	707	727	Pender
Winston-Salem, NC MSA	466	531	615	838	985	Davie, Forsyth, Stokes, Yadkin

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	344	403	462	606	625	Ashe	357	358	431	570	674
Avery	385	475	562	672	794	Beaufort	315	411	484	583	599
Bertie	322	408	470	563	580	Bladen	263	320	405	590	637
Camden	371	483	570	770	789	Carteret	460	460	553	805	970
Caswell	420	421	515	629	657	Cherokee	258	334	397	577	695
Chowan	371	483	570	770	789	Clay	408	409	491	644	750
Cleveland	494	495	595	784	880	Columbus	313	403	447	536	551
Craven	418	476	546	736	919	Dare	567	568	697	921	948
Davidson	450	451	543	708	809	Duplin	351	380	423	535	552
Gates	371	483	570	770	789	Graham	408	409	491	644	750
Granville	462	463	557	695	827	Halifax	311	431	477	607	696
Harnett	427	465	515	695	904	Hertford	307	422	471	618	635
Hyde	371	483	570	770	789	Iredell	503	507	607	804	1050
Jackson	457	473	563	739	763	Jones	421	455	544	753	957
Lee	367	502	567	697	995	Lenoir	375	377	496	593	851
Lincoln	357	494	549	663	682	McDowell	361	431	557	688	707
Macon	380	413	532	646	933	Martin	374	396	450	583	599
Mitchell	385	475	562	672	794	Montgomery	384	417	463	577	813
Moore	460	461	580	834	1017	Northampton	311	420	477	607	624
Pamlico	322	410	482	607	624	Pasquotank	367	473	563	817	842
Perquimans	371	483	570	770	789	Polk	466	467	573	716	739
Richmond	337	423	469	590	608	Robeson	345	417	484	581	647
Rowan	469	508	564	805	860	Rutherford	456	458	560	670	690
Sampson	350	357	421	585	741	Scotland	415	416	527	640	798

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Stanly	390	421	515	701	763	Surry	343	413	459	613	631
Swain	408	409	491	644	750	Transylvania	329	458	507	640	675
Tyrrell	371	483	570	770	789	Vance	415	416	500	599	618
Warren	423	425	509	622	640	Washington	349	470	536	643	660
Watauga	416	508	639	777	1003	Wilkes	343	393	469	602	627
Wilson	472	473	574	687	728	Yancey	378	379	456	544	561

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	399	418	520	753	774	Burleigh, Morton
Fargo, ND-MN MSA	373	443	563	812	939	Cass
Grand Forks, ND-MN MSA	363	456	559	708	963	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	302	351	431	571	597	Barnes	352	354	425	595	747
Benson	353	354	431	594	750	Billings	302	351	431	571	597
Bottineau	363	399	496	698	761	Bowman	302	351	431	571	597
Burke	363	399	496	698	761	Cavalier	353	354	431	594	750
Dickey	353	354	431	594	750	Divide	302	351	431	571	597
Dunn	302	351	431	571	597	Eddy	353	354	431	594	750
Emmons	363	399	496	698	761	Foster	353	354	431	594	750
Golden Valley	302	351	431	571	597	Grant	302	351	431	571	597
Griggs	353	354	431	594	750	Hettinger	302	351	431	571	597
Kidder	363	399	496	698	761	LaMoure	353	354	431	594	750
Logan	363	399	496	698	761	McHenry	363	399	496	698	761
McIntosh	363	399	496	698	761	McKenzie	302	351	431	571	597
McLean	363	399	496	698	761	Mercer	302	351	431	571	597
Mountrail	363	399	496	698	761	Nelson	370	459	548	741	823
Oliver	302	351	431	571	597	Pembina	370	459	548	741	823
Pierce	363	399	496	698	761	Ramsey	353	363	477	594	752
Ransom	353	354	431	594	750	Renville	363	399	496	698	761
Richland	323	389	492	639	758	Rolette	363	399	496	698	761
Sargent	353	354	431	594	750	Sheridan	363	399	496	698	761
Sioux	302	351	431	571	597	Slope	302	351	431	571	597
Stark	304	369	427	621	751	Steele	370	459	548	741	823
Stutsman	359	361	432	598	759	Towner	353	354	431	594	750
Traill	370	459	548	741	823	Walsh	370	459	548	741	823
Ward	311	386	475	656	779	Wells	353	354	431	594	750
Williams	271	330	416	548	581						

OHIO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH MSA	468	547	700	890	918	Portage, Summit

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OHIO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Canton-Massillon, OH MSA	408	452	571	721	764	Carroll, Stark
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Butler, Clermont, Hamilton, Warren
Brown County, OH HMFA	385	404	533	688	829	Brown
*Cleveland-Elyria-Mentor, OH MSA	524	598	728	954	1025	Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH HMFA	445	517	655	823	895	Delaware, Fairfield, Franklin, Licking, Madison, Morrow, Pickaway, Union
Dayton, OH HMFA	437	499	615	828	988	Greene, Miami, Montgomery
Preble County, OH HMFA	454	468	568	736	762	Preble
Huntington-Ashland, WV-KY-OH MSA	351	416	499	615	636	Lawrence
Lima, OH MSA	417	422	522	644	661	Allen
Mansfield, OH MSA	343	419	528	685	713	Richland
Parkersburg-Marietta, WV-OH MSA	364	389	498	661	714	Washington
Sandusky, OH MSA	377	454	580	757	796	Erie
Springfield, OH MSA	419	466	561	725	932	Clark
Toledo, OH MSA	425	473	585	755	823	Fulton, Lucas, Ottawa, Wood
Weirton-Steubenville, WV-OH MSA	313	384	473	591	641	Jefferson
Wheeling, WV-OH MSA	307	370	472	593	692	Belmont
Youngstown-Warren-Boardman, OH-PA MSA	398	446	541	681	734	Mahoning, Trumbull

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	346	359	425	563	595	Ashland	361	430	557	719	739
*Ashtabula	406	479	618	806	888	Athens	424	461	511	657	684
Auglaize	373	401	525	683	701	Champaign	356	435	548	676	727
Clinton	396	489	542	790	927	Columbiana	407	429	518	641	779
Coshocton	332	400	477	617	704	Crawford	401	407	486	626	685
Darke	323	413	498	663	682	Defiance	385	441	535	675	822
Fayette	409	471	575	692	923	Gallia	296	393	436	555	728
Guernsey	327	404	465	614	631	Hancock	382	446	579	787	836
Hardin	388	422	468	586	768	Harrison	331	396	497	636	655
Henry	348	427	517	665	686	Highland	423	424	510	687	709
Hocking	303	421	467	666	686	Holmes	391	392	471	621	659
Huron	375	454	555	770	847	Jackson	431	433	519	622	641
Knox	451	454	545	698	800	Logan	464	469	558	702	725
Marion	369	465	568	720	876	Meigs	396	430	477	653	673
Mercer	315	408	482	649	669	Monroe	391	392	471	578	647
Morgan	391	392	471	578	647	Muskingum	398	408	491	629	793
Noble	391	392	471	578	647	Paulding	356	390	485	633	652
Perry	423	424	510	638	656	Pike	332	427	511	612	637
Putnam	357	395	521	647	674	Ross	383	434	507	627	719
Sandusky	454	464	546	679	741	Scioto	356	372	445	584	699
Seneca	377	396	511	642	661	Shelby	425	434	565	705	781
Tuscarawas	342	399	527	667	687	Van Wert	321	384	494	601	621
Vinton	325	402	446	611	760	Wayne	380	473	582	695	761
Williams	423	429	532	704	778	Wyandot	387	388	466	639	658

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fort Smith, AR-OK HMFA	335	381	474	631	688	Sequoyah
Le Flore County, OK HMFA	285	333	422	522	639	Le Flore
Lawton, OK MSA	366	394	496	725	871	Comanche
*Oklahoma City, OK HMFA	432	468	571	786	891	Canadian, Cleveland, Logan, McClain, Oklahoma
Grady County, OK HMFA	307	343	426	576	662	Grady
Lincoln County, OK HMFA	344	345	416	548	565	Lincoln
*Tulsa, OK HMFA	481	520	648	866	946	Creek, Osage, Rogers, Tulsa, Wagoner
Okmulgee County, OK HMFA	299	336	443	601	638	Okmulgee
Pawnee County, OK HMFA	381	392	456	591	608	Pawnee

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	342	343	410	489	504	Alfalfa	345	356	414	562	580
Atoka	316	354	436	567	661	Beaver	345	356	414	562	580
Beckham	342	370	411	538	721	Blaine	345	356	414	562	580
Bryan	356	357	438	566	675	Caddo	270	298	392	469	586
Carter	399	425	481	598	641	Cherokee	365	392	454	570	656
Choctaw	285	309	345	489	504	Cimarron	345	356	414	562	580
Coal	316	354	436	567	661	Cotton	342	370	467	676	791
Craig	305	356	468	561	823	Custer	327	328	424	606	625
Delaware	314	354	438	588	607	Dewey	345	356	414	562	580
Ellis	345	356	414	562	580	Garfield	371	391	470	651	670
Garvin	286	334	442	581	708	Grant	345	356	414	562	580
Greer	322	334	416	559	586	Harmon	322	334	416	559	586
Harper	345	356	414	562	580	Haskell	266	319	409	515	564
Hughes	364	415	495	631	648	Jackson	310	403	452	634	654
Jefferson	342	370	467	676	791	Johnston	316	354	436	567	661
Kay	306	378	470	649	671	Kingfisher	345	356	414	582	598
Kiowa	322	334	416	559	586	Latimer	266	319	409	515	564
Love	316	354	436	567	661	McCurtain	253	295	390	506	523
McIntosh	334	378	452	565	641	Major	345	356	414	562	580
Marshall	316	354	436	567	661	Mayes	291	405	449	562	643
Murray	344	345	413	555	711	Muskogee	342	402	477	603	666
Noble	330	384	462	642	662	Nowata	339	359	445	593	670
Okfuskee	364	415	495	631	648	Ottawa	343	344	411	560	578
Payne	402	460	564	799	822	Pittsburg	307	359	473	596	726
Pontotoc	307	342	436	594	613	*Pottawatomie	414	468	521	697	749
Pushmataha	266	319	409	515	564	Roger Mills	322	334	416	559	586
Seminole	282	348	434	521	537	Stephens	285	330	435	594	613
Texas	350	420	473	598	716	Tillman	342	370	467	676	791
Washington	373	374	455	637	701	Washita	322	334	416	559	586
Woods	305	326	411	598	616	Woodward	313	366	451	562	580

OREGON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bend, OR MSA	488	567	676	985	1015	Deschutes

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 37

OREGON continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Corvallis, OR MSA	461	560	697	1013	1165	Benton
Eugene-Springfield, OR MSA	462	561	710	993	1105	Lane
Medford, OR MSA	455	540	679	988	1017	Jackson
Portland-Vancouver-Beaverton, OR-WA MSA	539	625	723	1053	1265	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR MSA	468	520	622	904	1090	Marion, Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baker	357	415	548	797	821	Clatsop	405	503	622	900	928
Coos	389	471	597	792	912	Crook	384	494	591	800	936
Curry	439	505	596	871	1051	Douglas	380	453	584	792	980
Gilliam	412	483	583	790	924	Grant	412	483	583	790	924
Harney	369	429	540	746	794	Hood River	415	514	640	911	940
Jefferson	460	490	555	807	909	Josephine	445	510	617	877	974
Klamath	367	431	549	768	853	Lake	369	429	540	746	794
Lincoln	460	525	670	929	1049	Linn	439	532	663	914	1132
Malheur	390	445	542	784	806	Morrow	412	483	583	790	924
Sherman	412	483	583	790	924	Tillamook	424	506	651	910	937
Umatilla	384	438	560	786	877	Union	367	427	563	821	845
Wallowa	364	424	559	800	860	Wasco	424	475	592	841	1041
Wheeler	412	483	583	790	924						

PENNSYLVANIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA HMFA	523	636	753	974	1031	Carbon, Lehigh, Northampton
Altoona, PA MSA	391	428	518	679	700	Blair
Erie, PA MSA	388	438	565	676	768	Erie
Harrisburg-Carlisle, PA MSA	482	550	693	875	906	Cumberland, Dauphin, Perry
Johnstown, PA MSA	354	361	443	558	639	Cambria
Lancaster, PA MSA	458	544	670	850	893	Lancaster
Lebanon, PA MSA	376	449	578	784	809	Lebanon
Pike County, PA HMFA	706	734	850	1151	1409	Pike
*Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA HMFA	548	601	719	894	965	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland
Armstrong County, PA HMFA	421	457	506	648	850	Armstrong
Reading, PA MSA	465	519	640	856	883	Berks
Scranton--Wilkes-Barre, PA MSA	415	495	594	753	795	Lackawanna, Luzerne, Wyoming
State College, PA MSA	538	599	706	844	870	Centre
Williamsport, PA MSA	380	437	526	691	710	Lycoming
York-Hanover, PA MSA	438	503	638	771	799	York
Youngstown-Warren-Boardman, OH-PA MSA	398	446	541	681	734	Mercer

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	461	504	603	812	900	Bedford	371	421	487	582	773
Bradford	319	427	490	613	751	Cameron	410	425	492	652	702
Clarion	373	405	449	573	599	Clearfield	344	379	451	647	763
Clinton	443	444	535	640	658	Columbia	430	472	575	735	872
Crawford	391	434	491	652	744	Elk	400	418	480	622	752

PENNSYLVANIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Forest	379	403	455	590	607
Fulton	319	407	479	591	691
Huntingdon	306	379	471	609	626
Jefferson	313	387	460	609	628
Lawrence	356	465	547	654	768
Mifflin	337	390	479	622	778
Montour	439	504	580	694	716
Potter	406	440	488	647	665
Snyder	342	449	528	661	713
Sullivan	324	434	498	624	743
Tioga	421	462	514	675	722
Venango	362	396	472	596	676
Wayne	478	480	603	753	849
Franklin	381	433	547	720	882
Greene	403	430	486	581	598
Indiana	436	454	525	627	686
Juniata	378	410	493	670	691
McKean	412	433	494	662	712
Monroe	504	621	776	991	1109
Northumberland	330	430	480	595	616
Schuylkill	318	415	477	596	655
Somerset	379	379	456	560	593
Susquehanna	397	433	507	609	672
Union	471	491	567	745	802
Warren	312	401	480	623	660

RHODE ISLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Providence-Fall River, RI-MA HMFA	695	773	891	1065	1313	Bristol County towns of Barrington town, Bristol town, Warren town Kent County towns of Coventry town, East Greenwich town, Warwick city, West Greenwich town, West Warwick town Newport County towns of Jamestown town, Little Compton town, Tiverton town Providence County towns of Burrillville town, Central Falls city, Cranston city, Cumberland town, East Providence city, Foster town, Glocester town, Johnston town, Lincoln town, North Providence town, North Smithfield town, Pawtucket city, Providence city, Scituate town, Smithfield town, Woonsocket city Washington County towns of Charlestown town, Exeter town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town
Westerly-Hopkinton-New Shoreham, RI HMFA	517	650	760	908	1186	Washington County towns of Hopkinton town, New Shoreham town, Westerly town
Newport-Middleton-Portsmouth, RI HMFA	623	760	939	1275	1648	Newport County towns of Middletown town, Newport city, Portsmouth town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, SC MSA	360	467	531	672	691	Anderson
Augusta-Richmond County, GA-SC MSA	461	500	562	753	791	Aiken, Edgefield
Charleston-North Charleston, SC MSA	529	586	663	864	1006	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Concord, NC-SC HMFA	565	613	680	857	997	York
Columbia, SC HMFA	521	567	632	781	805	Calhoun, Fairfield, Lexington, Richland, Saluda
Kershaw County, SC HMFA	323	407	500	629	730	Kershaw
Florence, SC HMFA	372	418	484	581	729	Florence
Darlington County, SC HMFA	282	361	434	521	562	Darlington
Greenville, SC HMFA	496	539	599	791	813	Greenville, Pickens

SOUTH CAROLINA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Laurens County, SC HMFA	425	461	511	646	754	Laurens
Myrtle Beach-Conway-North Myrtle Beach, SC MSA	533	586	684	817	990	Horry
Spartanburg, SC MSA	462	478	558	702	723	Spartanburg
Sumter, SC MSA	414	450	498	640	677	Sumter

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Abbeville	294	408	453	550	566	Allendale	366	396	440	546	706
Bamberg	332	333	400	534	549	Barnwell	377	396	455	548	708
Beaufort	567	682	772	941	1000	Cherokee	393	394	481	576	611
Chester	413	414	496	593	630	Chesterfield	318	396	450	538	790
Clarendon	419	420	504	604	688	Colleton	284	354	437	618	635
Dillon	342	348	412	515	566	Georgetown	471	472	569	737	890
Greenwood	423	442	508	737	760	Hampton	360	366	433	534	606
Jasper	442	480	534	637	723	Lancaster	326	411	481	661	728
Lee	324	397	474	583	730	McCormick	404	423	486	672	694
Marion	361	362	437	531	545	Marlboro	336	337	405	511	605
Newberry	384	418	464	590	726	Oconee	315	369	484	600	852
Orangeburg	375	406	451	560	694	Union	363	364	437	603	678
Williamsburg	419	420	504	604	688						

SOUTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD HMFA	454	530	667	883	908	Pennington
Meade County, SD HMFA	321	383	496	721	805	Meade
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Union
Sioux Falls, SD MSA	463	486	621	811	897	Lincoln, McCook, Minnehaha, Turner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aurora	311	363	477	611	653	Beadle	389	389	467	679	771
Bennett	360	374	477	638	710	Bon Homme	311	363	477	611	653
Brookings	316	396	487	687	856	Brown	355	380	501	636	756
Brule	311	363	477	611	653	Buffalo	311	363	477	611	653
Butte	360	374	477	638	710	Campbell	348	365	479	632	752
Charles Mix	311	363	477	611	653	Clark	324	377	484	654	772
Clay	370	393	517	713	907	Codington	361	422	555	717	819
Corson	360	374	477	638	710	Custer	360	374	477	638	710
Davison	336	394	517	663	713	Day	348	365	479	632	752
Deuel	324	377	484	654	772	Dewey	360	374	477	638	710
Douglas	311	363	477	611	653	Edmunds	348	365	479	632	752
Fall River	359	374	492	638	710	Faulk	348	365	479	632	752
Grant	324	377	484	654	772	Gregory	311	363	477	611	653
Haakon	360	374	477	638	710	Hamlin	324	377	484	654	772
Hand	348	365	479	632	752	Hanson	311	363	477	611	653
Harding	360	374	477	638	710	Hughes	323	405	500	627	647
Hutchinson	311	363	477	611	653	Hyde	311	363	477	611	653

SOUTH DAKOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jackson	360	374	477	638	710
Jones	360	374	477	638	710
Lake	324	377	484	654	772
Lyman	311	363	477	611	653
Marshall	348	365	479	632	752
Miner	324	377	484	654	772
Perkins	360	374	477	638	710
Roberts	348	365	479	632	752
Shannon	360	374	477	638	710
Stanley	311	363	477	611	653
Todd	360	374	477	638	710
Walworth	348	365	479	632	752
Ziebach	360	374	477	638	710

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jerauld	348	365	479	632	752
Kingsbury	324	377	484	654	772
Lawrence	343	416	512	713	761
McPherson	348	365	479	632	752
Mellette	360	374	477	638	710
Moody	324	377	484	654	772
Potter	360	374	477	638	710
Sanborn	311	363	477	611	653
Spink	348	365	479	632	752
Sully	311	363	477	611	653
Tripp	311	363	477	611	653
Yankton	343	407	529	694	713

TENNESSEE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	469	496	584	719	845	Hamilton, Marion, Sequatchie
Clarksville, TN-KY HMFA	466	485	563	814	838	Montgomery
Stewart County, TN HMFA	302	393	464	633	652	Stewart
Cleveland, TN MSA	401	410	528	663	842	Bradley, Polk
Jackson, TN MSA	431	470	593	794	815	Chester, Madison
Johnson City, TN MSA	334	404	501	622	776	Carter, Unicoi, Washington
Kingsport-Bristol-Bristol, TN-VA MSA	360	387	481	645	771	Hawkins, Sullivan
Knoxville, TN MSA	411	472	569	762	787	Anderson, Blount, Knox, Loudon, Union
Memphis, TN-MS-AR HMFA	527	572	636	847	874	Fayette, Shelby, Tipton
Morristown, TN MSA	393	394	473	620	699	Grainger, Hamblen, Jefferson
Nashville-Davidson--Murfreesboro, TN HMFA	507	579	666	864	889	Cannon, Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Trousdale, Williamson, Wilson
Hickman County, TN HMFA	308	428	474	691	712	Hickman
Macon County, TN HMFA	298	363	459	547	607	Macon
Smith County, TN HMFA	395	396	474	632	653	Smith

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	374	458	576	721	742
Bledsoe	280	351	428	562	579
Carroll	377	378	455	561	627
Clay	366	367	453	588	605
Coffee	411	412	494	670	732
Cumberland	381	382	460	652	807
DeKalb	362	363	436	629	650
Fentress	366	367	453	588	605
Gibson	369	377	450	565	625
Greene	293	370	452	612	629
Hancock	354	355	427	547	658
Hardin	301	336	411	545	561
Henderson	322	427	498	594	612
Houston	357	358	453	560	615

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Benton	357	358	453	560	615
Campbell	362	363	436	562	668
Claiborne	277	353	426	570	639
Cocke	272	336	417	500	681
Crockett	349	379	420	548	565
Decatur	324	356	433	556	633
Dyer	310	365	478	637	696
Franklin	316	380	488	710	854
Giles	324	381	502	604	621
Grundy	280	351	428	562	579
Hardeman	301	373	416	563	730
Haywood	386	400	523	625	687
Henry	300	352	463	554	674
Humphreys	350	379	421	600	620

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING

TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jackson	366	367	453	588	605
Lake	339	379	456	592	627
Lawrence	304	341	442	547	624
Lincoln	380	381	458	560	576
McNairy	263	309	405	585	602
Maury	397	496	611	778	801
Monroe	363	364	462	553	705
Morgan	373	374	452	565	659
Overton	272	342	417	510	524
Pickett	366	367	453	588	605
Rhea	277	342	427	567	583
Scott	322	328	388	514	683
Van Buren	366	367	453	588	605
Wayne	308	358	462	589	606
White	326	331	435	615	632
Johnson	295	368	456	611	641
Lauderdale	405	406	488	593	612
Lewis	308	358	462	589	606
McMinn	405	407	489	585	779
Marshall	372	395	518	623	782
Meigs	280	351	428	562	579
Moore	403	404	483	638	658
Obion	308	372	449	592	624
Perry	308	358	462	589	606
Putnam	382	383	478	688	738
Roane	403	416	483	646	663
Sevier	461	499	563	677	989
Warren	372	376	484	649	771
Weakley	321	395	442	647	779

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	398	419	528	687	870	Callahan, Jones, Taylor
Amarillo, TX MSA	409	443	553	762	854	Armstrong, Carson, Potter, Randall
*Austin-Round Rock, TX MSA	578	658	804	1093	1265	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	425	477	570	707	732	Hardin, Jefferson, Orange
Brownsville-Harlingen, TX MSA	373	430	493	609	689	Cameron
College Station-Bryan, TX MSA	497	562	686	869	896	Brazos, Burleson, Robertson
Corpus Christi, TX HMFA	524	538	668	917	999	Nueces, San Patricio
Aransas County, TX HMFA	362	449	535	780	804	Aransas
*Dallas, TX HMFA	575	640	777	1031	1249	Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall
*Fort Worth-Arlington, TX HMFA	550	589	725	983	1105	Johnson, Parker, Tarrant
Wise County, TX HMFA	442	443	533	651	724	Wise
El Paso, TX MSA	442	473	564	809	959	El Paso
*Houston-Baytown-Sugar Land, TX HMFA	551	612	743	990	1245	Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, Waller
Brazoria County, TX HMFA	501	559	642	885	951	Brazoria
Austin County, TX HMFA	476	477	574	762	786	Austin
Killeen-Temple-Fort Hood, TX HMFA	430	475	604	879	1059	Bell, Coryell
Lampasas County, TX HMFA	307	392	473	690	808	Lampasas
Laredo, TX MSA	420	461	551	720	943	Webb
Longview, TX HMFA	444	466	535	732	753	Gregg, Upshur
Rusk County, TX HMFA	414	414	497	595	612	Rusk
Lubbock, TX MSA	386	470	594	841	868	Crosby, Lubbock
McAllen-Edinburg-Pharr, TX MSA	470	517	610	731	841	Hidalgo
Midland, TX MSA	376	407	536	781	925	Midland
Odessa, TX MSA	350	371	486	700	814	Ector
San Angelo, TX MSA	379	436	556	795	869	Irion, Tom Green
*San Antonio, TX HMFA	534	590	732	975	1173	Bandera, Bexar, Comal, Guadalupe, Wilson
Atascosa County, TX HMFA	313	365	481	608	625	Atascosa
Kendall County, TX HMFA	657	657	791	1152	1389	Kendall
Medina County, TX HMFA	426	473	557	666	810	Medina
Sherman-Denison, TX MSA	490	516	606	796	921	Grayson
Texarkana, TX-Texarkana, AR MSA	422	426	525	641	697	Bowie

TEXAS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Tyler, TX MSA	446	524	590	808	883	Smith
Victoria, TX HMFA	399	460	589	733	868	Goliad, Victoria
Calhoun County, TX HMFA	345	408	523	659	882	Calhoun
Waco, TX MSA	486	486	605	757	782	McLennan
Wichita Falls, TX MSA	437	459	547	768	790	Archer, Clay, Wichita

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	432	453	522	687	901	Andrews	340	349	410	549	613
Angelina	413	470	526	681	702	Bailey	332	370	431	561	711
Baylor	316	375	466	594	705	Bee	403	404	484	650	728
Blanco	385	414	523	687	787	Borden	366	367	443	571	590
Bosque	397	398	478	581	696	Brewster	344	359	472	565	612
Briscoe	361	363	443	590	609	Brooks	332	357	400	572	636
Brown	385	418	527	670	769	Burnet	392	459	603	759	780
Camp	405	406	499	681	703	Cass	270	373	414	568	669
Castro	361	363	443	590	609	Cherokee	385	421	473	632	658
Childress	361	363	443	590	609	Cochran	332	370	431	561	711
Coke	378	435	553	796	867	Coleman	385	414	523	687	787
Collingsworth	361	363	443	590	609	Colorado	376	415	471	622	640
Comanche	391	420	497	633	690	Concho	366	367	443	571	590
Cooke	445	446	562	694	714	Cottle	316	375	466	594	705
Crane	329	349	397	515	612	Crockett	366	367	443	571	590
Culberson	329	349	397	515	612	Dallam	361	396	523	625	641
Dawson	366	367	443	571	590	Deaf Smith	266	339	409	594	677
DeWitt	334	346	451	589	637	Dickens	332	370	431	561	711
Dimmit	371	373	453	617	731	Donley	361	363	443	590	609
Duval	332	417	481	641	682	Eastland	391	420	497	633	690
Edwards	371	373	453	617	731	Erath	390	423	528	644	664
Falls	318	434	489	624	647	Fannin	420	423	504	628	647
Fayette	400	453	549	682	702	Fisher	341	342	442	632	686
Floyd	332	370	431	561	711	Foard	316	375	466	594	705
Franklin	362	416	502	615	739	Freestone	318	434	489	639	659
Frio	388	476	579	733	872	Gaines	327	349	394	511	612
Garza	332	370	431	561	711	Gillespie	409	478	628	870	896
Glasscock	366	367	443	571	590	Gonzales	277	317	405	589	606
Gray	364	365	471	591	610	Grimes	429	471	525	684	704
Hale	314	397	467	572	639	Hall	361	363	443	590	609
Hamilton	385	414	523	687	787	Hansford	361	363	443	590	609
Hardeman	316	375	466	594	705	Harrison	388	391	515	665	685
Hartley	361	363	443	590	609	Haskell	341	342	442	632	686
Hemphill	361	363	443	590	609	Henderson	411	425	559	733	756
Hill	307	426	472	668	729	Hockley	359	382	461	640	660
*Hood	478	516	574	836	1007	Hopkins	360	415	507	643	890
Houston	465	500	560	670	726	Howard	370	373	446	626	644
Hudspeth	329	349	397	515	612	Hutchinson	404	404	485	581	722
Jack	316	375	466	594	705	Jackson	309	399	474	578	834

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 43

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jasper	390	391	469	580	671
Jim Hogg	332	357	400	572	636
Karnes	333	344	450	589	637
Kent	341	342	442	632	686
Kimble	366	367	443	571	590
Kinney	371	373	453	617	731
Knox	316	375	466	594	705
Lamb	332	370	431	561	711
Lavaca	376	415	471	622	640
Leon	429	471	525	684	704
Lipscomb	361	363	443	590	609
Llano	499	502	661	791	814
Lynn	332	370	431	561	711
McMullen	332	417	481	641	682
Marion	405	406	499	681	703
Mason	366	367	443	571	590
Maverick	343	344	412	599	617
Milam	307	379	472	611	649
Mitchell	341	342	442	632	686
Moore	309	379	437	636	655
Motley	332	370	431	561	711
Navarro	452	460	556	676	697
Nolan	331	332	427	550	748
Oldham	361	363	443	590	609
Panola	347	376	417	507	732
Pecos	345	377	418	507	614
Presidio	329	349	397	515	612
Reagan	366	367	443	571	590
Red River	362	416	502	615	739
Refugio	332	417	481	641	682
Runnels	366	367	443	571	590
San Augustine	361	362	436	567	764
Schleicher	366	367	443	571	590
Shackelford	341	342	442	632	686
Sherman	361	363	443	590	609
Starr	276	300	332	484	585
Sterling	366	367	443	571	590
Sutton	366	367	443	571	590
Terrell	329	349	397	515	612
Throckmorton	341	342	442	632	686
Trinity	465	500	560	670	726
Upton	366	367	443	571	590
Val Verde	344	412	486	605	704
Walker	479	512	619	797	1031
Washington	456	518	574	805	831

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jeff Davis	329	349	397	515	612
Jim Wells	308	414	460	611	631
Kenedy	332	357	400	572	636
Kerr	486	526	592	764	787
King	332	370	431	561	711
Kleberg	414	442	497	726	875
Lamar	363	420	527	664	742
La Salle	371	373	453	617	731
Lee	387	441	489	669	690
Limestone	309	429	474	607	628
Live Oak	332	417	481	641	682
Loving	329	349	397	515	612
McCulloch	388	389	467	680	701
Madison	429	471	525	684	704
Martin	366	367	443	571	590
Matagorda	315	414	484	705	850
Menard	366	367	443	571	590
Mills	385	414	523	687	787
Montague	366	468	522	659	915
Morris	362	416	502	615	739
Nacogdoches	391	489	577	689	944
Newton	361	362	436	567	764
Ochiltree	361	363	443	619	637
Palo Pinto	408	409	507	700	720
Parmer	361	363	443	590	609
Polk	390	395	469	561	578
Rains	405	406	505	681	701
Real	371	373	453	617	731
Reeves	327	349	394	505	612
Roberts	361	363	443	590	609
Sabine	361	362	436	567	764
San Saba	385	414	523	687	787
Scurry	285	337	432	629	690
Shelby	317	318	382	549	669
Somervell	391	420	497	635	690
Stephens	341	349	459	632	687
Stonewall	341	342	442	632	686
Swisher	361	363	443	590	609
Terry	332	370	432	568	711
Titus	378	448	531	638	932
Tyler	391	392	471	607	786
Uvalde	313	426	480	625	841
Van Zandt	427	429	525	734	755
Ward	345	349	415	517	614
Wharton	375	422	468	619	638

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wheeler	361	363	443	590	609
Willacy	326	354	393	572	637
Wood	360	364	480	699	841
Young	314	366	482	612	711
Zavala	371	373	453	617	731
Wilbarger	289	345	446	573	639
Winkler	329	349	397	515	612
Yoakum	332	370	431	561	711
Zapata	332	357	400	572	636

UTAH

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Logan, UT-ID MSA	440	475	594	797	984	Cache
*Ogden-Clearfield, UT MSA	439	541	649	888	1073	Davis, Morgan, Weber
Provo-Orem, UT MSA	507	558	652	949	1143	Juab, Utah
St. George, UT MSA	504	529	628	913	1027	Washington
*Salt Lake City, UT HMFA	554	609	721	1031	1206	Salt Lake
Summit County, UT HMFA	638	886	984	1378	1726	Summit
Tooele County, UT HMFA	473	530	630	796	1104	Tooele

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaver	482	483	591	837	891
Carbon	429	430	517	679	797
Duchesne	445	483	536	692	942
Garfield	482	483	591	837	891
Iron	441	466	536	781	942
Millard	482	483	591	837	891
Rich	450	477	597	802	974
Sanpete	482	483	591	837	891
Uintah	383	417	462	607	682
Wayne	482	483	591	837	891
Box Elder	375	459	578	764	889
Daggett	445	483	536	695	942
Emery	445	483	536	695	942
Grand	446	486	539	695	946
Kane	482	483	591	837	889
Piute	482	483	591	837	891
San Juan	445	483	536	695	942
Sevier	482	483	591	837	891
Wasatch	499	584	769	919	1104

VERMONT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington-South Burlington, VT MSA	596	660	828	1060	1188	Chittenden County towns of Bolton town, Buels gore, Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Huntington town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Underhill town, Westford town, Williston town, Winooski city Franklin County towns of Bakersfield town, Berkshire town, Enosburg town, Fairfax town, Fairfield town, Fletcher town, Franklin town, Georgia town, Highgate town, Montgomery town, Richford town, St. Albans city, St. Albans town, Sheldon town, Swanton town Grand Isle County towns of Alburg town, Grand Isle town, Isle La Motte town, North Hero town, South Hero town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Addison County, VT	472	591	711	935	1247	Addison town, Bridport town, Bristol town, Cornwall town,

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING

VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Bennington County, VT	471	590	687	895	1052	Ferrisburg town, Goshen town, Granville town, Hancock town, Leicester town, Lincoln town, Middlebury town, Monkton town, New Haven town, Orwell town, Panton town, Ripton town, Salisbury town, Shoreham town, Starksboro town, Vergennes city, Waltham town, Weybridge town, Whiting town Arlington town, Bennington town, Dorset town, Glastenbury town, Landgrove town, Manchester town, Peru town, Pownal town, Readsboro town, Rupert town, Sandgate town, Searsburg town, Shaftsbury town, Stamford town, Sunderland town, Winhall town, Woodford town
Caledonia County, VT	446	463	581	736	762	Barnet town, Burke town, Danville town, Groton town, Hardwick town, Kirby town, Lyndon town, Newark town, Peacham town, Ryegate town, St. Johnsbury town, Sheffield town, Stannard town, Sutton town, Walden town, Waterford town, Wheelock town
Essex County, VT	459	515	626	798	936	Averill town, Avery's gore, Bloomfield town, Brighton town, Brunswick town, Canaan town, Concord town, East Haven town, Ferdinand town, Granby town, Guildhall town, Lemington town, Lewis town, Lunenburg town, Maidstone town, Norton town, Victory town, Warner's grant, Warren's gore
Lamoille County, VT	465	559	651	907	1143	Belvidere town, Cambridge town, Eden town, Elmore town, Hyde Park town, Johnson town, Morristown town, Stowe town, Waterville town, Wolcott town
Orange County, VT	496	560	652	908	936	Bradford town, Braintree town, Brookfield town, Chelsea town, Corinth town, Fairlee town, Newbury town, Orange town, Randolph town, Strafford town, Thetford town, Topsham town, Tunbridge town, Vershire town, Washington town, West Fairlee town, Williamstown town
Orleans County, VT	334	462	516	652	819	Albany town, Barton town, Brownington town, Charleston town, Coventry town, Craftsbury town, Derby town, Glover town, Greensboro town, Holland town, Irasburg town, Jay town, Lowell town, Morgan town, Newport city, Newport town, Troy town, Westfield town, Westmore town
Rutland County, VT	425	556	647	855	1095	Benson town, Brandon town, Castleton town, Chittenden town, Clarendon town, Danby town, Fair Haven town, Hubbardton town, Ira town, Killington town, Mendon town, Middletown Springs town, Mount Holly town, Mount Tabor town, Pawlet town, Pittsfield town, Pittsford town, Poultney town, Proctor town, Rutland city, Rutland town, Shrewsbury town, Sudbury town, Tinmouth town, Wallingford town, Wells town, West Haven town, West Rutland town
Washington County, VT	467	547	684	924	1034	Barre city, Barre town, Berlin town, Cabot town, Calais town, Duxbury town, East Montpelier town, Fayston town, Marshfield town, Middlesex town, Montpelier city, Moretown town, Northfield town, Plainfield town, Roxbury town, Waitsfield town, Warren town, Waterbury town, Woodbury town, Worcester town
Windham County, VT	553	577	758	916	944	Athens town, Brattleboro town, Brookline town, Dover town, Dummerston town, Grafton town, Guilford town, Halifax town, Jamaica town, Londonderry town, Marlboro town, Newfane town, Putney town, Rockingham town, Somerset town, Stratton town, Townshend town, Vernon town, Wardsboro town, Westminster town, Whitingham town, Wilmington town,

VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Windsor County, VT	521	584	687	935	1112	Windham town Andover town, Baltimore town, Barnard town, Bethel town, Bridgewater town, Cavendish town, Chester town, Hartford town, Hartland town, Ludlow town, Norwich town, Plymouth town, Pomfret town, Reading town, Rochester town, Royalton town, Sharon town, Springfield town, Stockbridge town, Weathersfield town, Weston town, West Windsor town, Windsor town, Woodstock town

VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Giles County, VA HMFA	292	379	449	572	790	Giles
Blacksburg-Christiansburg-Radford, VA HMFA	469	513	575	789	1010	Montgomery, Radford city
Pulaski County, VA HMFA	343	363	452	648	696	Pulaski
Charlottesville, VA MSA	535	643	761	986	1091	Albemarle, Fluvanna, Greene, Nelson, Charlottesville city
Danville, VA MSA	340	390	503	627	674	Pittsylvania, Danville city
Harrisonburg, VA MSA	434	482	586	821	843	Rockingham, Harrisonburg city
Kingsport-Bristol-Bristol, TN-VA MSA	360	387	481	645	771	Scott, Washington, Bristol city
Lynchburg, VA MSA	432	443	534	658	735	Amherst, Appomattox, Bedford, Campbell, Bedford city, Lynchburg city
*Richmond, VA HMFA	625	678	757	1010	1206	Amelia, Caroline, Charles, Chesterfield, Cumberland, Dinwiddie, Goochland, Hanover, Henrico, King and Queen, King William, New Kent, Powhatan, Prince George, Sussex, Colonial Heights city, Hopewell city, Petersburg city, Richmond city
Louisa County, VA HMFA	444	504	574	687	707	Louisa
Roanoke, VA HMFA	428	456	589	747	816	Botetourt, Craig, Roanoke, Roanoke city, Salem city
Franklin County, VA HMFA	302	362	466	557	594	Franklin
*Virginia Beach-Norfolk-Newport News, VA-NC MSA	672	706	811	1118	1401	Gloucester, Isle of Wight, James, Mathews, Surry, York, Chesapeake city, Hampton city, Newport News city, Norfolk city, Poquoson city, Portsmouth city, Suffolk city, Virginia Beach city, Williamsburg city
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city
Warren County, VA HMFA	451	524	653	918	946	Warren
Winchester, VA HMFA	472	490	647	893	919	Frederick, Winchester city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	330	452	508	617	760	Alleghany	307	394	473	575	599
Augusta	421	433	565	808	929	Bath	413	429	533	736	888
Bland	374	387	449	572	636	Brunswick	415	428	499	622	861
Buchanan	374	387	449	572	636	Buckingham	387	418	465	598	756
Carroll	375	407	451	541	601	Charlotte	387	418	465	598	756
Culpeper	599	610	722	934	992	Dickenson	348	373	418	545	561
Essex	388	479	590	803	828	Floyd	443	482	534	743	940
Grayson	374	387	449	572	636	Greensville	416	451	500	604	750

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VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Halifax	283	393	435	584	764
Highland	413	429	533	736	888
Lancaster	388	477	581	715	769
Lunenburg	415	428	499	622	861
Mecklenburg	316	394	486	596	795
Northampton	388	477	581	708	769
Nottoway	387	418	465	660	756
Page	327	382	501	646	666
Prince Edward	468	469	564	675	904
Richmond	388	477	581	708	769
Russell	287	380	440	539	555
Smyth	334	363	404	513	664
Tazewell	374	375	449	577	652
Wise	361	368	434	565	712
Buena Vista city	372	418	465	677	816
Covington city	307	394	473	575	599
Franklin city	349	483	535	662	942
Lexington city	372	418	465	677	816
Norton city	361	368	434	565	712
Waynesboro city	421	433	565	808	929

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Henry	348	363	452	579	664
King George	604	606	728	1059	1090
Lee	257	310	397	510	540
Madison	426	475	574	794	820
Middlesex	388	477	581	708	769
Northumberland	388	477	581	708	769
Orange	387	533	593	863	1041
Patrick	325	354	392	486	500
Rappahannock	426	475	574	794	820
Rockbridge	372	418	465	677	816
Shenandoah	398	426	521	695	770
Southampton	349	483	535	662	942
Westmoreland	392	478	603	827	852
Wythe	314	398	483	633	850
Clifton Forge city	307	394	473	575	599
Emporia city	416	451	500	604	750
Galax city	375	407	451	541	601
Martinsville city	348	363	452	579	664
Staunton city	421	433	565	808	929

WASHINGTON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	517	571	716	1045	1177	Whatcom
Bremerton-Silverdale, WA MSA	555	623	767	1098	1199	Kitsap
Kennewick-Richland-Pasco, WA MSA	457	498	625	845	1001	Benton, Franklin
Lewiston, ID-WA MSA	424	440	551	782	953	Asotin
Longview, WA MSA	403	506	588	857	977	Cowlitz
Mount Vernon-Anacortes, WA MSA	516	638	792	1083	1352	Skagit
Olympia, WA MSA	522	586	749	1088	1315	Thurston
Portland-Vancouver-Beaverton, OR-WA MSA	539	625	723	1053	1265	Clark, Skamania
Seattle-Bellevue, WA HMFA	612	698	840	1187	1450	King, Snohomish
Tacoma, WA HMFA	503	574	737	1074	1178	Pierce
Spokane, WA MSA	411	481	634	870	987	Spokane
Wenatchee, WA MSA	469	497	628	847	975	Chelan, Douglas
Yakima, WA MSA	436	511	661	871	918	Yakima

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	366	436	559	750	774
Columbia	377	440	581	785	937
Garfield	377	440	581	785	937
Grays Harbor	378	444	583	821	844
Jefferson	472	579	708	1029	1059
Klickitat	488	495	588	826	850
Lincoln	366	433	559	750	774
Okanogan	406	489	575	787	866
Pend Oreille	366	433	559	750	774

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clallam	414	458	596	871	898
Ferry	366	433	559	750	774
Grant	372	443	573	774	795
Island	538	540	651	947	1143
Kittitas	422	492	648	868	901
Lewis	408	522	627	838	876
Mason	459	540	647	884	1047
Pacific	401	432	566	803	834
San Juan	578	621	768	1104	1348

WASHINGTON continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Stevens	363	437	558	764	835	Wahkiakum	406	504	589	858	984
Walla Walla	377	440	581	835	861	Whitman	408	449	583	823	1008

WEST VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charleston, WV HMFA	396	432	540	688	708	Clay, Kanawha, Lincoln, Putnam
Boone County, WV HMFA	275	356	422	522	579	Boone
Cumberland, MD-WV MSA	318	385	452	610	711	Mineral
Hagerstown-Martinsburg, MD-WV MSA	442	506	629	874	971	Berkeley, Morgan
Huntington-Ashland, WV-KY-OH MSA	351	416	499	615	636	Cabell, Wayne
Morgantown, WV MSA	416	433	512	664	787	Monongalia, Preston
Parkersburg-Marietta, WV-OH MSA	364	389	498	661	714	Pleasants, Wirt, Wood
Jefferson County, WV HMFA	404	544	620	905	1090	Jefferson
Weirton-Steubenville, WV-OH MSA	313	384	473	591	641	Brooke, Hancock
Wheeling, WV-OH MSA	307	370	472	593	692	Marshall, Ohio
Winchester, VA HMFA	472	490	647	893	919	Hampshire

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	334	349	434	569	598	Braxton	334	349	434	569	598
Calhoun	336	400	485	630	724	Doddridge	318	405	478	576	681
Fayette	380	381	456	564	606	Gilmer	334	349	434	569	598
Grant	402	465	522	684	848	Greenbrier	364	415	459	552	726
Hardy	402	465	522	684	848	Harrison	395	396	475	595	665
Jackson	336	400	485	630	724	Lewis	333	360	422	529	544
Logan	314	381	450	553	568	McDowell	351	363	421	574	730
Marion	328	420	504	603	734	Mason	326	333	393	498	532
Mercer	359	372	432	584	740	Mingo	273	367	419	528	685
Monroe	376	408	452	563	583	Nicholas	364	395	438	557	610
Pendleton	402	464	524	684	848	Pocahontas	375	389	451	552	655
Raleigh	387	412	464	593	610	Randolph	362	363	468	604	621
Ritchie	336	400	485	630	724	Roane	336	400	485	630	724
Summers	376	408	452	563	583	Taylor	318	405	478	573	681
Tucker	334	349	434	569	598	Tyler	336	400	485	630	724
Upshur	298	373	459	616	636	Webster	375	389	451	552	655
Wetzel	269	367	412	524	597	Wyoming	351	363	421	574	730

WISCONSIN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton, WI MSA	459	472	586	845	869	Calumet, Outagamie
Kenosha County, WI HMFA	572	596	739	1016	1169	Kenosha
Duluth, MN-WI MSA	351	427	539	677	862	Douglas
Eau Claire, WI MSA	363	434	542	734	765	Chippewa, Eau Claire
Fond du Lac, WI MSA	439	471	567	745	808	Fond du Lac
Green Bay, WI HMFA	458	468	590	830	855	Brown, Kewaunee

SCHEDULE B - FAIR MARKET RENTS 2006 FOR EXISTING HOUSING PAGE 49

WISCONSIN continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Oconto County, WI HMFA	360	437	485	628	654	Oconto
Janesville, WI MSA	431	503	627	821	845	Rock
La Crosse, WI-MN MSA	359	420	553	734	901	La Crosse
Madison, WI HMFA	510	636	752	1009	1250	Dane
Columbia County, WI HMFA	404	472	621	838	865	Columbia
Iowa County, WI HMFA	389	454	597	713	734	Iowa
Milwaukee-Waukesha-West Allis, WI MSA	462	553	666	827	852	Milwaukee, Ozaukee, Washington, Waukesha
*Minneapolis-St. Paul-Bloomington, MN-WI MSA	619	725	882	1168	1318	Pierce, St. Croix
Oshkosh-Neenah, WI MSA	406	478	566	743	962	Winnebago
Racine, WI MSA	460	538	675	840	921	Racine
Sheboygan, WI MSA	366	470	555	686	842	Sheboygan
Wausau, WI MSA	363	453	558	745	824	Marathon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	387	425	525	684	705	Ashland	373	375	483	614	831
Barron	333	419	500	638	657	Bayfield	334	390	489	626	649
Buffalo	358	406	519	658	687	Burnett	334	390	489	626	649
Clark	304	360	471	644	663	Crawford	391	419	471	585	720
Dodge	512	513	618	782	845	Door	378	483	581	780	875
Dunn	391	422	529	771	792	Florence	337	406	503	640	672
Forest	387	425	525	684	705	Grant	394	395	475	615	834
Green	377	406	533	677	790	Green Lake	384	440	510	668	814
Iron	334	390	489	626	649	Jackson	358	406	519	658	687
Jefferson	441	516	680	815	1027	Juneau	339	418	521	686	707
Lafayette	374	394	507	649	728	Langlade	383	384	462	609	664
Lincoln	418	419	502	731	754	Manitowoc	342	401	527	630	784
Marinette	382	412	458	600	618	Marquette	396	444	540	696	772
Menominee	396	444	540	696	772	Monroe	353	412	543	689	753
Oneida	383	419	550	703	968	Pepin	358	406	519	658	687
Polk	391	457	600	738	761	Portage	449	455	543	719	740
Price	334	390	489	626	649	Richland	352	393	500	641	662
Rusk	334	390	489	626	649	Sauk	388	516	592	796	821
Sawyer	334	393	489	626	649	Shawano	341	402	495	618	710
Taylor	334	390	489	626	649	Trempealeau	369	370	469	641	660
Vernon	378	380	476	602	656	Vilas	387	425	525	715	737
Walworth	454	534	696	869	896	Washburn	334	390	489	626	649
Waupaca	347	436	530	692	713	Waushara	396	444	540	696	772
Wood	340	418	518	630	690						

WYOMING

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	351	384	486	707	852	Natrona
Cheyenne, WY MSA	458	483	612	833	1073	Laramie

WYOMING continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Albany	396	453	575	789	836	Big Horn	393	410	491	641	767
Campbell	440	474	531	719	783	Carbon	306	366	470	589	716
Converse	281	347	432	589	759	Crook	393	410	491	641	767
Fremont	388	390	495	620	791	Goshen	378	379	457	563	776
Hot Springs	393	410	491	641	767	Johnson	393	409	504	640	765
Lincoln	433	459	522	697	825	Niobrara	393	410	491	641	767
Park	368	422	497	624	823	Platte	393	410	491	641	767
Sheridan	395	426	523	669	816	Sublette	436	459	532	696	825
Sweetwater	323	393	493	689	715	Teton	674	751	945	1246	1282
Uinta	336	424	483	660	783	Washakie	393	410	491	641	767
Weston	393	410	491	641	767						

GUAM

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	685	735	898	1308	1564						

PUERTO RICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR HMFA	266	289	321	412	462	Aguada, Aguadilla, Añasco, Isabela, Lares, Moca, Rincón, San Sebastián
Fajardo, PR MSA	333	363	403	586	706	Ceiba, Fajardo, Luquillo
Arroyo-Patillas, PR HMFA	260	280	312	443	549	Arroyo, Guayama, Patillas
Mayagüez, PR MSA	332	360	400	478	660	Hormigueros, Mayagüez
Ponce, PR MSA	290	315	349	485	553	Juana Díaz, Ponce, Villalba
San Germán-Cabo Rojo, PR MSA	302	314	364	476	513	Cabo Rojo, Lajas, Sabana Grande, San Germán
San Juan-Guaynabo, PR HMFA	333	363	403	526	626	Aguas Buenas, Barceloneta, Bayamón, Canóvanas, Carolina, Cataño, Comerío, Corozal, Dorado, Florida, Guaynabo, Humacao, Juncos, Las Piedras, Loíza, Manatí, Morovis, Naguabo, Naranjito, Río Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto, Vega Alta, Vega Baja, Yabucoa
Arecibo, PR HMFA	274	297	330	450	527	Arecibo, Camuy, Hatillo
Caguas, PR HMFA	300	325	362	502	605	Caguas, Cayey, Cidra, Gurabo, San Lorenzo
Barranquitas-Aibonito-Quebradillas, PR HMFA	270	291	324	412	474	Aibonito, Barranquitas, Ciales, Maunabo, Orocovis, Quebradillas
Yauco, PR MSA	290	307	349	440	560	Guánica, Guayanilla, Peñuelas, Yauco

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adjuntas	256	277	309	423	459	Coamo	256	277	309	423	459
Culebra	256	277	309	423	459	Jayuya	256	277	309	423	459
Las Marías	256	277	309	423	459	Maricao	256	277	309	423	459
Salinas	256	277	309	423	459	Santa Isabel	256	277	309	423	459
Utuado	256	277	309	423	459	Vieques	256	277	309	423	459

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VIRGIN ISLANDS continued

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Criox	475	495	600	749	857
St. Thomas	540	646	831	1030	1076

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. John	540	646	831	1030	1076

Note1: The FMRs for unit sizes larger then 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.
Note2: 50th percentile FMRs are indicated by an * before the MSA name. 05/19/2005

SCHEDULE D - FY 2006 FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

State	Area Name	Space Rent
California	*Orange County, CA HMFA	$624
	*San Diego-Carlsbad-San Marcos, CA MSA	$649
	Los Angeles-Long Beach, CA HMFA	$513
	Napa, CA MSA	$486
	Riverside-San Bernardino-Ontario, CA MSA	$406
	Vallejo-Fairfield, CA MSA	$486
Colorado	Boulder, CO MSA	$423
Maryland	St. Mary's	$401
New York	Utica-Rome, NY MSA	$249
Oregon	Bend, OR MSA	$293
	Salem, OR MSA	$404
Pennsylvania	Adams	$446
Washington	Olympia, WA MSA	$473
West Virginia	Logan	$363
	McDowell	$363
	Mercer	$363
	Mingo	$363
	Wyoming	$363

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June 2, 2005

Part III

Department of Housing and Urban Development

Public Housing Graduation Incentive Bonus Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4984–N–01]

Public Housing Graduation Incentive Bonus Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability.

Overview Information:

A. *Federal Agency Name:* U.S. Department of Housing and Urban Development, Office of Public and Indian Housing.

B. Funding Opportunity Title: Graduation Incentive Bonus Program.

C. Announcement Type: This is the initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is: FR–4984–N–01. The OMB approval number for this program is 2577–0242.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* The CFDA number for the Graduation Incentive Bonus Program is 14.850.

F. *Dates:* The application submission date is July 18, 2005. Grants will be made on a first come first served basis until all funds have been disbursed.

Please be sure to read Section IV of this NOFA and the General Section of the SuperNOFA, published on March 21, 2005 (70 FR 13575) for more information regarding the required electronic application submission requirements.

G. Optional, Additional Overview Content Information:

1. *Purpose of Program:* The purpose of this NOFA is to invite public housing agencies (PHAs) to apply for a Graduation Incentive Bonus. The Graduation Incentive Bonus is granted to PHAs that can show their public housing residents are moving away from long-term dependence on housing assistance as evidenced by the proportion of households that leaves public housing and end their participation in assisted housing programs during calendar year 2004 as well as the average length of stay among public housing residents. In addition, HUD wants to encourage the timely submission of tenant household data, including End of Participation records.

2. *Funding Available:* The Department expects to award up to $10 million under the Graduation Incentive Bonus program in fiscal year 2005.

3. *Award Amounts.* Maximum awards will range from $12,275 to $207,209, based upon PHA low-rent size category. *See* section II (A) of this NOFA regarding the specific PHA size category and maximum award amounts.

4. *Eligible Applicants.* All eligible applicants are listed in Appendix A. Eligible applicants are PHAs that operated a public housing program during calendar year 2004; have reported Public and Indian Housing Information Center (PIC) Family Household form HUD–50058 data for residents who ended their residency in public housing during calendar year 2004; have a minimum of 100 dwelling units in management status as reported in PIC as approved by the field office as of January 15, 2005; have a minimum of twenty-five Family Household form HUD–50058 records reported in PIC, and have met the minimum threshold criteria based upon its size category.

5. *Limitations.* A PHA may submit only one application under this NOFA. This one application per PHA limit applies regardless of whether or not the PHA is a state or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD field office. In such an instance, a separate application under each code shall be considered for funding, with the cumulative total of awards not to exceed the maximum funds for which the PHA is eligible based on its size category.

Full Text of Announcement

I. Funding Opportunity Description

A. Definition of Terms

1. *Secretary* means the Secretary of Housing and Urban Development.

2. *PHA size* refers to the low-rent size category based upon the number of public housing dwelling units in management status as reported in PIC approved by the field office as of January 15, 2005. Size categories are defined as follows: Small is 100–249 units, Medium is 250–1,249 units, and Large is 1,250+ units.

3. *End of Participation (EOP) Records* for the purpose of this award refers to the submission of a PIC Family Household form, HUD–50058 with a type of action code of ''6,'' codified as ''End Participation,'' for any household that was an active resident during the 2004 calendar year in public housing. In addition, a household, identified by the head of household social security number, may not reappear in a Section 8 program to qualify as a valid EOP record.

4. *Length of Stay (LOS)* is the tenure of residency in housing assistance programs. LOS is computed by converting dates to decimal years and using one of the following formulas: For residents who have left public housing, LOS = End of Participation Date—Date of Admission. For residents who were active public housing residents on December 31, 2004, LOS = December 31, 2004—Date of Admission. The average length of stay will only be calculated for PIC records with a valid admission date.

B. Program Description

Authority for the up to $10,000,000 in one-year budget authority for the Graduation Incentive Bonus is found in the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 08, 2004).

The Public Housing Graduation Incentive Bonus is granted to PHAs that can show their public housing residents are moving away from long-term dependence on housing assistance as evidenced by the proportion of households that leave public housing and end their participation in assisted housing programs during calendar year 2004, as well as the average length of stay among public housing residents. HUD expects that a beneficial byproduct of this incentive will be to encourage the timely submission of tenant household data, including End of Participation (EOP) records.

Minimum threshold eligibility will be based upon rank ordering PHAs according to their proportion of EOP records and average lengths of stay among all public housing residents as indicated via the form, HUD–50058 Family Household data during 2004. PHA outcomes will be ranked against similar sized housing authorities. In addition, a PHA must have a minimum of twenty-five Family Household form HUD–50058 records reported in PIC. The overall objective is that PHAs will encourage economic self-sufficiency and a transition from assisted housing, among public housing residents, so that the benefit can be provided to other eligible low-income households who are currently awaiting assistance.

C. Eligible Activities

Graduation Incentive Bonus funds can be used for any and all purposes and activities approved for the Public Housing Operating Fund under section 9 of the United States Housing Act of 1937 and 24 CFR part 990, including programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents.

II. Award Information

A. *Total Funding.* The Department expects to award up to $10 million under the Graduation Incentive Bonus

program in fiscal year 2005. Awards will be made as follows:

1. The size category designation is based on the number of dwelling units in management status as reported in PIC as approved by the field office as of January 15, 2005, to determine the maximum award amount they are eligible for in accordance with the categories listed below.

2. Award dollars are allocated among size categories proportionate to the national population of public housing residents served by each category. Maximum award amounts will be as follows:

Number of dwelling units	Maximum award amount
100–249 units	$12,275
250–1,249 units	26,198
1,250 or more units	207,209

B. *Period for the Use of Funds.* Awards will be obligated no later than September 30, 2005. PHAs will have five years to draw down the funds.

C. *Grant Extensions.* Extensions are not applicable under this program and will not be granted.

D. *Type of Award:* Incentive bonus award via a grant agreement.

III. Eligibility Information

A. Eligible Applicants

1. All eligible applicants are listed in Appendix A. Eligible applicants are PHAs that operated a public housing program during the 2004 calendar year; have reported PIC Family Household form, HUD–50058 EOP data during 2004; have a minimum of 100 dwelling units in management status as reported in PIC and approved by the field office as of January 15, 2005; have a minimum of twenty-five Family Household form HUD–50058 records reported in PIC, and have met the minimum threshold criteria based upon their size category.

2. *Ineligible Applicants.* PHAs with a Troubled Designation are ineligible for funding consideration. Tribes/TDHEs, nonprofit organizations, and resident associations are also ineligible for funding. HUD will not consider an application from an ineligible applicant.

B. Cost Sharing or Matching

Cost sharing and matching are not a requirement for the Graduation Incentive Bonus program.

C. Other

Threshold Minimum Standard. Small and Medium PHAs in the first 30 percent of the distribution of the proportion of EOP records arrayed from largest to smallest and the distribution of average lengths of stay arrayed from shortest to longest, based on size category, satisfy the minimum threshold criteria for eligibility. Large PHAs satisfy the minimum threshold criteria at the 40th percentile of the distributions of proportion of EOP records and average lengths of stay. The threshold criteria for proportion of EOP records and average lengths of stay for public housing residents by PHA size category are detailed below.

- Small: 21.0 percent EOP households and 4.9 years average length of stay;
- Medium: 22.7 percent EOP households and 5.3 years average length of stay;
- Large: 16.0 percent EOP households and 6.3 years average length of stay.

Appendix A lists all eligible PHAs that satisfy the threshold criteria for their size category. Eligibility is determined after PHAs are rank ordered, within their size category, according to average proportion of EOP records and average length of stay for public housing residents and are determined to satisfy both criteria. At a minimum, PHAs have performed at or above both the proportion of EOP records and average length of stay for public housing residents requirements to be eligible for funding, and have a minimum of twenty-five Family Household form HUD–50058 records reported in PIC.

1. *Limitations.* A PHA may submit only one application under this NOFA. This one application per PHA limit applies regardless of whether or not the PHA is a state or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD field office. In such an instance, a separate application under each code shall be considered for funding, with the cumulative total of awards not to exceed the maximum funds for which the PHA is eligible based on its size category. Applicants may submit only one application for an award under the Graduation Incentive Bonus program. HUD will not consider joint applications.

2. *Excess Funding Requests.* Applicants that request funding in excess of the maximum award that they are eligible to receive will not receive funding consideration.

3. *Requirements Applicable to all NOFAs:* Please see the General Section of the SuperNOFA, published on March 21, 2005 (70 FR 13575), under Threshold Requirements and Other Threshold Requirements for additional guidance.

4. *Labor Standards.* Davis-Bacon wage rates or HUD-determined prevailing wage rates, as applicable, must be paid to laborers and mechanics employed in any physical improvements (including non-routine maintenance) carried out with assistance under this NOFA, in accordance with Section 12 of the U.S. Housing Act of 1937 and 24 CFR 968.110(e). In addition, laborers and mechanics employed in routine maintenance must be paid HUD-determined prevailing wage rates in accordance with Section 12.

5. *Environmental Requirements.* Funds may not be released under this NOFA (except for activities that are excluded from environmental review under 24 CFR part 58 or 50) until the responsible entity, as defined in 24 CFR 58.2(a)(7), completes an environmental review and you submit and obtain HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with 24 CFR part 58 (or HUD has completed an environmental review under 24 CFR part 50 where HUD has determined to do the environmental review). If you are selected for funding, the responsible entity must assume the environmental review responsibilities for activities funded under this NOFA. For activities that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with § 58.11(d) and may itself perform the environmental review under 24 CFR part 50 if the PHA or the prospective responsible entity objects to the responsible entity conducting the environmental review under part 58. You must provide any documentation to the responsible entity (or HUD, where applicable) that is needed to perform the environmental review. You, and any participant in any physical development, may not undertake any actions with respect to the project that are choice-limiting or could have environmentally adverse effects, including physical improvements or nonroutine maintenance, funded under this NOFA, and you and any participant may not commit or expend HUD or local funds for these activities, until HUD has approved a Request for Release of Funds following a responsible entity's environmental review under 24 CFR part 58, or until HUD has completed an environmental review and given approval for the action under 24 CFR part 50.

IV. Application and Submission Information

A. Address To Request Application Package

Applicants may download copies of the published General Section of the SuperNOFA and this Program NOFA from the grants.gov Web site at *http://www.grants.gov/FIND* or if you have difficulty accessing the information you can call HUD's NOFA Information Center toll-free at 800–HUD–8929. Persons with hearing and speech impairments may also call toll-free at 800–HUD–2209 (TTY) or the Grants.gov Help Desk at 800–518–Grants. The operator will assist you in accessing the information.

B. Content and Form of Application Submission

1. *Application Preparation.* a. Before preparing an application for funding under this program, applicants should carefully review Appendix A to determine their eligibility for the Graduation Incentive Bonus.

b. Applicants should make sure to include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission.* In order to be funded, applicants must make a timely submission of the application and satisfy minimum threshold criteria. Applicants are not asked to propose new activities or programs for receipt of Graduation Incentive Bonus grants.

3. *Content of Application.* a. Applicants are required to submit form SF 424. Data regarding the change in EOP records will be pulled from the PIC data previously submitted by each PHA.

b. An application submitted through grants.gov for the Graduation Incentive Bonus program constitutes the applicant's certification, acknowledgement and agreement that the intended use of any funds it may be awarded under the Graduation Incentive Bonus program will be used in accordance with the regulatory guidelines for the Operating Fund under 24 CFR part 990.

C. Submission Dates and Times

1. A complete application must be received electronically by the grants.gov portal no later than 11:59:59 p.m. Eastern time on or before July 18, 2005. Proof of timely submission is automatically recorded by grants.gov when the application is received. An electronic time stamp is generated within the system when an application is successfully received at grants.gov. All applications received by grants.gov after the established submission deadline will not be considered for funding by HUD. Please see Section IV.F. of the General Section of the SuperNOFA (70 FR 13575) for electronic application submission requirements.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. Funds are restricted to activities as allowed under the 24 CFR part 990 regulations governing the Public Housing Operating Fund. By submitting an application for the Graduation Incentive Bonus Program, via Grants.gov, applicants are certifying that the intended use of funds received is allowable under 24 CFR part 990.

F. Other Submission Requirements

1. Application Submission and Receipt Procedures

Electronic Delivery. HUD requires applicants to submit applications electronically through *http://www.grants.gov/Apply*. Applicants interested in applying for funding must submit their applications electronically via the Web site *http://www.grants.gov/Apply*. This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The *http://www.grants.gov/Apply* feature includes a simple, unified application process to enable applicants to apply for grants online.

Please read the General Section of the SuperNOFA carefully and completely for the electronic submission procedures for all applications because failure to comply may disqualify your application.

2. *Waivers:* Waivers of electronic submission requirements will not be granted for this NOFA.

V. Application Review Information

A. Criteria

Factors for Award. Award of funds will not be based upon a point system. Rather, funds will be awarded to eligible applicants listed in Appendix A until all funds have been disbursed.

B. Review and Selection Process

1. *Review Process.* Only one review will be conducted: a screening to determine whether your application submission is complete, meets minimum threshold, is on time and funds are available.

Selection Process. Eligible PHAs are listed in Appendix A. These PHAs are invited to apply for award funds. The selection process is designed to achieve diversity of awards by PHA size categories based on the national proportion of public housing residents served by each size category. Awards will be distributed to all eligible applicants that apply.

C. Corrections to Deficient Applications

After the application submission date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improves the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants.

Examples of curable (correctable) technical deficiencies include inconsistencies in the funding request, a failure to submit the proper certifications or failure to submit an application that contains a signature by an official able to make a legally binding commitment on behalf of the applicant. In the case of an applicant that received a waiver, the technical deficiency may include failure to submit an application that contains an original signature. If HUD finds a curable deficiency in the application, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 7 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday or federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday or federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. An applicant's response to a HUD notification of a curable deficiency should be submitted directly to HUD in accordance with the instructions provided in the notification.

VI. Award Administration Information

A. Award Notices

HUD will make announcements of awards after the application review process is completed. HUD will notify

successful applicants via letter using the U.S. Postal Service. Funds will be disbursed in conjunction with the Operating Fund final allocation process. Unsuccessful applicants will also be notified via letters. All decisions are final. No appeals will be granted.

B. Debriefings

Applicants that are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. Please refer to the General Section (70 FR 13575) for additional information on debriefings.

C. Administrative and National Policy Requirements

1. *Applicable Requirements.* Grantees are subject to the following regulations and requirements:

a. 24 CFR part 85 Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments;

b. 24 CFR part 990 The Public Housing Operating Fund Program;

c. 24 CFR part 968 Public Housing Modernization except that Section III.C.(5) of this NOFA governs environmental requirements under this NOFA;

d. OMB Circular A–87 Cost Principles for State, Local, and Indian Tribal Governments;

e. OMB Circular A–122 Cost Principles for Nonprofit Organizations; and

f. OMB Circular A–133 Audits of States, Local Governments, and Non-Profit Organizations.

2. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Applicants and grantees must also comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and ensure that training, employment, and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns that provide economic opportunities to low- and very low-income persons.

3. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.* For further information, see the General Section of the SuperNOFA.

4. *Fair Housing and Civil Rights Laws.* Applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable. Please see the General Section of the SuperNOFA for more information.

5. *Procurement of Recovered Materials.* For further information, see the General Section of the SuperNOFA.

D. Reporting

There are no reporting requirements for use of these Graduation Incentive Bonus funds.

VII. Agency Contact(s)

For questions and technical assistance, applicants may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For the hearing or speech impaired, please call the Federal Relay Service at 800–877–8339. (These are toll-free numbers.)

VIII. Other Information

A. Transfer of Funds

HUD does not have the discretion to transfer funds for the Graduation Incentive program to or from any other program.

B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0242. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 75 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application.

Dated: May 26, 2005.

Paula O. Blunt,

General Deputy Assistant Secretary for Public and Indian Housing.

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APPENDIX A

Eligible Large PHAs (1,250+units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
AL047	Huntsville	19.7	5.61
FL001	Jacksonville	18.5	5.00
GA002	Savannah	17.7	5.84
GA007	Macon	18.9	5.28
IL022	Rockford Housing Authority	16.4	5.34
KS001	Kansas City, KS	18.3	4.99
KY004	Lexington	23.6	3.60
LA006	Monroe Housing Authority	17.5	6.16
MO002	Kansas City, MO	16.1	4.88
MS040	Mississippi Regional HA No. VIII	24.6	4.07
NC007	Asheville Housing Authority	17.4	6.10
NC011	Greensboro Housing Authority	17.9	5.29
NC012	Winston-Salem Housing Authority	25.6	5.68
OH001	Columbus MHA	16.4	6.26
OH004	Cincinnati MHA	16.3	6.24
OH006	Lucas MHA	16.2	6.23
OH008	Trumbull MHA	18.5	6.08
OH012	Lorain MHA	16.5	5.06
OH015	Butler MHA	24.4	5.05
OH018	Stark MHA	16.2	5.86
OK002	Oklahoma City	26.2	3.86
OK073	Tulsa	34.0	2.08
PA003	Scranton HA	17.1	5.64
PA014	Beaver County Housing Authority	19.6	5.90
PA019	Johnstown Housing Authority	19.0	5.21
SC001	Charleston	17.8	6.10
SC003	Spartanburg	24.5	6.11
TN005	MDHA-Nashville	17.2	3.77
TX006	San Antonio	20.1	5.25
TX008	Corpus Christi	21.8	5.88
VA011	Roanoke RHA	16.3	2.45
WV001	Charleston Housing Authority	19.2	5.85

Number of PHAs listed: 32

Eligible Medium PHAs (249 – 1,249units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
AL007	Dothan	22.8	4.79
AL011	Fort Payne	27.2	3.97
AL012	Jasper	27.6	4.60
AL014	Guntersville	27.1	3.95
AL049	Gadsden	27.5	4.49
AL053	Hamilton	27.3	4.21
AL056	Haleyville	28.2	4.64
AL075	Boaz	23.5	4.91
AR003	Fort Smith Housing Authority	26.9	4.02
AR021	Osceola	23.0	4.55
AR031	Hot Springs Housing Authority	25.6	3.97
AR034	Trumann Housing Authority	22.5	4.82
AR050	Helena Housing Authority	27.0	4.90
AR097	Fayetteville Housing Authority	22.0	3.95
AR099	Forrest City Housing Authority	23.5	4.75

Eligible Medium PHAs (249 – 1,249units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
AZ009	Maricopa County HA	27.2	3.78
FL015	NW Florida Regional	23.5	4.04
FL018	Panama City	30.1	2.75
GA005	Rome	28.4	4.06
GA009	Brunswick	22.4	4.80
GA025	Cedartown	23.9	4.30
GA028	Waycross	25.7	4.35
GA100	Valdosta	24.2	4.67
GA116	Carrollton	27.3	4.49
GA119	Calhoun	31.5	3.78
GA160	Warner Robins	22.4	4.37
IL005	Granite City Housing Authority	25.1	4.94
IL011	Danville Housing Authority	24.5	3.42
IL016	Quincy Housing Authority	25.9	4.68
IL032	Whiteside County Housing Authority	22.5	4.44
IL037	Montgomery County Housing Authority	24.3	4.13
IL047	Macoupin County Housing Authority	22.5	4.89
IL050	Williamson County Housing Authority	24.5	4.79
IL076	McDonough County Housing Authority	25.8	3.71
IL091	Warren County Housing Authority	23.5	4.43
IN010	Hammond Housing Authority	22.2	4.01
IN022	Bloomington Housing Authority	29.6	3.41
IN025	Charlestown Housing Authority	21.1	4.89
IN026	Elkhart Housing Authority	21.0	4.21
IN035	Brazil Housing Authority	26.3	4.84
KS002	Topeka	30.8	2.87
KS006	Dodge City	25.6	4.49
KS063	Manhattan	21.8	4.12
KY017	Maysville	28.3	4.25
LA023	Alexandria Housing Authority	26.3	3.67
LA024	Bogalusa Housing Authority	24.7	2.81
LA054	Ruston Housing Authority	33.8	4.54
LA074	Sabine Parish Housing Authority	32.6	3.40
LA115	Natchitoches City HA	23.4	4.19
ME009	Bangor Housing Authority	21.1	3.99
MI027	Inkster Housing Commission	22.3	4.68
MI039	Port Huron Housing Commission	21.1	4.81
MI041	Big Rapids Housing Commission	27.4	3.87
MI070	Marquette Housing Commission	26.5	4.23
MN004	Hibbing HRA	27.2	4.47
MO009	Jefferson City	24.5	3.02
MO013	Poplar Bluff	26.8	4.29
MO017	Independence	21.7	3.78
MO036	Caruthersville	24.4	4.19
MO129	Hannibal	27.7	3.51
MS066	Picayune HA	27.3	2.22
MT001	Billings	21.7	3.74
MT002	Great Falls	24.4	3.08
MT003	Butte	22.5	3.60
MT004	Helena	28.6	3.43
NC010	Eastern Carolina Regional Housing Authority	28.7	3.45
NC023	Mount Airy Housing Authority	31.5	3.70
NC049	Morganton Housing Authority	32.0	2.79
NC056	Hickory Housing Authority	27.4	3.35

Eligible Medium PHAs (249 – 1,249units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
NC057	Gastonia Housing Authority	21.6	4.53
NC073	Oxford Housing Authority	21.9	3.75
NC084	Robeson County, Department of Housing	22.9	4.91
NE125	North Platte	21.4	4.58
OH010	Portsmouth MHA	25.4	3.62
OH026	Columbiana MHA	26.1	3.93
OK005	Lawton	33.2	2.76
OK024	Ada	28.7	3.59
OK062	Mc Alester	30.6	3.51
OK095	Shawnee	33.3	3.00
OK099	Muskogee	28.4	2.97
OK123	Osage County	26.5	3.70
OR011	Salem	23.2	3.44
PA027	Huntingdon County Housing Auth	24.3	4.64
PA033	Meadville Housing Authority	23.7	4.73
SC023	Sumter	23.9	3.96
SD045	Pennington County Housing	24.4	4.81
TN006	Kingsport	25.5	4.59
TN015	Athens	29.5	3.95
TN021	Dyersburg	26.2	4.17
TN024	Tullahoma	29.3	4.31
TN033	Cookeville	23.8	3.04
TN038	Morristown	26.7	4.62
TN048	Lawrenceburg	23.2	4.79
TN053	McMinnville	26.4	3.16
TN054	Cleveland	24.6	3.89
TN055	Harriman	22.2	4.66
TN058	Greeneville	27.7	4.77
TN060	Newport	30.3	4.29
TN069	Martin	23.4	4.83
TN125	Franklin County	31.2	3.95
TX004	Fort Worth	23.0	4.48
TX014	Texarkana	25.3	4.72
TX020	Bryan Housing Authority	30.2	4.27
TX030	Temple	26.7	3.55
TX034	Port Arthur	30.6	3.78
TX062	Edinburg	25.7	3.90
TX065	Harlingen	24.5	4.63
TX078	Sherman	28.8	3.40
TX085	Victoria	30.6	2.67
TX087	San Marcos	25.6	4.06
TX163	Robstown	28.9	3.69
TX222	Crockett	21.5	4.59
TX229	Diboll	24.8	4.37
TX509	Cameron County	27.7	3.81
VA002	Bristol RHA	26.1	4.55
VA029	Cumberland Plateau Regional HA	24.9	4.89
WA003	Bremerton	22.3	4.92
WA018	Grays Harbor	22.0	4.46
WI038	Fond Du Lac HA	22.6	4.18

Number of PHAs listed: 119

Eligible Small PHAs (100 – 249 units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
AL064	Carbon Hill	27.3	4.12
AL087	Hartselle	27.5	3.85
AL094	Georgiana	27.7	4.17
AL110	Piedmont	27.2	3.64
AR006	Conway	27.3	3.84
AR026	Morrilton Housing Authority	30.4	2.86
AR029	Van Buren Housing Authority	28.0	2.93
AR041	Lonoke County Housing Authority	28.8	3.87
AR048	Dewitt Housing Authority	26.4	3.57
AR051	Clarksville Housing Authority	36.2	2.69
AR066	Russellville Housing Authority	28.5	2.92
AR068	Hope Housing Authority	26.9	4.04
AR091	Ola Housing Authority	43.6	2.70
AR094	Malvern Housing Authority	36.2	2.32
AR104	Springdale Housing Authority	31.0	2.90
AR117	Polk County Housing Authority	32.0	3.44
AR121	Paragould Housing Authority	25.0	3.81
AZ010	Pinal County HA	27.4	3.95
FL012	Avon Park	29.1	3.82
FL025	Titusville	23.2	3.82
FL042	Union County	53.1	.86
FL049	Levy County	29.0	2.70
FL055	Arcadia	47.3	4.05
FL060	Punta Gorda	80.0	3.91
GA066	Jesup	47.2	2.51
GA077	Cochran	32.2	4.02
GA145	Vidalia	25.7	2.84
GA168	Ocilla	29.4	3.07
GA189	Metter	23.2	3.74
GA220	Reidsville	23.2	3.93
GA282	Southeast Georgia Consolidated Housing Author	23.4	2.56
IA117	Southern Iowa Regional	22.7	3.85
IA127	North Iowa Regional	27.7	3.60
IA131	Central Iowa	23.2	2.77
IL036	Vermilion County Housing Authority	29.8	3.45
IL040	Logan County Housing Authority	29.6	3.52
IL041	Massac County Housing Authority	24.7	4.01
IL062	Effingham County Housing Authority	23.1	3.69
IL087	Shelby County Housing Authority	22.8	4.15
IL094	Livingston County Housing Authority	28.0	2.98
IN006	Anderson Housing Authority	26.3	3.16
IN024	Rockport Housing Authority	22.9	4.01
KS005	Colby	39.0	3.03
KS038	Salina	33.5	2.67
KS049	Iola	26.6	2.88
KS062	Chanute	28.4	3.70
KY007	Madisonville	46.6	2.65
KY013	Paris	43.2	3.40
KY020	Mt. Sterling	29.8	4.02
KY032	Morehead	25.3	4.19
KY033	Catlettsburg	27.1	3.80
KY039	Pineville	31.1	4.05
KY041	Morgantown	27.2	3.55
KY049	Versailles	25.6	4.20

Eligible Small PHAs (100 – 249 units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
KY062	Harrodsburg	35.4	4.08
KY065	London	26.0	3.96
KY072	Princeton	30.6	4.06
KY099	Franklin	23.3	4.07
KY157	Floyd County	32.2	2.56
LA038	Marksville Housing Authority	29.2	3.31
LA063	Sulphur Housing Authority	38.9	4.05
LA103	Slidell Housing Authority	44.7	3.05
LA111	Leesville Housing Authority	28.5	2.69
LA123	Winnfield Housing Authority	22.7	1.74
MI022	Alpena Housing Commission	26.3	4.14
MI066	Muskegon Housing Commission	26.7	2.68
MI087	Menominee Housing Commission	22.8	3.79
MI112	Evart Housing Commission	23.7	2.81
MN005	Chisholm HRA	24.3	3.49
MN041	Marshall PH	27.8	3.79
MN049	Pipestone HRA	38.5	3.18
MN051	Willmar HRA	25.0	3.54
MN197	Southeast MN Multi-County HRA	25.4	2.88
MO003	St Joseph	26.5	2.44
MO014	Fulton	32.2	3.86
MO016	Marshall	24.1	3.20
MO060	Mountain Grove Housing Authority	34.3	3.06
MO066	Chaffee	28.2	3.92
MO072	Maryville	28.2	3.65
MO111	Macon	24.2	4.05
MO133	Nevada	32.4	3.28
MO138	Wellston HA	26.1	4.21
MS064	Bay St. Louis HA	30.0	3.07
MS079	Louisville HA	29.0	4.02
MT005	Anaconda	24.0	4.06
NC069	North Wilkesboro Dept. of Housing	23.9	3.60
NC081	Asheboro Housing Authority	28.9	3.26
NC095	Forest City Housing Authority	28.6	3.55
NC102	Rowan County Housing Authority	31.3	2.47
NC167	Northwestern Regional Housing Authority	39.1	1.74
ND002	Williston Housing Authority	26.0	3.77
NE005	Ord	25.0	4.13
NE078	Scotts Bluff County	34.9	2.69
NE092	Blair	23.3	4.23
NM002	Clovis HA	26.1	3.23
NM021	Artesia HA	25.3	3.51
NY087	Harrietstown HA	26.4	2.82
OH037	Coshocton MHA	26.4	2.99
OH040	Jackson County MHA	32.4	2.61
OH047	Gallia MHA	34.8	2.66
OH049	Warren MHA	32.0	2.68
OH061	Shelby MHA	25.8	3.73
OH072	Logan County MHA	31.2	2.98
OK004	Idabel	32.8	2.47
OK010	Drumright	34.0	3.56
OK015	Elk City Housing Authority	34.5	2.43
OK032	Seminole	23.4	4.10
OK044	Hugo	30.2	3.87
OK111	Ponca City	25.9	4.07

Eligible Small PHAs (100 – 249 units)			
HA Code	HA Name	% Valid EOP Records	Length of Stay
OK124	Atoka	30.8	3.56
OK131	Kiamichi Electric Coop	24.5	3.03
OK139	Norman	29.2	3.81
OR032	Northeast	26.1	3.89
PA048	Indiana Co HA	23.4	3.88
PA059	Oil City Housing Authority	22.8	4.00
SC030	Greenwood	29.0	3.84
TN008	Paris	31.4	3.58
TN016	Sweetwater	25.8	3.99
TN018	Rockwood	30.2	4.26
TN026	Etowah	29.1	4.13
TN040	Lexington	32.9	3.10
TN052	Huntingdon	36.6	3.45
TN063	Sevierville	30.1	2.89
TN075	Newbern	26.2	4.27
TN079	Dickson	41.2	3.26
TN090	Lafayette	25.6	3.98
TN092	Grundy	26.7	3.07
TX021	Brownwood	26.1	3.13
TX024	Commerce	28.6	3.97
TX026	Denison	38.1	1.91
TX038	Bonham	33.3	4.28
TX041	Olney	39.0	2.20
TX058	Gladewater	45.4	2.42
TX061	Sweetwater	23.9	2.81
TX071	Gilmer	25.0	3.64
TX152	Beeville	32.0	3.06
TX168	Dayton	26.0	3.86
TX187	Pineland	31.6	3.87
TX190	Stanton	27.3	4.28
TX213	Belton	39.5	3.08
TX244	Mount Pleasant	23.2	3.20
TX251	Brady	25.7	4.07
TX309	Cuero	23.7	3.28
TX313	Aransas Pass	29.0	2.60
TX320	Pecos	25.3	2.84
TX321	Coleman	34.8	3.15
TX327	Abilene	34.0	3.51
TX343	New Braunfels	24.5	4.17
TX352	Livingston	36.0	2.03
TX354	Mexia	25.2	4.17
TX470	San Angelo	29.1	3.28
UT002	Ogden	31.4	3.28
UT011	Utah County	31.2	2.88
UT016	Carbon County	30.7	3.06
VA024	Wise County RHA	24.2	4.12
VA030	Marion RHA	26.7	4.24
VA031	Scott County RHA	30.2	3.25
WA017	Asotin Co	25.8	3.68
WI025	Edgerton HA	23.1	4.03
WV005	Parkersburg Housing Authority	30.3	2.97
WV009	Fairmont Housing Authority	25.0	3.43
WV017	Pt . Pleasant Housing Authority	30.5	3.84
WY003	Rock Springs	24.8	3.91

Number of PHAs listed: 163

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

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Surface Transportation Extension Act of 2005 (May 31, 2005; 119 Stat. 324)

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