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9:00 a.m.–Noon

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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20969; Directorate Identifier 2005–NM–017–AD; Amendment 39–14443; AD 2006–01–04]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A (C–29A and U–125), 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 (including variant U–125A), and 1000 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Raytheon airplanes identified above. That AD currently requires a visual inspection to determine whether adequate clearance exists between the fan venturi motor casing and the adjacent equipment, and adjustments, if necessary; and a visual inspection to detect signs of overheating, degradation of insulating materials, and ingestion of debris into the motor, and replacement of discrepant parts with serviceable parts. This new AD instead requires that operators replace the fan venturi with a new or modified part. This AD results from reports that the fan venturi overheated and produced smoke while the airplane was on the ground. We are issuing this AD to prevent heat and fire damage to equipment adjacent to the fan venturi, which could result in smoke in the cabin and/or burning equipment.

DATES: This AD becomes effective February 22, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of February 22, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL–401, Washington, DC.

Contact Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Philip Petty, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE–119W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4139; fax (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 94–11–03, amendment 39–8919 (59 FR 27231, May 26, 1994). The existing AD applies to certain Raytheon Corporate Jets Model DH/BH/HS BAe 125 and Hawker 800 and 1000 series airplanes. That NPRM was published in the **Federal Register** on April 18, 2005 (70 FR 20080). That NPRM proposed to require replacing the fan venturi with a new or modified part.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments from one commenter that have been received on the NPRM.

Request for Parts AD

The commenter requests that a determination be made as to whether the defective parts are installed on other aircraft, particularly those manufactured by Israel Aircraft Industries. If so, then consideration should be given to making the NPRM applicable to the Honeywell part, rather than the airframe on which it is installed or, alternatively, to the Honeywell part and the identified airframes.

The FAA considered the commenter's request. In this particular case, the unsafe condition is caused by the combination of a part that can overheat and the particular installation allowing it to be close to surrounding material that could burn. We have contacted the Civil Aviation Administration of Israel (CAAI) to determine if the unsafe condition identified in this AD may also occur on airplanes manufactured by Israel Aircraft Industries. If the CAAI determines that the unsafe condition could exist on additional airplanes, we will consider further rulemaking. No change to the final rule is necessary in this regard.

Request To Reference Parts Manufacturer Approval (PMA) Parts

The same commenter also requests that the language in the NPRM be changed to permit installation of PMA equivalent parts. The commenter states that the mandated installation of a certain part number ''is at variance with FAR 21.303,'' which permits the installation of other (PMA) parts.

We infer that the commenter would like the AD to permit installation of any equivalent PMA parts so that it is not necessary for an operator to request approval of an alternative method of compliance (AMOC) in order to install an ''equivalent'' PMA part. Whether an alternative part is ''equivalent'' in adequately resolving the unsafe condition can only be determined on a case-by-case basis based on a complete understanding of the unsafe condition. We are not currently aware of any such parts. Our policy is that, in order for operators to replace a part with one that is not specified in the AD, they must request an AMOC. This is necessary so that we can make a specific determination that an alternative part is or is not susceptible to the same unsafe condition.

In response to the commenter's statement regarding a ''variance with FAR 21.303,'' under which the FAA issues parts manufacturer approvals (PMA), this statement appears to reflect

a misunderstanding of the relationship between ADs and the certification procedural regulations of part 21 of the FARs (14 CFR part 21). Those regulations, including section 21.303 of the FARs (14 CFR 21.303), are intended to ensure that aeronautical products and parts are safe. But ADs are issued when, notwithstanding those procedures, we become aware of unsafe conditions in these products or parts. Therefore, an AD takes precedence over other ''approvals'' when we identify an unsafe condition, and mandating installation of a certain part number in an AD is not at variance with section § 21.303.

The AD provides a means of compliance for operators to ensure that the identified unsafe condition is addressed appropriately. For an unsafe condition attributable to a part, the AD normally identifies the replacement parts necessary to obtain that compliance. As stated in section 39.7 of the FARs (14 CFR 39.7), ''Anyone who operates a product that does not meet the requirements of an applicable airworthiness directive is in violation of this section.'' Unless an operator obtains approval for an AMOC, replacing a part with one not specified by the AD would make the operator subject to an enforcement action and result in a civil penalty. No change to the AD is necessary in this regard.

Request To Address Defective PMA Parts

The same commenter also requests that the NPRM be revised to cover possible defective PMA alternative parts, rather than just a single part number, so that those defective PMA parts also are subject to the proposed AD. The commenter notes that because there is at least one known PMA part for a modified fan venturi, there also may be other PMA parts for the older, unmodified venturi. The commenter states that in the case of this NPRM, the PMA holder is also the supplier to the airplane manufacturer, so the parts are numbered identically. However, the commenter adds that this is not usually the case, and states that PMA manufacturers are encouraged—and in some cases, required—to identify PMA parts by alternative designations.

We concur with the commenter's general request that, if we know that an unsafe condition also exists in PMA parts, the AD should address those parts, as well as the original parts. As the commenter states, in this case, the identified PMA part has the same part number as the original, and is therefore subject to the requirements of this AD. We are not aware of other PMA parts that have a different part number. The commenter's remarks are timely in that the Transport Airplane Directorate currently is in the process of reviewing this issue as it applies to transport category airplanes. We acknowledge that there may be other ways of addressing this issue to ensure that unsafe PMA parts are identified and addressed. Once we have thoroughly examined all aspects of this issue, including input from industry, and have made a final determination, we will consider whether our policy regarding addressing PMA parts in ADs needs to be revised. We consider that to delay this AD action would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety. Therefore, no change has been made to the final rule in this regard.

Request To Consider Broader Aspects of an Identified Problem

The commenter also notes that the use of alternative PMA parts is becoming increasingly common, and admonishes the FAA to take note of this fact. The commenter suggests that the FAA view the service bulletin as a starting point for further research into the problem. The commenter concludes that simply adopting the manufacturers' service bulletins could result in severe safety compromises unless due consideration is given to the broader aspects of an identified problem.

Although the commenter's remarks above do not specifically request a change to this AD, we would like to clarify that we do use service bulletins as starting points for our research into the development of an AD, when they are available, because of the original equipment manufacturer (OEM's) expertise and broad knowledge of the product. Often, service information may not even be available that addresses a particular identified unsafe condition. In all cases, we may also consult with other aeronautical experts, specialists, and vendors, and we may research databases, reports, testing results, etc., to ensure that the unsafe condition is addressed in an appropriate and timely manner. No change has been made to this AD as a result of the commenter's remarks in the previous paragraph.

Clarification of AMOC Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 500 airplanes of the affected design worldwide. This AD will affect about 350 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane
Option 1: Replacement	4	$65	$12,487	$12,747
Option 2: Modification	8	65	2,269	2,789

Authority for This Rulemaking

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 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 rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(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) 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 regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–8919 (59 FR 27231, May 26, 1994) and by adding the following new airworthiness directive (AD):

2006–01–04 Raytheon Aircraft Company: Amendment 39–14443. Docket No. FAA–2005–20969; Directorate Identifier 2005–NM–017–AD.

Effective Date

(a) This AD becomes effective February 22, 2006.

Affected ADs

(b) This AD supersedes AD 94–11–03.

Applicability

(c) This AD applies to Raytheon Model DH.125, HS.125, and BH.125 series airplanes; Model BAe.125 Series 800A (C–29A and U–125), 800B, 1000A, and 1000B airplanes; and Model Hawker 800 (including variant U–125A), and 1000 airplanes, certificated in any category; as identified in Raytheon Service Bulletin SB 21–3669, dated December 2004.

Unsafe Condition

(d) This AD results from reports indicating that the fan venturi overheated and produced smoke while the airplane was on the ground. We are issuing this AD to prevent heat and fire damage to equipment adjacent to the fan venturi, which could result in smoke in the cabin and/or burning equipment.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Modification or Replacement

(f) Within 1,200 flight hours or 24 months after the effective date of this AD, whichever occurs first, do the action in either paragraph (f)(1) or (f)(2) of this AD in accordance with the Accomplishment Instructions of Raytheon Service Bulletin SB 21–3669, dated December 2004.

(1) Modify the existing fan venturi part number (P/N) 132322–2–1 by installing an improved motor, P/N 207640–34.

(2) Replace the existing fan venturi P/N 132322–2–1 with a new fan venturi P/N 132322–3–1.

Note 1: Raytheon Service Bulletin SB 21–3669 refers to Honeywell Service Bulletin 132322–21–4041, Revision 2, dated August 20, 2004, as an additional source of service information for doing the modification. The Raytheon service bulletin includes the Honeywell service bulletin.

Parts Installation

(g) As of the effective date of this AD, no person may install a fan venturi, P/N 132322–2–1, on any airplane unless the fan venturi has been modified in accordance with paragraph (f)(1) of this AD; or unless the fan venturi has a new P/N in accordance with paragraph (f)(2) of this AD.

Alternative Method of Compliance (AMOC)

(h)(1) The Manager, Wichita Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(i) You must use Raytheon Service Bulletin SB 21–3669, dated December 2004, including Honeywell Service Bulletin 132322–21–4041, Revision 2, dated August 20, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the **Federal Register** approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on December 23, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–403 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–105–AD; Amendment 39–14441; AD 2006–01–02]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F Airplanes; Model DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas transport category airplanes, that requires an inspection of the upper lock link assembly of the nose landing gear (NLG) to determine the manufacturer, repetitive eddy current inspections for cracking, and modification or replacement if necessary. This AD also provides for optional terminating action for the repetitive inspections. The actions specified by this AD are intended to prevent fracture of the upper lock link assembly of the NLG, which could result in failure of the NLG to extend following a gear-down selection, and consequent gear-up landing, structural damage, and possible injury to

passengers and crew. This action is intended to address the identified unsafe condition.

DATES: Effective February 22, 2006.

The incorporation by reference of Boeing Alert Service Bulletin DC9–32A340, Revision 01, excluding Appendix A, dated April 29, 2003; and Boeing Alert Service Bulletin MD90–32A054, Revision 01, excluding Appendix A, dated April 29, 2003; as listed in the regulations, is approved by the Director of the Federal Register as of February 22, 2006.

The incorporation by reference of McDonnell Douglas Service Bulletin DC9–32–315, dated March 11, 1999; Boeing Service Bulletin DC9–32–315, Revision 01, dated October 24, 2000; McDonnell Douglas Service Bulletin MD90–32–033, dated March 11, 1999; and Boeing Service Bulletin MD90–32–033, Revision 01, dated October 24, 2000; as listed in the regulations, was approved previously by the Director of the Federal Register as of March 28, 2002 (67 FR 7949, February 21, 2002).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Mike Lee, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5325; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain DC–9–14, DC–9–15, DC–9–15F, DC–9–21, DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, DC–9–32F (C–9A, C–9B), DC–9–41, DC–9–51, DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; MD–88 airplanes; and MD–90–30 airplanes; was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on June 14, 2005 (70 FR 34411). That action proposed to require an inspection of the upper lock link assembly of the nose landing gear (NLG) to determine the manufacturer, repetitive eddy current inspections for cracking, modification or replacement if necessary, and related concurrent actions. That action also proposed to provide optional terminating action for the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Approve Alternative Methods of Compliance (AMOCs) for AD 2002–04–01 as AMOCs for the Supplemental NPRM

One commenter request that we approve AMOCs approved previously for AD 2002–04–01, amendment 39–12658 (67 FR 7949, February 21, 2002), as AMOCs for the supplemental NPRM. The commenter notes that paragraph (i) of the proposed AD states that the Los Angeles Aircraft Certification Office (ACO), FAA, can approve AMOCs for this AD but does not state whether previously approved AMOCs are applicable to this AD. The commenter notes that it has received an AMOC approval letter for AD 2002–04–01 for an alternate marking method applicable to upper lock links.

We agree with the commenter. AMOCs approved for AD 2002–04–01 are acceptable for compliance as AMOCs for the actions specified in paragraph (f) of the final rule. Therefore, we have added paragraph (i)(3) to the final rule.

Request To List Part Numbers

One commenter requests that we list all affected part numbers as indicated in Figure 1 of Boeing Alert Service Bulletin DC9–32A340, Revision 01, dated April 29, 2003, which was referenced as the appropriate source of service information for doing the actions in the supplemental NPRM for certain airplanes. The commenter did not provide justification for the request.

We do not agree with the commenter. The final rule requires an inspection of the upper lock link assembly in accordance with the applicable service bulletin. Those service bulletins clearly specify the affected part numbers in Figure 1. No further clarification is necessary. Including part numbers in the final rule would unnecessarily lengthen the final rule and add the potential for typographical errors. We have not revised the final rule in this regard.

Request To Revise the Compliance Time

One commenter requests that we revise the compliance time in the supplemental NPRM to be synchronized with the requirements of AD 2002–04–01, which was cited in the supplemental NPRM as the source of certain concurrent requirements. The commenter states that the actions specified in the supplemental NPRM conflict with the compliance time mandated by AD 2002–04–01. The commenter notes that it has inspected 124 units in accordance with Boeing Alert Service Bulletin DC9–32A340 with no evidence of damage. The commenter questions why the supplemental NPRM should have a more stringent compliance threshold that conflicts with the threshold in AD 2002–04–01.

We disagree with the commenter because AD 2002–04–01 and this final rule address different identified unsafe conditions. The compliance time in this final rule corresponds with the manufacturer's recommended compliance times specified in Boeing Alert Service Bulletin DC9–32A340. In developing an appropriate compliance time for this final rule, we considered the urgency associated with the subject unsafe condition, the manufacturer's recommendation, the availability of required parts, and the practical aspect of accomplishing the required actions within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, according to the provisions of paragraph (i) of the final rule, we may approve requests to adjust the compliance time if the request includes data that prove that the new compliance time would provide an acceptable level of safety. We have not revised the final rule in this regard.

Clarification of Terminating Action

We have revised paragraphs (d) and (e) of this AD to clarify that the terminating action terminates only the inspections specified in paragraphs (b) and (c) of this AD. The parts installation requirement specified in paragraph (h) of this AD remains applicable.

We have also replaced the phrase ''with a new or serviceable upper link lock assembly'' in paragraph (e)(2) of this AD with ''with an upper lock link assembly, part number (P/N) 5965065–511'' to clarify the replacement part. Upper link lock assemblies having other P/Ns must be modified as specified in paragraph (e)(1) of this AD in order to be a replacement part.

Clarification of AMOC Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 2,021 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,212 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the general visual inspection, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the general visual inspection on U.S. operators is estimated to be $78,780, or $65 per airplane.

It will take approximately 1 work hour per airplane to accomplish the high frequency eddy current (HFEC) inspection, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the HFEC inspection on U.S. operators is estimated to be $78,780, or $65 per airplane, per inspection cycle.

It would take approximately 8 work hours per airplane to accomplish the replacement, if done, at an average labor rate of $65 per work hour. Required parts cost approximately $6,346 for a new part. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be $6,866 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Authority for This Rulemaking

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 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 rulemaking action.

Regulatory Impact

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (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) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

2006–01–02 McDonnell Douglas: Amendment 39–14441. Docket 2002–NM–105–AD.

Applicability: This AD applies to airplanes, certificated in any category, as identified in Table 1 of this AD.

TABLE 1.—APPLICABILITY

Model—	As identified in—
DC–9–14, DC–9–15, DC–9–15F, DC–9–21, DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, DC–9–32F (C–9A, C–9B), DC–9–41, DC–9–51, DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and MD–88 airplanes.	Boeing Alert Service Bulletin DC9–32A340, Revision 01, dated April 29, 2003.
MD–90–30 airplanes	Boeing Alert Service Bulletin MD90–32A054, Revision 01, dated April 29, 2003.

Compliance: Required as indicated, unless accomplished previously.

To prevent fracture of the upper lock link assembly of the nose landing gear (NLG), which could result in failure of the NLG to extend following a gear-down selection, and consequent gear-up landing, structural damage, and possible injury to passengers and crew; accomplish the following:

Service Bulletin References

(a) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of the service bulletin specified in paragraph (a)(1) or (a)(2) of this AD, as

applicable. Although the service bulletins referenced in this AD specify to submit information to the manufacturer, this AD does not include such a requirement.

(1) For Model DC–9–14, DC–9–15, DC–9–15F, DC–9–21, DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, DC–9–32F (C–9A, C–9B), DC–9–41, DC–9–51, DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and MD–88 airplanes: Boeing Alert Service Bulletin DC9–32A340, Revision 01, excluding Appendix A, dated April 29, 2003; and

(2) For Model MD–90–30 airplanes: Boeing Alert Service Bulletin MD90–32A054, Revision 01, excluding Appendix A, dated April 29, 2003.

Inspections

(b) Within 2,500 flight cycles after the effective date of this AD: Do a general visual inspection to determine if the upper lock link assembly of the NLG was manufactured by Ready Machine and Manufacturing Company (this can be identified by the letters ''RM'' adjacent to the serial number), in accordance with the service bulletin. Instead of the inspection, a review of airplane maintenance records is acceptable if the manufacturer of the upper lock link assembly can be positively determined from that review.

Note 1: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation or assembly to detect obvious damage, failure or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normal available lighting conditions such as daylight, hangar lighting, flashlight or drop-light and may require removal or opening of access panels or doors. Stands, ladders or platforms may be required to gain proximity to the area being checked.''

(1) If the upper lock link assembly of the NLG was manufactured by Ready Machine and Manufacturing Company: Within 2,500 flight cycles after the effective date of this AD, do a high frequency eddy current (HFEC) inspection of the assembly for cracking, in accordance with Condition 1 of the service bulletin.

(2) If the upper lock link assembly was not manufactured by Ready Machine and Manufacturing Company: Within 3,500 flight cycles after the effective date of this AD, do an HFEC inspection of the assembly for cracking, in accordance with Condition 2 of the service bulletin.

No Cracking Found

(c) If no cracking is found during any HFEC inspection required by paragraph (b) of this AD, repeat the HFEC inspection specified in paragraph (b) of this AD at intervals not to exceed 4,000 flight cycles until accomplishment of either paragraph (e)(1) or (e)(2) of this AD.

Cracking Found

(d) If any cracking is found during any inspection required by paragraph (b) or (c) of this AD, before further flight, do the replacement of the upper lock link assembly as specified in either paragraph (e)(1) or (e)(2) of this AD. Accomplishment of this action constitutes terminating action for the repetitive inspection requirements of paragraph (c) this AD.

Optional Terminating Action

(e) Doing the actions specified in either paragraph (e)(1) or (e)(2) of this AD constitutes terminating action for the inspection requirements of paragraphs (b) and (c) of this AD.

(1) Replace the upper lock link assembly of the NLG with an upper lock link assembly modified in accordance with the service bulletin. The modification includes refinishing an uncracked upper lock link assembly, and doing related investigative and corrective actions, in accordance with the service bulletin.

(2) Replace the cracked upper lock link assembly of the NLG with an upper lock link assembly, part number (P/N) 5965065–511, in accordance with the service bulletin.

Prior or Concurrent Actions Required To Be Done With Paragraph (b) of This AD

(f) Before or concurrently with the actions required by paragraph (b)(1) or (b)(2) of this AD, as applicable, do the actions specified in Table 2 of this AD.

TABLE 2.—PRIOR OR CONCURRENT ACTIONS

Do these actions—	Required by—	In accordance with—
Replace the lock link with a new upper lock link, a reidentified upper lock link, or a new upper lock link assemby, and do any applicable inspections.	AD 2002–04–01, amendment 39–12658	McDonnell Douglas Service Bulletin DC9–32–315, dated March 11, 1999, or Boeing Service Bulletin DC9–32–315, Revision 01, dated October 24, 2000; or McDonnell Douglas Service Bulletin MD90–32–033, dated March 11, 1999, or Boeing Service Bulletin MD90–32–033, Revision 01, dated October 24, 2000; as applicable.

Actions Accomplished in Accordance With Previous Issues of Service Bulletins

(g) Actions accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin DC9–32A340; and Boeing Alert Service Bulletin MD90–32A054; both dated November 14, 2001; are considered acceptable for compliance with the corresponding actions specified in this AD.

Parts Installation

(h) As of the effective date of this AD, no person may install, on any airplane, any part specified in paragraphs (h)(1) and (h)(2) of this AD, unless it has been modified according to the service bulletin.

(1) Any upper lock link assembly, P/N 5965065–1, 5965065–501, 5965065–503, or 5965065–507.

(2) Any upper lock link, P/N 3914464–1, 3914464–501, 3914464–503, or 3914464–507.

Alternative Methods of Compliance

(i)(1) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) AMOCs approved previously according to AD 2002–04–01, amendment 39–12658, are approved as AMOCs for the corresponding provisions of paragraph (f) of this AD.

Incorporation by Reference

(j) Unless otherwise specified in this AD, the actions must be done in accordance with the applicable service bulletin listed in Table 3 of this AD.

(1) The incorporation by reference of the service bulletins listed in Table 4 of this AD is approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of the service bulletins listed in Table 5 of this AD was approved previously by the Director of the Federal Register as of March 28, 2002 (67 FR 7949, February 21, 2002).

(3) To get copies of this service information, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). To inspect copies of this service information, go to the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or go to the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or to the National Archives and Records Administration (NARA). For information on

the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 3.—ALL MATERIAL INCORPORATED BY REFERENCE

Service bulletin	Revision level	Date
Boeing Alert Service Bulletin DC9–32A340	Revision 01	April 29, 2003.
Boeing Alert Service Bulletin MD90–32A054	Revision 01	April 29, 2003.
Boeing Service Bulletin DC9–32–315	Revision 01	October 24, 2000.
Boeing Service Bulletin MD90–32–033	Revision 01	October 24, 2000.
McDonnell Douglas Service Bulletin DC9–32–315	Original	March 11, 1999.
McDonnell Douglas Service Bulletin MD90–32–033	Original	March 11, 1999.

TABLE 4.—MATERIAL INCORPORATED BY REFERENCE IN THIS AD

Service bulletin	Revision level	Date
Boeing Alert Service Bulletin DC9–32A340, excluding Appendix A	Revision 01	April 29, 2003.
Boeing Alert Service Bulletin MD90–32A054, excluding Appendix A	Revision 01	April 29, 2003.

TABLE 5.—MATERIAL PREVIOUSLY INCORPORATED BY REFERENCE

Service bulletin	Revision level	Date
Boeing Service Bulletin DC9–32–315	Revision 01	October 24, 2000.
Boeing Service Bulletin MD90–32–033	Revision 01	October 24, 2000.
McDonnell Douglas Service Bulletin DC9–32–315	Original	March 11, 1999.
McDonnell Douglas Service Bulletin MD90–32–033	Original	March 11, 1999.

Effective Date

(k) This amendment becomes effective on February 22, 2006.

Issued in Renton, Washington, on December 20, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–404 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR PART 11

[Docket No. RM06–9–000]

Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

January 10, 2006.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; update of Federal land use fees.

SUMMARY: In accordance with the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is based on the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 2005 through September 30, 2006 the fees in this notice are effective October 1, 2005. The fees will apply to fiscal year 2006 annual charges for the use of government lands.

The Commission has concluded, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB that this rule is not a ''major rule'' as defined in section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C 804(2).

DATES: *Effective Date:* October 1, 2005.

FOR FURTHER INFORMATION CONTACT: Fannie Kingsberry, Division of Financial Services, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6108.

SUPPLEMENTARY INFORMATION:

Document Availability: In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page *(http://www.ferc.gov)* and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in the eLibrary (formerly FERRIS). The full text of this document is available on eLibrary in PDF and MSWord format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the FERC's Web site during normal business hours by contacting FERC Online Support by telephone at (866) 208–3676 (toll free) or for TTY, (202) 502–8659, or by e-mail at *FERCOnlineSupport@ferc.gov.*

List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

Thomas R. Herlihy,

Executive Director, Office of the Executive Director.

■ Accordingly, the Commission, effective October 1, 2005, amends part 11 of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

■ 2. In part 11, Appendix A is revised to read as follows.

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006

State	County	(Fee/acre/yr)
ALABAMA	ALL COUNTIES	$28.10
ARKANSAS	ALL COUNTIES	21.08
ARIZONA	COCHISE	7.01
	GILA.	
	GRAHAM.	
	LA PAZ.	
	MOHAVE.	
	NAVAJO.	
	PIMA.	
	YAVAPAI.	
	YUMA.	
	COCONINO (NORTH OF COLORADO R.).	
	COCONINO (SOUTH OF COLORADO R.)	28.10
	GREENLEE.	
	MARICOPA.	
	PINAL.	
	SANTA CRUZ.	
CALIFORNIA	IMPERIAL	14.05
	INYO.	
	LASSEN.	
	MODOC.	
	RIVERSIDE.	
	SAN BERNARDINO.	
	SISKIYOU	21.08
	ALAMEDA	35.12
	ALPINE.	
	AMADOR.	
	BUTTE.	
	CALAVERAS.	
	COLUSA.	
	CONTRA COSTA.	
	DEL NORTE.	
	EL DORADO	35.12
	FRESNO.	
	GLENN.	
	HUMBOLDT.	
	KERN.	
	KINGS.	
	LAKE.	
	MADERA.	
	MARIPOSA.	
	MENDICINO.	
	MERCED.	
	MONO.	
	NAPA.	
	NEVADA.	
	PLACER.	
	PLUMAS.	
	SACRAMENTO.	
	SAN BENITO.	
	SAN JOAQUIN.	
	SANTA CLARA.	
	SHASTA.	
	SIERRA.	
	SOLANO.	
	SONOMA.	
	STANISLAUS.	
	SUTTER.	
	TEHAMA.	
	TRINITY.	
	TULARE KINGS.	
	TUOLUMNE.	
	YOLO.	
	YUBA.	
	LOS ANGELES	42.17
	MARIN.	
	MONTEREY.	
	ORANGE.	
	SAN DIEGO.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	SAN FRANCISCO.	
	SAN LUIS OBISPO.	
	SAN MATEO.	
	SANTA BARBARA.	
	SANTA CRUZ.	
	VENTURA.	
COLORADO	ADAMS	7.01
	ARAPAHOE.	
	BENT.	
	CHEYENNE.	
	CROWLEY.	
	ELBERT.	
	EL PASO.	
	HUERFANO.	
	KIOWA.	
	KIT CARSON.	
	LINCOLN.	
	LOGAN.	
	MOFFAT.	
	MONTEZUMA.	
	MORGAN.	
	PUEBLO.	
	SEDGEWICK.	
	WASHINGTON.	
	WELD.	
	YUMA.	
	BACA	14.05
	BROOMFIELD.	
	DOLORES.	
	GARFIELD.	
	LAS ANIMAS.	
	MESA.	
	MONTROSE.	
	OTERO.	
	PROWERS.	
	RIO BLANCO.	
	ROUTT.	
	SAN MIGUEL.	
	ALAMOSA	28.10
	ARCHULETA.	
	BOULDER.	
	CHAFFEE.	
	CLEAR CREEK.	
	CONEJOS.	
	COSTILLA.	
	CUSTER.	
	DENVER.	
	DELTA.	
	DOUGLAS.	
	EAGLE	28.10
	FREMONT.	
	GILPIN.	
	GRAND.	
	GUNNISON.	
	HINSDALE.	
	JACKSON.	
	JEFFERSON.	
	LAKE.	
	LA PLATA.	
	LARIMER.	
	MINERAL.	
	OURAY.	
	PARK.	
	PITKIN.	
	RIO GRANDE.	
	SAGUACHE.	
	SAN JUAN.	
	SUMMIT.	
	TELLER.	
CONNECTICUT	ALL COUNTIES	7.01
FLORIDA	BAKER	42.17
	BAY.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	BRADFORD.	
	CALHOUN.	
	CLAY.	
	COLUMBIA.	
	DIXIE.	
	DUVAL.	
	ESCAMBIA.	
	FRANKLIN.	
	GADSDEN.	
	GILCHRIST.	
	GULF.	
	HAMILTON.	
	HOLMES.	
	JACKSON.	
	JEFFERSON.	
	LAFAYETTE.	
	LEON.	
	LIBERTY.	
	MADISON.	
	NASSAU.	
	OKALOOSA	42.17
	SANTA ROSA.	
	SUWANNEE.	
	TAYLOR.	
	UNION.	
	WAKULLA.	
	WALTON.	
	WASHINGTON.	
	ALL OTHER COUNTIES	70.23
GEORGIA	ALL COUNTIES	42.17
IDAHO	CASSIA	7.01
	GOODING.	
	JEROME.	
	LINCOLN.	
	MINIDOKA.	
	ONEIDA.	
	OWYHEE.	
	POWER.	
	TWIN FALLS.	
	ADA	21.08
	ADAMS.	
	BANNOCK.	
	BEAR LAKE.	
	BENEWAH.	
	BINGHAM.	
	BLAINE.	
	BOISE.	
	BONNER.	
	BONNEVILLE.	
	BOUNDARY.	
	BUTTE.	
	CAMAS.	
	CANYON.	
	CARIBOU.	
	CLARK.	
	CLEARWATER.	
	CUSTER.	
	ELMORE.	
	FRANKLIN.	
	FREMONT.	
	GEM.	
	IDAHO	21.08
	JEFFERSON.	
	KOOTENAI.	
	LATAH.	
	LEMHI.	
	LEWIS.	
	MADISON.	
	NEZ PERCE.	
	PAYETTE.	
	SHOSHONE.	
	TETON.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	VALLEY.	
	WASHINGTON.	
ILLINOIS	ALL COUNTIES	21.08
INDIANA	ALL COUNTIES	35.12
KANSAS	MORTON	14.05
	ALL OTHER COUNTIES	7.01
KENTUCKY	ALL COUNTIES	21.08
LOUISIANA	ALL COUNTIES	42.17
MAINE	ALL COUNTIES	21.08
MICHIGAN	ALGER	21.08
	BARAGA.	
	CHIPPEWA.	
	DELTA.	
	DICKINSON.	
	GOGEBIC.	
	HOUGHTON.	
	IRON.	
	KEWEENAW.	
	LUCE.	
	MACKING.	
	MARQUETTE.	
	MENOMINEE.	
	ONTONAGON.	
	SCHOOLCRAFT.	
	ALL OTHER COUNTIES	28.10
MINNESOTA	ALL COUNTIES	21.08
MISSISSIPPI	ALL COUNTIES	28.10
MISSOURI	ALL COUNTIES	21.08
MONTANA	BIG HORN	7.01
	BLAINE.	
	CARTER.	
	CASCADE.	
	CHOUTEAU.	
	CUSTER.	
	DANIELS.	
	MCCONE.	
	MEAGHER.	
	DAWSON.	
	FALLON.	
	FERGUS.	
	GARFIELD.	
	GLACIER.	
	GOLDEN VALLEY.	
	HILL.	
	JUDITH BASIN.	
	LIBERTY.	
	MUSSELSHELL.	
	PETROLEUM.	
	PHILLIPS.	
	PONDERA.	
	POWDER RIVER.	
	PRAIRIE.	
	RICHLAND.	
	ROOSEVELT.	
	ROSEBUD.	
	SHERIDAN.	
	TETON.	
	TOOLE.	
	TREASURE.	
	VALLEY.	
	WHEATLAND.	
	WIBAUX.	
	YELLOWSTONE.	
	BEAVERHEAD	21.08
	BROADWATER.	
	CARBON.	
	DEER LODGE	21.08
	FLATHEAD.	
	GALLATIN.	
	GRANITE.	
	JEFFERSON.	
	LAKE.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	LEWIS & CLARK.	
	LINCOLN.	
	MADISON.	
	MINERAL.	
	MISSOULA.	
	PARK.	
	POWELL.	
	RAVALLI.	
	SANDERS.	
	SILVER BOW.	
	STILLWATER.	
	SWEET GRASS.	
NEBRASKA	ALL COUNTIES	7.01
NEVADA	CHURCHILL	3.51
	CLARK.	
	ELKO.	
	ESMERALDA.	
	EUREKA.	
	HUMBOLDT.	
	LANDER.	
	LINCOLN.	
	LYON.	
	MINERAL.	
	NYE.	
	PERSHING.	
	WASHOE.	
	WHITE PINE.	
	CARSON CITY	35.12
	DOUGLAS.	
	STORY.	
NEW HAMPSHIRE	ALL COUNTIES	21.08
NEW MEXICO	CHAVES	7.01
	CURRY.	
	DE BACA.	
	DONA ANA	7.01
	EDDY.	
	GRANT.	
	GUADALUPE.	
	HARDING.	
	HIDALGO.	
	LEA.	
	LUNA.	
	MCKINLEY.	
	OTERO.	
	QUAY.	
	ROOSEVELT.	
	SAN JUAN.	
	SOCORRO.	
	TORRENCE.	
	RIO ARRIBA	14.05
	SANDOUAL.	
	UNION.	
	BERNALILLO	28.10
	CATRON.	
	CIBOLA.	
	COLFAX.	
	LINCOLN.	
	LOS ALAMOS.	
	MORA.	
	SAN MIGUEL.	
	SANTA FE.	
	SIERRA.	
	TAOS.	
	VALENCIA.	
NEW YORK	ALL COUNTIES	28.10
NORTH CAROLINA	ALL COUNTIES	42.17
NORTH DAKOTA	ALL COUNTIES	7.01
OHIO	ALL COUNTIES	28.10
OKLAHOMA	BEAVER	14.05
	CIMARRON.	
	ROGER MILLS.	
	TEXAS.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	LE FLORE	21.08
	MC CURTAIN.	
	ALL OTHER COUNTIES	7.01
OREGON	HARNEY	7.01
	LAKE.	
	MALHEUR.	
	BAKER	14.05
	CROOK.	
	DESCHUTES.	
	GILLIAM.	
	GRANT.	
	JEFFERSON.	
	KLAMATH.	
	MORROW.	
	SHERMAN.	
	UMATILLA.	
	UNION.	
	WALLOWA.	
	WASCO.	
	WHEELER.	
	COOS	21.08
	CURRY.	
	DOUGLAS.	
	JACKSON.	
	JOSEPHINE.	
	BENTON	28.10
	CLACKAMAS.	
	CLATSOP.	
	COLUMBIA.	
	HOOD RIVER.	
	LANE.	
	LINCOLN.	
	LINN.	
	MARION.	
	MULTNOMAH.	
	POLK.	
	TILLAMOOK.	
	WASHINGTON.	
	YAMHILL.	
PENNSYLVANIA	ALL COUNTIES	28.10
PUERTO RICO	ALL	42.17
SOUTH CAROLINA	ALL COUNTIES	42.17
SOUTH DAKOTA	BUTTE	21.08
	CUSTER.	
	FALL RIVER.	
	LAWRENCE.	
	MEAD.	
	PENNINGTON.	
	ALL OTHER COUNTIES	7.01
TENNESSEE	ALL COUNTIES	28.10
TEXAS	CULBERSON	7.01
	EL PASO.	
	HUDSPETH.	
	ALL OTHER COUNTIES	42.17
UTAH	BEAVER	7.01
	BOX ELDER.	
	CARBON.	
	DUCHESNE.	
	EMERY.	
	GARFIELD.	
	GRAND.	
	IRON.	
	JUAB.	
	KANE.	
	MILLARD.	
	SAN JUAN.	
	TOOELE.	
	UINTAH.	
	WAYNE.	
	WASHINGTON	14.05
	CACHE	21.08
	DAGGETT.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	DAVIS.	
	MORGAN.	
	PIUTE.	
	RICH	21.08
	SALT LAKE.	
	SANPETE.	
	SEVIER.	
	SUMMIT.	
	UTAH.	
	WASATCH.	
	WEBER.	
VERMONT	ALL COUNTIES	28.10
VIRGINIA	ALL COUNTIES	28.10
WASHINGTON	ADAMS	14.05
	ASOTIN.	
	BENTON.	
	CHELAN.	
	COLUMBIA.	
	DOUGLAS.	
	FRANKLIN.	
	GARFIELD.	
	GRANT.	
	KITTITAS.	
	KLICKITAT.	
	LINCOLN.	
	OKANOGAN.	
	SPOKANE.	
	WALLA WALLA.	
	WHITMAN.	
	YAKIMA.	
	FERRY	21.08
	PEND OREILLE.	
	STEVENS.	
	CLALLAM	28.10
	CLARK.	
	COWLITZ.	
	GRAYS HARBOR.	
	ISLAND.	
	JEFFERSON.	
	KING.	
	KITSAP.	
	LEWIS.	
	MASON.	
	PACIFIC	28.10
	PIERCE.	
	SAN JUAN.	
	SKAGIT.	
	SKAMANIA.	
	SNOHOMISH.	
	THURSTON.	
	WAHKIAKUM.	
	WHATCOM.	
WEST VIRGINIA	ALL COUNTIES	28.10
WISCONSIN	ALL COUNTIES	21.08
WYOMING	ALBANY	7.01
	CAMPBELL.	
	CARBON.	
	CONVERSE.	
	GOSHEN.	
	HOT SPRINGS.	
	JOHNSON.	
	LARAMIE.	
	LINCOLN.	
	NATRONA.	
	NIOBRARA.	
	PLATTE.	
	SHERIDAN.	
	SWEETWATER.	
	FREMONT.	
	SUBLETTE.	
	UINTA.	
	WASHAKIE.	

APPENDIX A TO PART 11.—FEE SCHEDULE FOR FY 2006—Continued

State	County	(Fee/acre/yr)
	BIG HORN	21.08
	CROOK.	
	PARK.	
	TETON.	
	WESTON.	
ALL OTHER ZONES		5.92

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BILLING CODE 6717–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AG15

Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are revising our regulations to identify additional bases upon which we may bring charges to disqualify an individual from acting as a representative before the Social Security Administration (SSA), and to set forth the conditions under which we will reinstate an individual whom we have disqualified as a representative because the individual collected or received, and retains, a fee in excess of the amount we authorized. These final rules revise our regulations on the representation of parties to implement section 205 of the Social Security Protection Act of 2004 (SSPA) and to make additional changes in these regulations that relate to the changes required by this legislation. The rules also make technical changes in our regulations on the representation of parties.

DATES: These rules are effective February 17, 2006.

FOR FURTHER INFORMATION CONTACT: Richard Bresnick, Social Insurance Specialist, Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–1758 or TTY (410) 966–5609. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

Section 206(a)(1) of the Social Security Act (the Act) provides that attorneys and non-attorneys may represent claimants before SSA. Prior to enactment of the SSPA, Public Law 108–203, on March 2, 2004, section 206(a)(1) specified that ''[a]n attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts'' is entitled to represent claimants before SSA. Section 206(a)(1) also authorized SSA to prescribe rules and regulations governing recognition of individuals other than attorneys.

Section 205 of the SSPA amended section 206(a)(1) of the Act with respect to the recognition and disqualification of certain attorneys as claimants' representatives. As amended, section 206(a)(1) provides that the Commissioner of Social Security (the Commissioner), after due notice and opportunity for hearing, may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency. Section 206(a)(1) as amended further provides that the Commissioner may also, after due notice and opportunity for hearing, refuse to recognize, and may disqualify, as a non-attorney representative, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice.

Section 205 of the SSPA also amended section 206(a)(1) of the Act with respect to reinstatement of certain individuals (whether or not they are attorneys) who have been disqualified or suspended from appearing before SSA. Under the Act as amended, a representative who has been disqualified or suspended from appearing before SSA as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before SSA as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.

Regulatory Provisions Implementing SSPA Section 205 and Making Related Changes

As amended, section 206(a)(1) of the Act identifies certain specific bases upon which, after notice and opportunity for hearing, we may refuse to recognize an attorney as a representative or disqualify an attorney whom we have already recognized as a representative. We are implementing these statutory provisions by revising our regulations at 20 CFR 404.1745 and 416.1545, which describe the circumstances in which we may file charges seeking to suspend or disqualify an individual from acting in a representational capacity before us. Specifically, we are revising these sections to expand the stated bases upon which we may file such charges to include those in which we have evidence that a representative has been, by reason of misconduct—

- Disbarred or suspended from any court or bar to which he or she was previously admitted to practice, or
- Disqualified from participating in or appearing before any Federal program or agency.

Sections 404.1745 and 416.1545 as a whole pertain to our bringing of charges that may seek either to suspend or to disqualify a representative. As we explain below in connection with revisions we are making in our regulations dealing with the decisions hearing officers make on charges brought against representatives (20 CFR 404.1770 and 416.1570), disqualification is the sole sanction available if the charges against a representative are sustained because the representative has been, by reasons of

misconduct, disbarred or suspended from any court or bar to which he or she was previously admitted to practice or disqualified from participating in or appearing before any Federal program or agency.

Sections 404.1745 and 416.1545, as revised and as they previously existed, apply with respect to both attorney and non-attorney representatives. Under these sections as revised, we have authority to bring charges to disqualify a non-attorney representative if we have evidence that the representative has been, by reason of misconduct—

- Disbarred or suspended from any court or bar to which he or she was previously admitted to practice, or
- Disqualified from participating in or appearing before any Federal program or agency.

As amended by the SSPA, section 206(a)(1) of the Act specifically provides that, after providing due notice and an opportunity for hearing, SSA ''may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice.'' Thus, the Act provides that disbarment or suspension by a court or bar may be a basis for disqualifying an individual from representational functions before SSA irrespective of whether the individual seeks to represent individuals as an attorney or non-attorney. Although it provides that we may refuse to recognize or disqualify an attorney who has been disqualified from participating in or appearing before a Federal program or agency, the Act as amended does not also state that we may refuse to recognize a non-attorney (or former attorney) who has been disqualified from participating in or appearing before any Federal program or agency. These final rules include a rule making disqualification from participating in or appearing before any Federal program or agency a basis for bringing charges to disqualify a non-attorney in order to make our rules, with respect to recognition of non-attorneys, consistent with our rules for attorneys. By making this a basis for bringing charges against non-attorneys as well as attorneys, we ensure that the additional protections provided by the SSPA are available for all claimants, regardless of whether their representatives are attorneys or non-attorneys.

We are promulgating this rule regarding non-attorney representatives under the general authority of the Commissioner, as set forth in section 206(a)(1) of the Act, to prescribe rules and regulations ''governing the recognition'' of non-attorney representatives and to require such representatives to ''show that they are of good character and in good repute'' and capable of providing claimants valuable services. Under this rule, if we determine, after providing due notice and opportunity for a hearing, that a non-attorney individual has been disqualified from participating in or appearing before a Federal program or agency for reasons of misconduct, we will disqualify the individual as having failed to show that he or she is of good character and in good repute and will thereafter, absent reinstatement in accordance with the provisions of 20 CFR 404.1799 and 416.1599, refuse to recognize the individual as a representative. The effect of this rule is to require a non-attorney whom we charge with having been disqualified from participating in or appearing before a Federal program or agency for reasons of misconduct to show, in accordance with our rules at 20 CFR 404.1750ff. and 416.1550ff. on hearing and deciding charges against representatives, that he or she has not been disqualified from participating in or appearing before a Federal program or agency for reasons of misconduct and is thus, in that respect, of good character and in good repute.

This rule codifies a practice we currently apply under Program Operations Manual System section GN 03970.011, which sets forth a non-exclusive list of circumstances in which we may bring charges (under §§ 404.1745 and 416.1545) to suspend or disqualify a non-attorney from practice before us for lack of good character and reputation. We believe we should codify that disqualification by a Federal program or agency may be a basis for bringing charges against a non-attorney representative because the Act as amended by the SSPA is silent on that issue, even though it provides that we may bring charges against a non-attorney for disbarment or suspension by a court or bar. Our codification of this particular basis for bringing charges based on a lack of good character and reputation does not limit our discretion to bring charges against a non-attorney representative, as we do at present, whenever we believe that we have evidence that a non-attorney fails to meet the qualification requirement concerning good character and reputation included in the provisions of §§ 404.1705 and 416.1505 on ''Who may be your representative.''

Under §§ 404.1745 and 416.1545 as revised, we have discretion in determining whether to bring charges when we have evidence that an individual has been disbarred, suspended or disqualified by a court, bar, Federal program or agency. One factor we will consider in determining whether to bring charges is whether the individual has been reinstated by the court, bar, Federal program or agency that disbarred, suspended or disqualified the individual. Reinstatement will not necessarily preclude the bringing of charges. Further, we may also bring charges if the disbarment, suspension or disqualification by a court, bar, Federal program or agency became final prior to the enactment of section 205 of the SSPA.

We are revising 20 CFR 404.1755 and 416.1555, the sections of our regulations that deal with the withdrawal of charges that have been filed against a representative, to clarify the existing provisions and to set forth specific criteria we apply in determining whether to withdraw charges where we have filed charges against a representative based on disbarment, suspension or disqualification by a court, bar or Federal program or agency and subsequently learn that the representative has been reinstated by the court, bar or Federal program or agency that took the action against the representative. We describe these revisions and our reasons for making them below under Public Comments.

Under the Act as amended by the SSPA, we have discretionary authority to refuse to permit an individual to function as a representative before us because that individual has been disbarred, suspended or disqualified by a court, bar or Federal program or agency. To implement that authority, we are revising §§ 404.1770 and 416.1570 to explain that in deciding whether to impose that sanction we will consider the reasons for the disbarment, suspension, or disqualification action of the court, bar or Federal program or agency and will not disqualify the individual from acting as a representative before SSA if the court, bar, or Federal program or agency action was taken for reasons unrelated to misconduct (e.g., solely for administrative reasons such as failure to pay dues or failure to complete continuing legal education requirements). Sections 404.1770 and 416.1570 as revised also explain that this exception to disqualification will not apply if the administrative action was taken by the court, bar or Federal program or agency in lieu of disciplinary proceedings (e.g., the acceptance of a voluntary resignation pending disciplinary action), and that although we will consider the reasons

for the disbarment, suspension, or disqualification action in determining whether to disqualify an individual from appearing before us as a representative, we will not re-examine or revise the factual or legal conclusions that led to the disbarment, suspension or disqualification action.

As revised, §§ 404.1770 and 416.1570 also explain what we mean by the terms ''disqualified,'' ''Federal program,'' and ''Federal agency'' for the purposes of deciding whether an individual has been disqualified from participating in or appearing before any Federal program or agency. For that purpose, ''disqualified'' refers to any action that prohibits an individual from participating in or appearing before the program or agency, regardless of how long the prohibition lasts or the specific terminology used. The program or agency need not use the term ''disqualified'' to describe the action. For example, an agency may use analogous terms such as ''suspend,'' ''decertify,'' ''exclude,'' ''expel,'' or ''debar'' to describe the individual's disqualification from participating in the program or the agency. For the purposes of deciding whether an individual has been disqualified from participating in or appearing before any Federal program or agency, ''Federal program'' refers to any program established by an Act of Congress or administered by a Federal agency and ''Federal agency'' refers to any authority of the executive branch of the Government of the United States.

As previously noted, we are also revising §§ 404.1770 and 416.1570 to provide that disqualification will be the only sanction that may be applied if charges against a representative (attorney or non-attorney) are sustained because the representative has been, by reason of misconduct, disbarred or suspended from any court or bar to which he or she was previously admitted to practice or disqualified from participating in or appearing before any Federal program or agency. The Act, as amended by the SSPA, states only that we may ''refuse to recognize'' and, where recognition has already occurred, ''disqualify'' an individual who has been disbarred, suspended or disqualified by a court, bar or Federal program or agency. Under our rules on reinstatement, a suspended representative is automatically reinstated at the end of the period of suspension (20 CFR 404.1797 and 416.1597). By contrast, under §§ 404.1799 and 416.1599 of our rules, if an individual has been disqualified, reinstatement can occur only if the individual asks the Appeals Council of our Office of Hearings and Appeals for permission to serve as a representative again and the Appeals Council decides that it is reasonable to expect that the individual will, in the future, act in accordance with the provisions of section 206(a) of the Act and our rules and regulations. We cannot ensure that reinstatement is warranted on that basis in cases in which the sanction imposed by us is a suspension. Based on the above, and for reasons further explained below under Public Comments, we believe that disqualification is the only appropriate sanction where charges are sustained because we find that a representative has been, by reason of misconduct, disbarred, suspended or disqualified by a court, bar or Federal program or agency.

We are also revising §§ 404.1770 and 416.1570 to state that, if the charges against the representative are sustained because the representative has collected or received, and retains, a fee for representational services in excess of the amount authorized, disqualification will be the only sanction available. This change is intended to ensure that such a representative is barred from appearing before SSA until full restitution has been made, as required by the Act as amended by the SSPA. Sections 404.1770 and 416.1570 as revised recognize that restitution is required only where the representative has not already made full restitution at the time at which we sustain charges of collecting or receiving an unauthorized fee. The representative ''retains'' an unauthorized fee that has been collected or received if full restitution has not been made for any reason. If a representative makes full restitution before the charges against the representative have been sustained, we are not precluded from finding that the representative has charged, collected, or retained a fee in violation of §§ 404.1740(c)(2) and/or 416.1540(c)(2), and suspending or disqualifying that representative from practice.

We are revising 20 CFR 404.1790 and 416.1590, which deal with decisions made by the Appeals Council where a party to the hearing requests review of a hearing officer's decision in a sanction case, to conform these sections to the changes made in §§ 404.1770 and 416.1570 to limit the sanction available to disqualification where charges are sustained either because the representative has been, by reason of misconduct, disbarred or suspended from any court or bar to which he or she was previously admitted to practice or disqualified from participating in or appearing before any Federal program or agency, or because the representative has collected or received, and retains, a fee in excess of the amount authorized. As revised, §§ 404.1790 and 416.1590 provide that the Appeals Council may not modify a hearing officer's decision to impose a suspension, instead of a disqualification, when disqualification is the only sanction available under §§ 404.1770 and 416.1570.

We are also revising our rules on reinstatement in §§ 404.1799 and 416.1599 to provide that, if the representative has been disqualified because he or she was disbarred or suspended from a court or bar, the Appeals Council will grant reinstatement to the individual as a representative only if the individual not only satisfies the Council with respect to the required expectation of future behavior, but also shows that he or she has been admitted (or readmitted) to and is in good standing with the court or bar from which he or she had been disbarred or suspended. This provision ensures that an individual will not be reinstated as a representative unless the individual can satisfy the court or bar that disbarred or suspended the individual that he or she is fit to act in a representational capacity again.

Sections 404.1799 and 416.1599 as revised include a similar rule for reinstatement of a representative who has been disqualified because he or she was disqualified from participating in or appearing before any Federal program or agency. This rule provides that such an individual must not only satisfy the Appeals Council with respect to the required expectation of future behavior, but also show that he or she is once again qualified to participate in or appear before that Federal program or agency.

As revised, §§ 404.1799 and 416.1599 also state that, if a representative has been disqualified as a result of collecting or receiving, and retaining, a fee for representational services in excess of the amount authorized, full restitution of the excess fee must be made before the person may be considered for reinstatement. This provision implements the provision of the SSPA requiring us to bar from appearing before us, until full restitution is made, a representative who has been disqualified or suspended from appearing before us as a result of collecting or receiving a fee in excess of the amount authorized.

Other Changes

We are making a technical change to 20 CFR 404.1750(e)(2) and 416.1550(e)(2), which explain how a representative must answer a notice containing a statement of charges. Our

rules have heretofore directed that the answer be filed with Special Counsel Staff in SSA's Office of Hearings and Appeals. This component no longer exists. (See 68 FR 59231 and 68 FR 61240.) The notice containing a statement of charges provides specific instructions on how and where to file an answer. Therefore, we are revising this rule to reflect that the representative must file the answer with SSA, at the address specified in the notice, within the 30-day time period.

We are also making technical changes in §§ 404.1755 and 416.1555. These technical changes are in addition to the previously noted changes made to these sections (i.e., the clarification of existing provisions and inclusion of the criteria we apply in deciding whether to withdraw charges when we learn of the reinstatement of a representative after we file charges against the representative based on disbarment, suspension, or disqualification for misconduct). The technical changes we are making in §§ 404.1755 and 416.1555 include specifying that the Deputy Commissioner for Disability and Income Security Programs, or his or her designee is, as the official who decides to initiate a representative sanction proceeding, also the official who may withdraw charges against a representative. This change is needed because questions have arisen about who in the agency has authority to withdraw charges. As we discuss below under Public Comments, we are also making additional technical changes in these sections to clarify our existing practices and rules regarding the withdrawal of charges against a representative.

Finally, we are also making a technical change to §§ 404.1765(l) and 416.1565(l) to state that the Office of the General Counsel will represent the Deputy Commissioner for Disability and Income Security Programs in all representative sanction proceedings, including those involving a request for reinstatement by a suspended or disqualified individual. This amendment is necessary because the former Special Counsel Staff previously represented the Deputy Commissioner. (See 56 FR 24129.)

Public Comments

We published these regulatory provisions in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 13, 2005 (70 FR 19361). We provided the public with a 60-day comment period. Two individuals and an organization submitted comments.

Because some of the comments submitted by the organization were detailed, we have condensed, summarized, or paraphrased them below. However, we have tried to summarize the views presented in these comments accurately and to respond to the significant issues raised in the comments that were within the scope of the proposed rules. We have not summarized the comments submitted by the two individuals because those comments were not within the scope of the proposed rulemaking.

Comment: The organization expressed support for our proposal to make disqualification from appearing before any Federal program or agency a basis for bringing charges to disqualify non-attorneys as well as attorneys.

Response: Comment noted.

Comment: Observing that the proposed rules stated in §§ 404.1770(a)(3)(ii) and 416.1570(a)(3)(ii) that disqualification would be the sole sanction available if charges against a representative are sustained because the representative has been disbarred or suspended from a court or bar or disqualified from participating in or appearing before any Federal program or agency, and that the statutory language says that SSA ''may'' refuse to recognize an individual in such instances, the commenter suggests that the final rules explain why SSA has decided to make disqualification mandatory.

Response: The rules make disqualification mandatory only if SSA has brought and sustained charges based on disbarment, suspension or disqualification due to misconduct. SSA has exercised discretion by narrowing, through these rules, the basis upon which charges of disbarment, suspension or disqualification may be sustained. Section 205 of the SSPA provides SSA with the discretion to disqualify representatives from practice before SSA if the representative has been suspended or disbarred by a court or bar, or has been disqualified from participating in or appearing before a Federal program or agency. SSA has in these rules elected to narrow the circumstances under which it will disqualify a representative to those disbarments, suspensions, or disqualifications that were based on misconduct. SSA will also exercise discretion under these rules in deciding when to bring charges.

As we explained in the preamble to the NPRM and above, because our rules on reinstatement after suspension provide for automatic reinstatement at the end of a period of suspension, we believe it is necessary to make disqualification the only available sanction where charges of disbarment, suspension or disqualification for misconduct are sustained in order to ensure that we have an opportunity to determine if reinstatement is warranted. We believe it is mandatory that we have the opportunity to decide that issue in these cases, considering the seriousness of the representative's offense in instances in which we have sustained charges of disbarment, suspension or disqualification for misconduct by the representative.

SSA's decision to disqualify representatives who have been adjudged to have committed misconduct by a court, bar or Federal program or agency is also consistent with SSA's long-standing policy and practice. Social Security Ruling (SSR) 74–29 stated the policy that SSA could disqualify non-attorney representatives who had been disbarred by a court because such a disbarment would appear to be inconsistent with the requirement in section 206(a)(1) of the Act that a non-attorney have a good character and be in good repute to be eligible to practice before SSA. Program Operations Manual System section GN 03970.011 also states that suspension or disbarment by a court or disqualification by a Federal agency is evidence that a non-attorney representative is not qualified to be a representative under the good character and reputation requirement.

The appropriate place to set forth the explanation for regulatory provisions is in the preambles to rules, not in the rules themselves. We have explained in the preamble to the proposed rules, and above, the rationale for the provision making disqualification the sole sanction available where charges of disbarment, suspension or disqualification based on misconduct are sustained. Accordingly, we are not including an explanation of this provision in the final rules.

Comment: The commenter recommends that the regulations should be expanded to include provisions specifying that a representative's reinstatement by a court, bar or agency will not preclude us from bringing charges against a representative. While recognizing that the rules as proposed would permit us to proceed with filing charges in these instances, the commenter believes that we should put representatives on notice of that fact by making the regulations explicit in this respect. The commenter also thought that the regulations should address the situation in which reinstatement occurs after charges are brought but before a hearing is held.

Response: Sections 404.1745(d) and 416.1545(d) as proposed for revision authorized us to file charges against a

representative where we have evidence that the representative ''has been'' disbarred or suspended by a court or bar by reason of misconduct. Sections 404.1745(e) and 416.1545(e) as proposed authorized us to file charges against a representative where we have evidence that a representative ''has been'' disqualified from participating in or appearing before a Federal program or agency by reason of misconduct. As proposed for revision, these sections included no language indicating that our authority to bring charges in these circumstances is conditional on the absence or presence of any other circumstances. We believe that the proposed language puts representatives on notice that charges may be brought against them if they have been disbarred, suspended or disqualified, even though reinstatement may have occurred, and that no change in the language is required in the final rules to clarify that point. The preamble to the proposed rules and the preamble to these final rules state that we are not precluded from filing charges where reinstatement has occurred.

We agree with this commenter that the regulations should include provisions addressing situations in which SSA files charges against a representative based on disbarment, suspension or disqualification and then receives evidence, before a hearing is held, that the representative has been reinstated to practice before the court, bar, or Federal agency or program. We believe that the necessary guidance should address situations in which we learn after filing charges of a possible reinstatement irrespective of whether the reinstatement occurred before or after our filing of charges.

We are providing such guidance in these final rules by adding to §§ 404.1755 and 416.1555 new third and fourth sentences that describe specific criteria we apply when we determine whether to withdraw charges of disbarment, suspension or disqualification because the representative may have been reinstated before or after our filing of charges. The criteria we apply in these situations are the same criteria that the Appeals Council applies to determine whether a disqualified representative should be reinstated. Those criteria are whether the representative has proven that he or she has been reinstated to the court, bar, or Federal program or agency that disbarred, suspended or disqualified the representative, and that the reinstatement is currently in effect (i.e., the individual remains in good standing with the court or bar involved or, if the adverse action was by a Federal program or agency, the individual is currently qualified to participate in or appear before that program or agency); and whether SSA can reasonably expect the representative to comply with section 206 of the Act and our rules and regulations in the future.

In adding these specific criteria for withdrawing charges of disbarment, suspension or disqualification based on possible reinstatement of the representative, we have determined that we should also clarify the second sentence of §§ 404.1755 and 416.1555, which has heretofore stated: ''We will [withdraw charges against a representative] if the representative files an answer, or we obtain evidence, that satisfies us that there is reasonable doubt about whether he or she should be suspended or disqualified from acting as a representative in dealings with us.'' The ''reasonable doubt'' discussed in the second sentence of §§ 404.1755 and 416.1555 is concerned with the extent of our discretion to decide not to pursue charges and is contingent on whether the representative's answer or the available evidence ''satisfies us'' that the charges should be withdrawn. However, that language could be misunderstood to indicate that we will withdraw charges if the representative establishes a reasonable doubt that he or she is no longer disbarred, suspended or disqualified, and will not violate section 206 of the Act and our rules and regulations in the future. To prevent such a misunderstanding, we are revising the final clause of the second sentence of §§ 404.1755 and 416.1555 to state: ''* * * if the representative files an answer, or we obtain evidence, that satisfies us that we should not suspend or disqualify the representative from acting as a representative in dealings with us.''

This clarification also precludes any possibility that the provisions of the second sentence could be misunderstood to imply that we sustain charges brought against a representative only if the charges have been proven ''beyond a reasonable doubt.'' Any criminal charges that might be brought against representatives must be proven beyond a reasonable doubt. However, in the decisions made under §§ 404.1770 and 416.1570 in response to administrative charges brought against a representative under §§ 404.1745 and 416.1545, hearing officers decide findings of fact based on the preponderance of the evidence.

To further address situations in which we consider withdrawing charges that have been filed, we are also making additional technical changes in §§ 404.1755 and 416.1555 that clarify our existing practices and rules with respect to withdrawing charges. These changes, which we are setting forth in a new fifth sentence included in §§ 404.1755 and 416.1555, specify that our action regarding withdrawal of charges is solely that of the Deputy Commissioner for Disability and Income Security Programs, or his or her designee, and is not reviewable, or a matter for consideration in decisions on charges that are made against a representative under §§ 404.1770, 404.1790, 416.1570 or 416.1590.

Comment: Observing that the possibility that the same action could lead to disbarment in one State, but not in another, the commenter recommends that the final rules should address this situation.

Response: We believe that we do not need to address this issue in the final rules because the rules as proposed support the intended policy, which is that we disqualify a representative whenever we bring and sustain charges that the representative has been disbarred or suspended for reasons of misconduct by any court or bar before which he or she was previously admitted to practice. In the Social Security ruling discussed above, SSR 74–29, SSA cited the U.S. Supreme Court's opinion in *Selling* v. *Radford*, 243 U.S. 46 (1917), for the proposition that, ''the effect of [a State court's] disbarment, as long as the State court action stands unreversed, has been characterized as destroying the condition of fair private and professional character which an individual must possess to continue as a member of the Federal bar.'' SSA policy reflects this holding by the Supreme Court in Program Operations Manual System section GN 03970.011. SSA has long accepted the decisions of different State courts and bar associations to disbar or suspend individuals for misconduct as conclusive evidence that these individuals are no longer qualified to practice before SSA irrespective of the specific misconduct or governing law that is the basis for the disbarment or suspension. As previously stated, we believe that any individual who has been proven to have violated applicable laws, regulations, or rules should be prohibited from practice before SSA until that individual is found to be fit to practice before the court that disbarred or suspended the individual and has proven fitness to be reinstated to practice before SSA. While local court rules may vary, each attorney has the obligation to follow those rules.

Comment: The commenter expresses support for the provision of §§ 404.1770(a)(2) and 416.1570(a)(2) that an individual will not be disqualified for disbarment, suspension or disqualification if the action against the representative was taken solely for administrative reasons. The commenter also asks that, if possible, additional guidance should be provided in the final rules regarding this exception to disqualification.

Response: The proposed rules provided guidance on the application of the exception regarding adverse actions taken solely for administrative reasons by providing two examples of instances in which the exception would apply—i.e., when the adverse action was taken for failure to pay dues or to complete continuing legal education requirements. The proposed rules provided further guidance by specifying that the exception does not apply if the administrative action was taken in lieu of disciplinary proceedings (e.g., acceptance of a voluntary resignation pending disciplinary action). Finally, the proposed rules provided additional guidance by stating that in deciding whether a representative should be disqualified by reason of disbarment, suspension or disqualification, the hearing officer will not re-examine or revise the factual or legal conclusions that led to the adverse action. In our judgment, the guidance in the proposed rules provides specific guidance while at the same time not interfering with the ability of the hearing officer to exercise appropriate discretion in assessing and making decisions based on the complete facts of the particular case. In addition, of course, the representative in each case will have an opportunity to offer evidence and argument to show that any disbarment, suspension, or disqualification is unrelated to misconduct and administrative in nature.

We further note that where an adverse action against a representative has been taken solely for administrative reasons and thus will not support disqualification of the representative under the provisions of §§ 404.1745 and 416.1545 concerning disbarment, suspension or disqualification by a court, bar or Federal program or agency, we are not precluded from considering the behavior of the representative that caused the adverse action in connection with charges that we might bring against the representative under other provisions of §§ 404.1745 and 416.1545. Thus, for example, we could consider the fact that a representative failed to take needed continuing education courses in connection with charges brought against a representative under §§ 404.1745(b) or 416.1745(b) for violation of the affirmative duty of representatives to provide claimants competent representation. No change in the rules as proposed is required to ensure this authority because the proposed rules dealt with behavior such as failure to complete continuing education only as it can affect disqualification of a representative because of disbarment, suspension, or disqualification of the representative by a court, bar or Federal program or agency.

Regulatory Procedures

Executive Order 12866

The Office of Management and Budget (OMB) has reviewed these rules in accordance with Executive Order 12866, as amended by Executive Order 13258. We have also determined that these rules meet the plain language requirement of Executive Order 12866, as amended by Executive Order 13258.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

The final rules contain information collection activities at 20 CFR 404.1750(e)(2) and 416.1550(e)(2). However, the activities are exempt under 44 U.S.C. 3518(c) from the clearance requirements of 44 U.S.C. 3507 as amended by section 2 of Public Law 104–13 (May 22, 1995), the Paperwork Reduction Act of 1995.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income.

Dated: October 19, 2005.

Jo Anne B. Barnhart,

Commissioner of Social Security.

■ For the reasons set out in the preamble, we are amending subpart R of part 404 and subpart O of part 416 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart R—[Amended]

■ 1. The authority citation for subpart R of part 404 continues to read as follows:

Authority: Secs. 205(a), 206, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 406, and 902(a)(5)).

■ 2. Amend § 404.1745 by removing the word ''or'' at the end of paragraph (b), changing the period to a semicolon at the end of paragraph (c), and adding new paragraphs (d) and (e) to read as follows:

§ 404.1745 Violation of our requirements, rules, or standards.

* * * * *

(d) Has been, by reason of misconduct, disbarred or suspended from any bar or court to which he or she was previously admitted to practice (see § 404.1770(a)); or

(e) Has been, by reason of misconduct, disqualified from participating in or appearing before any Federal program or agency (see § 404.1770(a)).

■ 3. Amend § 404.1750 by revising paragraph (e)(2) to read as follows:

§ 404.1750 Notice of charges against a representative.

* * * * *

(e) * * *

(2) File the answer with the Social Security Administration, at the address specified on the notice, within the 30-day time period.

* * * * *

■ 4. Revise § 404.1755 to read as follows:

§ 404.1755 Withdrawing charges against a representative.

The Deputy Commissioner for Disability and Income Security Programs (or other official the Commissioner may designate), or his or her designee, may withdraw charges against a representative. We will do this if the representative files an answer, or we obtain evidence, that satisfies us that we should not suspend or disqualify the representative from acting as a representative in dealings with us. When we consider withdrawing charges brought under § 404.1745(d) or (e) based

on the representative's assertion that, before or after our filing of charges, the representative has been reinstated to practice by the court, bar, or Federal program or agency that suspended, disbarred, or disqualified the representative, the Deputy Commissioner for Disability and Income Security Programs, or his or her designee, will determine whether such reinstatement occurred, whether it remains in effect, and whether he or she is reasonably satisfied that the representative will in the future act in accordance with the provisions of section 206(a) of the Act and our rules and regulations. If the representative proves that reinstatement occurred and remains in effect and the Deputy Commissioner, or his or her designee, is so satisfied, the Deputy Commissioner, or his or her designee, will withdraw those charges. The action of the Deputy Commissioner, or his or her designee, regarding withdrawal of charges is solely that of the Deputy Commissioner for Disability and Income Security Programs, or his or her designee, and is not reviewable, or subject to consideration in decisions made under §§ 404.1770 and 404.1790. If we withdraw the charges, we shall notify the representative by mail at his or her last known address.

■ 5. Amend § 404.1765(l) by adding a second sentence, to read as follows:

§ 404.1765 Hearing on charges.

* * * * *

(l) *Representation.* * * * The Deputy Commissioner for Disability and Income Security Programs (or other official the Commissioner may designate), or his or her designee, will be represented by one or more attorneys from the Office of the General Counsel.

* * * * *

■ 6. Amend § 404.1770 by redesignating existing paragraphs (a)(2) and (a)(3) as (a)(3) and (a)(4), by adding a new paragraph (a)(2), and by revising redesignated paragraph (a)(3)(ii), to read as follows:

§ 404.1770 Decision by hearing officer.

(a) * * *

(2) In deciding whether an individual has been, by reason of misconduct, disbarred or suspended by a court or bar, or disqualified from participating in or appearing before any Federal program or agency, the hearing officer will consider the reasons for the disbarment, suspension, or disqualification action. If the action was taken for solely administrative reasons (*e.g.*, failure to pay dues or to complete continuing legal education requirements), that will not disqualify the individual from acting as a representative before SSA. However, this exception to disqualification does not apply if the administrative action was taken in lieu of disciplinary proceedings (*e.g.*, acceptance of a voluntary resignation pending disciplinary action). Although the hearing officer will consider whether the disbarment, suspension, or disqualification action is based on misconduct when deciding whether an individual should be disqualified from acting as a representative before us, the hearing officer will not re-examine or revise the factual or legal conclusions that led to the disbarment, suspension or disqualification. For purposes of determining whether an individual has been, by reason of misconduct, disqualified from participating in or appearing before any Federal program or agency—

(i) *Disqualified* refers to any action that prohibits an individual from participating in or appearing before a Federal program or agency, regardless of how long the prohibition lasts or the specific terminology used.

(ii) *Federal program* refers to any program established by an Act of Congress or administered by a Federal agency.

(iii) *Federal agency* refers to any authority of the executive branch of the Government of the United States.

(3) * * *

(ii) Disqualify the representative from acting as a representative in dealings with us until he or she may be reinstated under § 404.1799. Disqualification is the sole sanction available if the charges have been sustained because the representative has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or disqualified from participating in or appearing before any Federal program or agency, or because the representative has collected or received, and retains, a fee for representational services in excess of the amount authorized.

* * * * *

■ 7. Amend § 404.1790 by revising paragraph (b) to read as follows:

§ 404.1790 Appeals Council's decision.

* * * * *

(b) The Appeals Council, in changing a hearing officer's decision to suspend a representative for a specified period, shall in no event reduce the period of suspension to less than 1 year. In modifying a hearing officer's decision to disqualify a representative, the Appeals Council shall in no event impose a period of suspension of less than 1 year. Further, the Appeals Council shall in no event impose a suspension when disqualification is the sole sanction available in accordance with § 404.1770(a)(3)(ii).

* * * * *

■ 8. Amend § 404.1799 by revising paragraph (d) to read as follows:

§ 404.1799 Reinstatement after suspension or disqualification—period of suspension not expired.

* * * * *

(d)(1) The Appeals Council shall not grant the request unless it is reasonably satisfied that the person will in the future act according to the provisions of section 206(a) of the Act, and to our rules and regulations.

(2) If a person was disqualified because he or she had been disbarred or suspended from a court or bar, the Appeals Council will grant a request for reinstatement as a representative only if the criterion in paragraph (d)(1) of this section is met and the disqualified person shows that he or she has been admitted (or readmitted) to and is in good standing with the court or bar from which he or she had been disbarred or suspended.

(3) If a person was disqualified because he or she had been disqualified from participating in or appearing before a Federal program or agency, the Appeals Council will grant the request for reinstatement only if the criterion in paragraph (d)(1) of this section is met and the disqualified person shows that he or she is now qualified to participate in or appear before that Federal program or agency.

(4) If the person was disqualified as a result of collecting or receiving, and retaining, a fee for representational services in excess of the amount authorized, the Appeals Council will grant the request only if the criterion in paragraph (d)(1) of this section is met and the disqualified person shows that full restitution has been made.

* * * * *

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart O—[Amended]

■ 9. The authority citation for subpart O of part 416 continues to read as follows:

Authority: Secs. 702(a)(5) and 1631(d) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383(d)).

■ 10. Amend § 416.1545 by removing the word ''or'' at the end of paragraph (b), changing the period to a semicolon at the end of paragraph (c), and adding

new paragraphs (d) and (e) to read as follows:

§ 416.1545 Violation of our requirements, rules, or standards.

* * * * *

(d) Has been, by reason of misconduct, disbarred or suspended from any bar or court to which he or she was previously admitted to practice (see § 416.1570(a)); or

(e) Has been, by reason of misconduct, disqualified from participating in or appearing before any Federal program or agency (see § 416.1570(a)).

■ 11. Amend § 416.1550 by revising paragraph (e)(2) to read as follows:

§ 416.1550 Notice of charges against a representative.

* * * * *

(e) * * *

(2) File the answer with the Social Security Administration, at the address specified on the notice, within the 30-day time period.

* * * * *

■ 12. Revise § 416.1555 to read as follows:

§ 416.1555 Withdrawing charges against a representative.

The Deputy Commissioner for Disability and Income Security Programs (or other official the Commissioner may designate), or his or her designee, may withdraw charges against a representative. We will do this if the representative files an answer, or we obtain evidence, that satisfies us that we should not suspend or disqualify the representative from acting as a representative in dealings with us. When we consider withdrawing charges brought under § 416.1545(d) or (e) based on the representative's assertion that, before or after our filing of charges, the representative has been reinstated to practice by the court, bar, or Federal program or agency that suspended, disbarred, or disqualified the representative, the Deputy Commissioner for Disability and Income Security Programs, or his or her designee, will determine whether such reinstatement occurred, whether it remains in effect, and whether he or she is reasonably satisfied that the representative will in the future act in accordance with the provisions of section 206(a) of the Act and our rules and regulations. If the representative proves that reinstatement occurred and remains in effect and the Deputy Commissioner, or his or her designee, is so satisfied, the Deputy Commissioner, or his or her designee, will withdraw those charges. The action of the Deputy Commissioner, or his or her designee, regarding withdrawal of charges is solely that of the Deputy Commissioner for Disability and Income Security Programs, or his or her designee, and is not reviewable, or subject to consideration in decisions made under §§ 416.1570 and 416.1590. If we withdraw the charges, we shall notify the representative by mail at his or her last known address.

■ 13. Amend § 416.1565(l) by adding a second sentence, to read as follows:

§ 416.1565 Hearing on charges.

* * * * *

(l) *Representation.* * * * The Deputy Commissioner for Disability and Income Security Programs (or other official the Commissioner may designate), or his or her designee, will be represented by one or more attorneys from the Office of the General Counsel.

* * * * *

■ 14. Amend § 416.1570 by redesignating existing paragraphs (a)(2) and (a)(3) as (a)(3) and (a)(4), by adding a new paragraph (a)(2), and by revising redesignated paragraph (a)(3)(ii), to read as follows:

§ 416.1570 Decision by hearing officer.

(a) * * *

(2) In deciding whether an individual has been, by reason of misconduct, disbarred or suspended by a court or bar, or disqualified from participating in or appearing before any Federal program or agency, the hearing officer will consider the reasons for the disbarment, suspension, or disqualification action. If the action was taken for solely administrative reasons (*e.g.*, failure to pay dues or to complete continuing legal education requirements), that will not disqualify the individual from acting as a representative before SSA. However, this exception to disqualification does not apply if the administrative action was taken in lieu of disciplinary proceedings (*e.g.*, acceptance of a voluntary resignation pending disciplinary action). Although the hearing officer will consider whether the disbarment, suspension, or disqualification action is based on misconduct when deciding whether an individual should be disqualified from acting as a representative before us, the hearing officer will not re-examine or revise the factual or legal conclusions that led to the disbarment, suspension or disqualification. For purposes of determining whether an individual has been, by reason of misconduct, disqualified from participating in or appearing before any Federal program or agency—

(i) *Disqualified* refers to any action that prohibits an individual from participating in or appearing before a Federal program or agency, regardless of how long the prohibition lasts or the specific terminology used.

(ii) *Federal program* refers to any program established by an Act of Congress or administered by a Federal agency.

(iii) *Federal agency* refers to any authority of the executive branch of the Government of the United States.

(3) * * *

(ii) Disqualify the representative from acting as a representative in dealings with us until he or she may be reinstated under § 416.1599. Disqualification is the sole sanction available if the charges have been sustained because the representative has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or disqualified from participating in or appearing before any Federal program or agency, or because the representative has collected or received, and retains, a fee for representational services in excess of the amount authorized.

* * * * *

■ 15. Amend § 416.1590 by revising paragraph (b) to read as follows:

§ 416.1590 Appeals Council's decision.

* * * * *

(b) The Appeals Council, in changing a hearing officer's decision to suspend a representative for a specified period, shall in no event reduce the period of suspension to less than 1 year. In modifying a hearing officer's decision to disqualify a representative, the Appeals Council shall in no event impose a period of suspension of less than 1 year. Further, the Appeals Council shall in no event impose a suspension when disqualification is the sole sanction available in accordance with § 416.1570(a)(3)(ii).

* * * * *

■ 16. Amend § 416.1599 by revising paragraph (d) to read as follows:

§ 416.1599 Reinstatement after suspension or disqualification—period of suspension not expired.

* * * * *

(d)(1) The Appeals Council shall not grant the request unless it is reasonably satisfied that the person will in the future act according to the provisions of section 206(a) of the Act, and to our rules and regulations.

(2) If a person was disqualified because he or she had been disbarred or suspended from a court or bar, the Appeals Council will grant a request for reinstatement as a representative only if the criterion in paragraph (d)(1) of this

section is met and the disqualified person shows that he or she has been admitted (or readmitted) to and is in good standing with the court or bar from which he or she had been disbarred or suspended.

(3) If a person was disqualified because he or she had been disqualified from participating in or appearing before a Federal program or agency, the Appeals Council will grant the request for reinstatement only if the criterion in paragraph (d)(1) of this section is met and the disqualified person shows that he or she is now qualified to participate in or appear before that Federal program or agency.

(4) If the person was disqualified as a result of collecting or receiving, and retaining, a fee for representational services in excess of the amount authorized, the Appeals Council will grant the request only if the criterion in paragraph (d)(1) of this section is met and the disqualified person shows that full restitution has been made.

[FR Doc. 06–433 Filed 1–17–06; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

RIN 1218–AC14

[Docket No. S–775 A]

Steel Erection; Slip Resistance of Skeletal Structural Steel

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: This document revokes a provision within the Steel Erection Standard which addresses slip resistance of skeletal structural steel. The Agency received comments that suggest there has been no significant progress regarding the suitability of the test methods referenced in the provision for testing slip resistance or the availability of coatings that would meet the slip resistant requirements of the provision. Most significantly, there is a high probability that the test methods will not be validated through statements of precision and bias by the effective date and that ASTM, an industry standards association, is likely to withdraw them shortly thereafter. As a result employers will be unable to comply with the provision. Therefore, the Agency has decided to revoke it.

DATES: This final rule is effective January 18, 2006.

ADDRESSES: In compliance with 28 U.S.C. 2112(a), OSHA designates the Associate Solicitor for Occupational Safety and Health, Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–5445, as the recipient of petitions for review of the final standard.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Kevin Ropp, OSHA Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999. For technical inquiries, contact Tressi Cordaro, Office of Construction Standards and Guidance, Directorate of Construction, Room N–3468, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2020.

For additional copies of this notice, contact OSHA's Office of Publications, U.S. Department of Labor, Room N–3101, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1888. Electronic copies of this notice, as well as news releases and other relevant documents, are available on OSHA's Web site at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION: *References:* References to documents and materials are found throughout this **Federal Register** document. Materials in the docket of this rulemaking are identified by their exhibit numbers, as follows: ''Exhibit 2–1'' means exhibit number 2–1 and ''Exhibit 2–1–1'' means number exhibit 2–1, attachment 1 in Docket S–775A. A list of exhibits is available in the OSHA Docket Office, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350 (OSHA's TTY number is (877) 889–5627), and on OSHA's Web site at *http://www.osha.gov.*

References to the Code of Federal Regulations are identified as follows: ''29 CFR 1926.750'' means chapter 29 of the Code of Federal Regulations, section 750 of part 1926.

I. Background

On January 18, 2001, OSHA published a new construction standard for steel erection work, 29 Code of Federal Regulation Subpart R (Sections 1926.750 through 1926.761 and Appendices A through H) (''2001 final rule'') (66 FR 5196). It was developed through negotiated rulemaking, together with notice and comment under section 6(b) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 655) and section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3704). In the course of that rulemaking, OSHA received evidence that workers were slipping and falling when working on painted or coated structural steel surfaces that were wet from rain or condensation. The Agency decided that requiring such coatings to be slip-resistant would help to address the falling hazard. During the rulemaking, OSHA received evidence both in support of and in opposition to the technical feasibility of such a requirement.

The relevant provisions of the 2001 final rule are 29 CFR 1926.754(c)(3) and appendix B of subpart R of part 1926. Paragraph (c)(3) of § 1926.754 establishes a slip-resistance requirement for the painted and coated top walking surface of any structural steel member installed after July 18, 2006.

Appendix B to subpart R is entitled ''Acceptable Test Methods for Testing Slip-Resistance of Walking/Working Surfaces (§ 1926.754(c)(3)). Non-Mandatory Guidelines for Complying with § 1926.754(c)(3).'' The Appendix lists two acceptable test methods: Standard Test Method for Using a Portable Inclineable Articulated Strut Slip Tester (PIAST) (ASTM F1677–96); and Standard Test Method for Using a Variable Incidence Tribometer (VIT) (ASTM F1679–96).

The crux of the slip resistance requirement in § 1926.754(c)(3) is that the coating used on the structural steel walking surface must have achieved a minimum average slip resistance of 0.50 (when wet) when measured by an English XL tribometer or by another test device's equivalent value, using an appropriate ASTM standard test method. In the preamble to the final rule, OSHA noted that the two ASTM standard test methods listed in Appendix B (ASTM F1677–96 and ASTM F1679–96) had not yet been validated through statements of precision and bias. (A precision and bias statement is documentation that the test method, in laboratory tests, has been shown to have an acceptable degree of repeatability and reproducibility). In addition, representatives of the coatings industry indicated that it would take time to develop new coatings to meet the requirement. For these reasons, the Agency delayed the provision's effective date until July 18, 2006, because the evidence in the record indicated that it was reasonable to expect these

developments to be completed by that date (66 FR 5216–5218).

The slip-resistance provision was challenged in the U. S. Court of Appeals for the D.C. Circuit by the Steel Coalition and the Resilient Floor Covering Institute. On April 3, 2003, OSHA entered into a settlement agreement with those petitioners. In that agreement, OSHA agreed to provide the petitioners and other interested parties with a further opportunity to present evidence on the progress that has been made on slip resistant coatings and test methods. OSHA agreed to then evaluate the evidence in the expanded record on these topics and, based on the entire rulemaking record issue a final rule, not later than January 18, 2006, reaffirming, amending, or revoking the requirements in § 1926.754(c)(3).

Pursuant to the terms of the settlement agreement, on July 15, 2004 (69 FR 42379), OSHA published a notice announcing a limited reopening of the record for § 1926.754(c)(3). This reopening specifically sought information regarding:

(1) Whether the test methods identified in § 1926.754(c)(3) and Appendix B to subpart R—or any other test methods that are available, or reasonably can be expected to be available by July 18, 2006—are suitable and appropriate to evaluate the slip resistance of wetted, coated skeletal structural steel surfaces on which workers may be expected to walk in connection with steel erection activities; and

(2) Whether skeletal structural steel coatings that comply with the slip resistance criterion of the Standard when tested under the identified method(s) are commercially available—or reasonably can be expected to be commercially available—by July 18, 2006, and whether the use of such coatings will be economically feasible.

The record closed on October 13, 2004. During the reopening of the record, a total of 18 comments were submitted. Comments were received from DOW Chemical Company; the Associated General Contractors of America (AGC); the American Society of Safety Engineers (ASSE); International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; Ironworker Employers Association; Resilient Floor Covering Institute (RFCI); the OSHA/SENRAC Steel Coalition; the Society for Protective Coatings (SSPC) co-signed by the American Institute of Steel Construction, Metal Building Manufacturers Association, National Paint and Coatings Association, Paint & Decorating Contractors of America and the Steel Joist Institute; as well as individual members of the public.

II. Reasons for Withdrawal/Revocation of 1926.754(c)(3)

In the original rulemaking, the Agency agreed with the Steel Erection Negotiated Rulemaking Advisory Committee's (SENRAC) recommendation to address slippery walking, working and climbing surfaces on skeletal structural steel (66 FR 5214). The purpose of § 1926.754(c)(3) is to help prevent falls by reducing the chance of slipping on coated structural steel surfaces when wet. This provision was designed to augment other requirements in Subpart R that collectively form a strategy for reducing fatalities and injuries due to falls. For example, there are fall protection requirements (*e.g.*, personal fall arrest) (§ 1926.760), and structural steel stability requirements (§ 1926.754–.758). The slip resistance provision was not intended to be the sole or primary means of protecting workers from fall hazards. The record as a whole now demonstrates that it is unrealistic to expect that employers will be able to comply with § 1926.754(c)(3).

As mentioned, in the rulemaking for subpart R, the Agency decided to delay the effective date of § 1926.754(c)(3) for five years. This delayed effective date was to serve two purposes: (1) To permit time for precision and bias statements to be developed and approved for the ASTM standards referenced in the provision, and (2) to provide time for the industry to develop coatings that complied with the requirements of the provision. Comments in the original rulemaking record suggested that five years would be a reasonably sufficient time to achieve these advancements (66 FR 5216–5217).

In the July 15, 2004, reopening notice, the Agency noted that, ''if this determination were to be in error, it would need to revise the slip-resistance provision in some respects, or possibly even to revoke it'' (69 FR 42380). From the comments provided during the limited reopening of the record it appears that the determination was in fact premature. To date, the test methods referenced in § 1926.754(c)(3) have not been validated, meaning they lack precision and bias statements and there is a high probability that they will not be validated by the effective date of the provision. Moreover, it now appears that ASTM intends to withdraw the test methods shortly after the effective date. Without the ASTM test methods, employers will not be able to comply with the provision. In addition, while some compliant coatings appear to be available, some manufacturers are uncertain as to how to develop coatings that comply with the provision without validated test methods. Further, the durability of such coatings in terms of protecting steel from corrosion in the variety of environments in which they would be used remains unknown.

Testing

ASTM Standard (Testing Method) Development

Section 1926.754(c)(3) requires that coatings be tested for slip resistance using an ASTM standard test method (F1677 or F1679). At the time the final rule was issued, ASTM had developed testing methods for two testing machines; however, under ASTM rules, these standards were provisional, pending the completion of precision and bias statements for each. As noted above, a precision and bias statement is documentation that the test method, in laboratory tests, has been shown to have an acceptable degree of repeatability and reproducibility. OSHA believes that completion of the precision and bias statements is critical; as the Agency stated in the settlement agreement, ''there is a need to have these test methods validated before they can be deemed acceptable for measuring slip resistance under the Standard.''

When OSHA enacted § 1926.754(c)(3), the Agency believed there was a high probability that precision and bias statements would be approved for these two testing methods by the provision's effective date. This belief was based largely on data suggesting that the devices had the requisite accuracy and reliability. In this regard, in the preamble to the Steel Erection Standard, OSHA stated that the record showed F1677 and F1679 were ''sufficiently accurate and yield sufficiently reproducible results'' for use in testing whether coatings comply with the Standard (66 FR 5216). OSHA pointed out that the ''English II study'' (William English, Dr. David Underwood and Keith E. Vidal, ''Investigation of Means of Enhancing Footwear Traction for Ironworkers Working at Heights'' (November 1998)) showed the English XL tribometer (F1679) had ''achieved satisfactory precision and bias,'' in accordance with ASTM standard practice for conducting interlaboratory studies to determine test method precision (ASTM E691–92) (66 FR 5216).

However, currently there are no approved precision and bias statements for either ASTM method. (See Exhibits 2–4, 2–7, 2–8, 2–9, 2–11, 2–14). In fact, in 2004, the ASTM Committee on

Standards (COS) expressed concerns about not only the lack of precision and bias statements but the proprietary (*i.e.*, brand/model specific) nature of both F1677 and F1679. (See Exhibit 2–4 or 2–6). In a letter from Mr. Childs, Chairman of COS, to Mr. DiPilla, Chairman of ASTM Committee F–13, Mr. Childs notes that the lack of precision and bias statements in F1677 and F1679 violates ASTM Form and Style requirements. Mr. Childs also notes that the proprietary nature of the ASTM standards violates section 15 of the Regulations Governing ASTM Technical Committees. Further, the COS notes that the F–13 committee ''is working towards the development of methods that are not apparatus-specific, and expects that these standards will be developed by September 30, 2006'' (Exhibit 2–14–3). The letter concludes that COS intends to withdraw the two test methods if the committee has not completed action on developing methods that are not apparatus specific by September 2006.

Additional comments (Exhibits 2–2, 2–4, 2–7, 2–8, 2–11, 2–14) also suggest that ASTM will be withdrawing F1677 and F1679 in the near future. There are indications that it is unlikely that the F–13 committee will complete development of non-proprietary test methods by the September 2006 time frame. Evidence in the record suggests that in order for the F–13 committee to develop a non-proprietary standard, research would be necessary to ''develop a suite of standard reference materials that * * * would become the accepted reference value, allowing validation of individual tribometers.'' (Exhibit 2–4). Information in the record indicates that completion of such research could take considerable time (Exhibits 2–7, 2–8). In addition, the F–13 committee had to raise money ($45,000) to fund that research, and there is no indication in the record that the funds had been secured and the research begun (Exhibit 2–4).

Therefore, from the record, it appears that ASTM standards F1677 and F1679 will not be validated with precision and bias statements by July 18, 2006 and that ASTM will withdraw the standards shortly thereafter. It is also unlikely that a new, non-proprietary standard will be drafted and finalized by the July 18, 2006, effective date (Exhibits 2–8, 2–11). In addition, any particular machine for which the ASTM method is used would have to have a precision and bias statement, and from the record this also seems unlikely to occur by the July 18, 2006, effective date in § 1926.754(c)(3). Resilient Floor Covering Institute (RFCI) said their experience is that it takes three to four years for ASTM to approve standards once they are developed (Exhibit. 2–14, p. 7). In the meantime, COS has given no indication that it will delay withdrawing F1677 and F1679 during the approval process for a new test method. If there are no ASTM test methods it will not be possible for employers to comply with the Standard. Collectively, these comments indicate that it is unlikely that there will be completed ASTM standards (with precision and bias statements) for use by the scheduled effective date of the provision. Moreover, there is too much uncertainty about whether and when there will be a validated ASTM test method to justify delaying the effective date any further.

Reliability of Testing Methods/Devices

Another concern has been the reliability of the testing devices for which ASTM had developed standards. Some of the comments provide evidence that the English XL and Brungraber Mark II tribometers are reliable indicators of slip resistance.

For example, the American Society of Safety Engineers (ASSE) and the National Forensic Engineers, Inc. (Exhibits 2–5, 2–9) both point out that the testing of the English XL tribometer, conducted in ASTM F–13 workshops in 1998, 2000, and a 2002 interlaboratory test study, have shown precision results higher than any other standardized testing device or method. As a basis to support ASSE's position that these testers are reliable they also noted that there have been court cases where, they assert, the English XL machine has been accepted as a legitimate scientific instrument.

ASSE's comment includes an article by Brian C. Greiser, Timothy P. Rhoades and Raina J. Shah published in the June 2002 issue of *Professional Safety,* which addresses the suitability of the Brungraber Mark II and English XL machines for wet testing. This article describes a study, conducted by the authors, which compared the Brungraber and English machines. The study found the results generally comparable, so long as a particular test ''foot'' was used with the Brungraber machine (Exhibit 2–9).

The President of High Safety Consulting Services (Exhibit 3–2), Steven High, supports the use of ASTM F1679 and F1677 methodology and attached an analysis of a 1995 study (''English I''), which showed a positive correlation of wet testing results between the English XL and Brungraber Mark II tribometers.

Dr. Robert Smith of the National Forensic Engineers, Inc., submitted a 2003 ASTM paper he wrote, titled ''Assessing Testing Bias in Two Walkway-Safety Tribometers'' which was published in ASTM's *Journal of Testing and Evaluation*. His paper addresses calibration of English XL and Brungraber Mark II tribometers to eliminate bias (Exhibit 2–5). Specifically, Dr. Smith used graphical data criterion developed by M. Marpet to analyze testing data from a 1999 study (Powers, C.M., Kulig, K., Flynne, J., and Brault, J.R., ''Repeatability and Bias of Two Walkway Safety Tribometers,'' *Journal of Testing and Evaluation* JTEVA, Vol. 27) and finds that the results indicate bias in the English XL tribometer at higher angle settings when using the Neolite test foot material on a smooth surface (Exhibit 2–5–4). Dr. Smith's paper provides quantified data which, he suggests, validates the bias and allows for calibration of the English XL tribometer to eliminate the bias for wet testing.

Finally, some commenters stated that continued use of the English XL machine by experts in the field demonstrated its reliability (see, *e.g.*, exhibits 2–3, 2–5, 3–1).

In addition to comments supporting the reliability of the testing devices, comments were submitted arguing that they are unreliable. Three comments (Society for Protective Coatings, OSHA/SENRAC Steel Coalition, and Resilient Floor Covering Institute, Exhibits 2–7, 2–8, 2–14) discuss the reliability of the English XL and Brungraber tribometers and find them to be insufficiently reliable to use in testing coated structural steel when using the ASTM test methods. The Resilient Floor Covering Institute (RFCI) states, ''English XL generates results that are so imprecise and variable that no precision and bias statements have ever been approved for this test method'' (Exhibit 2–14). Additional concerns of these commenters are the test ''foot'' material, which they believe can vary from batch to batch in its production, as well as the ability of atmospheric conditions such as temperature and humidity to significantly affect the results of the tests.

The Society for Protective Coatings (SSPC) (Exhibit 2–7), said the ASTM F1677 and F1679 methods were not reliable because of the variability in the measured slip results, therefore making the methods [testers] unreliable. SSPC appended additional materials, including a study conducted by Dr. Bernard Appleman, which attempted to develop reference panels, to determine slip properties of coatings intended for erected steel (Exhibit 2–7–3). The study identifies four possible sources of

variation in the Appleman test results, which brings those results into question. The study was not successful in developing reference panels, which SSPC argues is in part due to the inconsistent slip readings when using the test methods.

SSPC also appended minutes to an ASTM F–13.10 Subcommittee meeting held on June 3, 2002 which include a description of tests done on both the F1677 and F1679 methods. According to the minutes, stability testing on F1677 (the ASTM standard for the Brungraber Mark II device) had begun, and would need to be a continuing process to assess whether the individual machine was stable over time and use. The minutes also note that it is unknown whether changes in the results of the stability testing would be due to the machine, the Neolite test foot or some other factor. The minutes further describe ruggedness testing done on F1679 (the ASTM standard for the English XL device) and a summary of the results is included, which showed, among other things, that with a Neolite test foot, temperature influenced slip index readings and humidity had no effect on wet slip index readings.

RFCI (Exhibit 2–14) references a 2003 article by Bowman, *et al.* published in *ASTM International*, which indicates that the English XL has ''certain consistent biases and high variability,'' which makes it difficult to compare results with other tribometers. This study also indicates that the English XL tribometer and Brungraber Mark II are significantly affected by temperature and humidity.

RFCI also appended a study by Michael A. Sapienza conducted in June of 1998. The test attempted to establish consistent readings for a Neolite test ''foot'' on various machines for a series of surfaces. The study claims that the results indicate a high machine bias. A high machine bias indicates that the results are less likely to be replicated when a different test machine is used, which calls both the validity and the comparability of results from different test machines into question.

In Dr. Smith's paper, ''Assessing Testing Bias in Two Walkway-Safety Tribometers,'' as discussed above, he found that the Brungraber tribometer could be numerically calibrated to eliminate bias; however, the calibration was only possible for dry conditions and only up to a slip-resistance value of 0.4, below the Standard's 0.5 threshold. Above 0.4, the results were not reliable; thus, he concluded that the Brungraber test method was not suitable for testing coatings on structural steel under wet conditions (Exhibit. 2–5, p. 4).

The comments in the record indicate that there is some additional empirical evidence indicating the two testing devices referenced in the standard's Appendix B are reliable. However, there continues to be a debate within the industry on the issue of reliability and this debate emphasizes the need to have approved precision and bias statements for the applicable ASTM test methods. The precision and bias statements are necessary for employers to know with certainty when they are in compliance with the slip resistant standard—by allowing them to rely on documentation or certification reflecting the results of testing using a test method that has been approved or shown to be suitable and appropriate for measuring the slip resistance of steel. As stated above, there are poor prospects that completed ASTM methods (with approved precision and bias statements) will be in place in the foreseeable future. The Agency had been relying on what appeared to be reasonable prospects in 2001 that the precision and bias statements would be completed by the provision's effective date. That would have completed the ASTM method process for at least these two testing devices. It now appears that not only will there be no completed precision and bias statements by July 2006, but that there will be no applicable ASTM standards in place as of September, 2006. Finally, with this degree of uncertainty regarding the future of ASTM standards for such devices, the Agency is unable to make a reasonable estimate for how much longer it will take beyond July 2006 for that process to be completed.

Coatings

In the preamble to the Steel Erection Standard, OSHA said record evidence of the availability of compliant slip resistant coatings was ''conflicting'' (66 FR 5217). Although OSHA found that there were some slip resistant coatings currently in use for steel erection, their use was in ''limited specialized applications'' and most had not been adequately tested to determine whether they comply with the Standard and meet industry performance needs (66 FR 5217–5218). OSHA acknowledged that it would take additional time for manufacturers to develop, test and widely distribute suitable coatings. However, in view of the fact that there were some coatings on the market and technology for developing additional coatings was in place, OSHA determined that a five-year delay in the effective date would provide enough time for the industry to develop and distribute compliant coatings across the industry (66 FR 5217).

In determining whether compliant slip resistant coatings are ''available'' (or reasonably can be expected to be available by the effective date) OSHA examined two issues: (1) whether available slip resistant coatings comply with the Standard's 0.50 minimum threshold, and (2) whether available slip resistant coatings are sufficiently durable for use in the variety of environments in which coatings are used. It should be noted that durability in this context means the suitability of the coatings to protect the steel in various settings from corrosion over time, rather than its ability to retain its slip resistant character. For example, to be useable by the industry, coatings for steel members in bridges in the northeast would need to be protective against road salt, a highly corrosive agent.

Some of the comments addressing the development of slip resistant coatings emphasize the difficulty of moving forward with the development of coatings without a reliable testing device. Other comments indicate that, notwithstanding that problem, the evaluation of existing coatings and development of prospective coatings that might meet the standard's criteria is proceeding and that employers can comply with the provision.

There is some new evidence to suggest that there are coatings available now and/or that reasonably could be expected to be available by July 2006, that meet the provision's slip resistance criterion. Specifically, several commenters (Exhibits 2–3, 2–5, 2–13, 2–15, 3–2) point to evidence from the original rulemaking—the 1995 and 1998 English studies, the Canadian Pulp Mill project—and to a new July 2003 article, ''The Rough, the Smooth and the Ugly,'' *Journal of Protective Coatings and Linings*, (Exhibit 2–7–10) to argue that paints are available now or that they could be available by the July 18, 2006 effective date with the addition of polybeads. See also Exhibit 2–5, wet testing study by Dr. Smith produced results that were ''always above 0.5.''

However, there is no new evidence relative to the durability of these coatings in terms of protecting steel from corrosion and no evidence on the extent to which they would be sufficiently durable for the variety of environments in which they are used. The extent to which currently available, potentially compliant coatings could satisfy the variety of environments is unknown since the durability of those coatings in challenging settings (*i.e.*, where salt or other corrosive agents are

present) has not been established. Also, the durability of coatings with polybeads has not been established, so the extent to which those coatings could be used is also unknown.

In addition, there is no new evidence to supplement the original record (specifically the Canadian Pulp Mill project evidence) indicating that existing coatings or coatings that could reasonably be expected to be available (*i.e.*, coatings with polybeads added) are durable in terms of protecting steel from corrosion. Those commenters that suggest paints are available now or could reasonably be available do not focus on the durability of the coatings.

One commenter, S. High (Exhibit 3–2), asserts that a small study he did indicates that some coatings currently used by fabricators meet the slip resistance threshold. However, even if a limited number of existing coatings meet the criteria for some settings, no evidence was presented to indicate that these coatings are sufficiently durable to meet the different performance needs of various environments encountered in steel erection.

Thus, there is insufficient information in the record for the Agency to be able to establish that either currently available coatings (which presumably are durable at least in some settings) or coatings that could reasonably be available would be suitable in terms of durability in various applications.

The major focus of the paint industry's comment is on the reliability of the testing devices rather than on the development of compliant coatings; its main argument is that the availability of paints is unknown because the test method is neither reliable nor accurate (SSPC Comment, Exhibit 2–7). SSPC submitted one new study, performed by KTA-Tator, Inc. titled ''Developing Reference Panels for Slip Testing of Erected Steel'' (Dr. Bernard Appleman, August 2002) (Exhibit 2–7). This study focused on the development of coated reference panels for slip resistance testing. The study attempted to develop painted surfaces with repeatable slip indexes that could serve as reference panels for unknown paints. These reference panels would then ''serve as a bench mark(s) to determine the relative slip index of coated steel.'' The study started with 12 paints and 3 were ultimately selected for further evaluation. The study claimed that it was not able to produce reference panels due to inconsistent slip indexes results.

Other comments were submitted that addressed a variety of issues, such as economic feasibility and the scope of the phrase ''paint or similar material.'' For example, one article that was submitted, ''The Rough, the Smooth and the Ugly,'' *Journal of Protective Coatings and Linings* July 2003 article, (Exhibit 2–7–10), addresses economic feasibility. The article states that minimal additional material costs were incurred in adding polybeads to the paint. However, citing the same article, SSPC argues that the conclusion that adding beads does not significantly increase costs of the coatings is ''very tentative.'' Another commenter (Exhibit 2–16) raises concerns over environmental restrictions which would possibly prohibit spraying paints (and/or impose other restrictions). This commenter also noted that compliant paints available for the ''dipping'' method (typically used for applying coatings to steel) are still not developed. Several commenters (Exhibits 2–11, 3–2) note a possible problem meeting both current state DOT mandated coating requirements and the requirements of § 1926.754(c)(3). One of those commenters (Exhibit 3–2) emphasizes that this concern is particularly significant because of the time lag between submitting state job bids and commencement of the actual steel erection activity. Finally, another commenter (Exhibit 2–12), expresses concern over the breadth of the provision's coverage (particularly with regard to galvanized steel) in view of its reference to ''paint or similar material.''

Irrespective of these other issues, this record indicates that the availability of paints, which will both comply with the slip resistance requirement and have sufficient durability for the variety of applications in which the coated steel will be used, has not been established.

Suggested Alternatives to Testing Requirements

In addition to comments urging OSHA to reaffirm or revoke the slip resistance provision, several comments suggested alternatives including use of alternative testers and delaying the effective date to allow more time for the testing methods to be approved by the industry. One commenter (Exhibit 2–2) discusses two alternative testers, the British Pendulum tester, which is referenced by ASTM E404, and a ''German Ramp'' test. Specifically this comment notes that the British Pendulum tester is referenced in several standards in other countries, as well as in ASTM standards and standards for the International Organization for Standardization (ISO).

The International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers (Exhibit 2–10) suggests that OSHA extend the July 18, 2006, deadline for three more years, to allow time to refine testing methods. In addition, the Associated General Contractors (AGC) suggests that, assuming OSHA retains the provision, OSHA should postpone the effective date (Exhibit 2–11).

In addition, one commenter (Exhibit 2–12) suggests that OSHA modify the standard by adding an exception to § 1926.754(c)(3) where employees use fall protection at all heights.

The Agency considered the suggested alternatives; however, for several reasons they are not being adopted. With respect to alternative testing devices, there is not enough information in the record to indicate whether the alternative test devices would be acceptable for measuring slip resistance under the standard. For example, it is unclear whether ASTM has approved methods and precision and bias statements for the British Pendulum tester for use in this context (wet surfaces). As to delaying the effective date of the provision, OSHA has decided not to extend the effective date for three more years because the Agency does not believe that doing so will resolve the high degree of uncertainty that now surrounds the ASTM test methods. The ASTM test methods will not be validated by the effective date and are likely to be withdrawn later this year. In addition, there is great uncertainty whether there will be any approved ASTM test methods in this regard within the next three years. As discussed, although ASTM's COS expects the F–13 committee to complete development of a non-proprietary test method by September 2006, there is no information in the record about whether this deadline will be met. Moreover, once a standard is developed, ASTM rules require that it be validated and approved before it becomes effective. According to RFCI, the approval process alone could take three or four years to complete (Exhibit 2–14). As a result, it is doubtful that extending the effective date three years would be sufficient. For the same reasons, OSHA also rejected extending the effective date for an even longer period of time. There is too much uncertainty with the development of the ASTM test methods for the Agency to make a reasonable estimate of when, if ever, applicable ASTM test methods will be approved and validated.

The suggestion to provide an exception for workers who are using 100% fall protection at any elevation is rejected for two reasons. First, the Agency finds that there are technical reasons for revoking the provision. Second, the suggestion to provide such an exception raises issues that were addressed in § 1926.760. In the final

rule for Subpart R, the Agency decided to defer to SENRAC's recommendation on the issue of tying off for fall protection. Since the scope of this reopening did not include § 1926.760, this alternative is rejected.

Conclusion

Compliance with the slip resistance provision depends on there being ASTM methods, that is standards and approved precision and bias statements, in place for the use of slip testing machines. Submitted comments indicate that ASTM's continued approval of the F1677 and F1679 methods are in doubt. The uncertainty of those standards' future undermines a basic assumption that underlies the provision—that there will be testing machines with ASTM methods in place for use when the provision goes into effect.

While some new evidence was submitted indicating that the two machines referenced in Appendix B are reliable, the reliability of the testing methods will be questioned in the industry until there are applicable ASTM methods (including approved precision and bias statements). When that may occur is unclear. Such methods are necessary for employers to know that a coating complies with the standard.

The question of whether compliant paints are going to be available by July 2006 cannot be answered with sufficient certainty until there are completed ASTM testing methods available for evaluating the paints. As long as that aspect of the problem is unresolved, the question of paint availability will also be unresolved. Furthermore, durability testing cannot be completed until the paint industry knows what testing devices and methods to use to determine which paints to test for durability. Since the time frame for resolving the ASTM standards problem is uncertain, the time frame for ascertaining which paints would be both compliant with the provision and suitable for the industry is also uncertain.

Because the advancements OSHA anticipated are not likely to occur by the effective date, and may not occur for a number of years, it will not be possible for employers to comply with § 1926.754(c)(3) and for these reasons, the Agency is revoking it.

III. Economic Analysis and Regulatory Flexibility Certification Analysis

The economic impact and regulatory flexibility analyses for the final Steel Erection Standard contained detailed information on economic impacts, including estimated annualized costs to comply with the slip-resistance provision (66 FR 5253–5263). As a result of the revocation of this provision its projected $29.5 million annualized costs for affected establishments, which were anticipated in the economic analysis for the final rule of Subpart R, will not be incurred. These projected costs were 38% of the total estimated increased costs to the industry for compliance with the final rule (66 FR 5257). The revocation of § 1926.754(c)(3) is not an economically significant regulatory action for the purposes of EO 12866. OSHA also certifies that this revocation will not have a significant impact on a substantial number of small entities, for the purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

IV. Environmental Impact Assessment

OSHA has reviewed the final rule in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 U.S.C. 1500), and the Department of Labor's NEPA procedures (29 CFR part 11). As with the existing Steel Erection Standard, the focus of this final rule is on the reduction and avoidance of accidents occurring during structural steel erection. Consequently, no major negative impact is foreseen on air, water or soil quality, plant or animal life, the use of land, or other aspects of the environment.

V. Unfunded Mandates

OSHA has reviewed the final rule in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) and Executive Order 12875. For the reasons stated above and in the notice of proposed rulemaking (69 FR 42381), OSHA has determined that the final rule is likely to reduce the regulatory burdens imposed on public and private employers by the slip resistance provision this final rule revokes. This final rule would not expand existing regulatory requirements or increase the number of employers covered by the Steel Erection Standard. Consequently, the final rule would require no additional expenditures by either public or private employers and does not mandate that state, local or tribal governments adopt new, unfunded regulatory obligations.

VI. Federalism

OSHA has reviewed this final rule in accordance with the Executive Order on Federalism (Executive Order 13132, 64 FR 43255, August 10, 1999), which requires that agencies, to the extent possible, refrain from limiting State policy options, consult with States prior to taking any actions that would restrict State policy options, and take such actions only when there is clear constitutional authority and the presence of a problem of national scope. Executive Order 13132 provides for preemption of State law only if there is a clear congressional intent for the Agency to do so. Any such preemption is to be limited to the extent possible.

Section 18 of the OSH Act (29 U.S.C. 651 *et seq.*) expresses Congress' intent to preempt State laws where OSHA has promulgated occupational safety and health standards. Under the OSH Act, a State can avoid preemption on issues covered by Federal standards only if it submits, and obtains Federal approval of, a plan for the development of such standards and their enforcement (State-Plan State). 29 U.S.C. 667. Occupational safety and health standards developed by such State-Plan States must, among other things, be at least as effective in providing safe and healthful employment and places of employment as the Federal standards. Subject to these requirements, State-Plan States are free to develop and enforce under State law their own requirements for safety and health standards.

This final rule complies with Executive Order 13132. As Congress has expressed a clear intent for OSHA standards to preempt State job safety and health rules in areas addressed by OSHA standards in States without OSHA-approved State Plans, this rule limits State policy options in the same manner as all OSHA standards. In States with OSHA-approved State Plans, this action does not significantly limit State policy options.

VII. State Plan States

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, the 26 States or U.S. Territories with their own OSHA-approved occupational safety and health plans must revise their standards to reflect the new standard or amendment, or show OSHA why there is no need for action, *e.g.*, because an existing State standard covering this area is already ''at least as effective'' as the new Federal standard or amendment. 29 CFR 1953.5(a). The State standard must be at least as effective as the final Federal rule, must be applicable to both the private and public (State and local government employees) sectors, and should be in place within six months of the publication date of the final Federal rule. When OSHA promulgates a new standard or standards amendment

which does not impose additional or more stringent requirements than an existing standard, States are not required to revise their standards, although OSHA may encourage them to do so. The 26 States and territories with OSHA-approved State Plans are: Alaska, Arizona, California, Connecticut (plan covers only State and local government employees), Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New Jersey (plan covers only State and local government employees), New York (plan covers only State and local government employees), North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands (plan covers only State and local government employees), Washington, and Wyoming.

Since this final rule revokes the slip-resistance provision in the Steel Erection standard (Subpart R, § 1926.754(c)(3) and Appendix B), it will not impose any additional or more stringent requirements on employers. Therefore, States with OSHA-approved State Plans may, but are not required, to take parallel action. OSHA encourages State Plans to review the factors considered by OSHA in taking this action.

VIII. OMB Review Under the Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA)(44 U.S.C. 3501 *et seq.*), agencies are required to seek the Office of Management and Budget (OMB) approval for all collections of information (paperwork). As part of the approval process, agencies must solicit comment from affected parties with regard to collection of information, including the financial and time burdens estimated by the agencies for collection of information. OSHA has determined that this final rule does not contain any collections of information as defined in OMB's regulations (60 FR 44978 (8/29/1995)).

IX. Authority

This document was prepared under the Direction of Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3704), Secretary of Labor's Order 5–2002 (67 FR 65008), and 29 CFR part 1911.

Signed at Washington, DC, this 11th day of January, 2006.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

List of Subjects in 29 CFR Part 1926

Structural steel erection, Construction industry, Construction safety, Occupational Safety and Health Administration, Occupational safety and health.

■ For the reasons set forth in the preamble, 29 CFR part 1926 is amended as follows:

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart R—Steel Erection

■ 1. The authority citation for Subpart R is revised to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3704); Sections 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 3–2000 (65 FR 50017) or 5–2002 (67 FR 65008), and 29 CFR part 1911.

§ 1926.754 [Amended]

■ 2. In § 1926.754, remove paragraph (c)(3).

Appendix B [Removed and Reserved]

■ 3. In Subpart R, remove and reserve Appendix B.

[FR Doc. 06–374 Filed 1–17–06; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Oregon State Plan; Approval of Plan Supplement; Change in Level of Federal Enforcement: Crater Lake National Park

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final rule.

SUMMARY: This document gives notice of OSHA's approval of a change to the state of Oregon's occupational safety and health state plan to exclude coverage of private sector contractors at Crater Lake National Park. Accordingly, Federal OSHA will exercise enforcement authority over such employers. OSHA is amending its description of the state plan to reflect this change in the level of Federal enforcement in the state.

DATES: Effective January 18, 2006.

FOR FURTHER INFORMATION CONTACT: Barbara E. Bryant, Director, Office of State Programs, Directorate of Cooperative and State Programs, Room N–3700, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2244. An electronic copy of this **Federal Register** notice is available on OSHA's Web site at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that states which wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting, and obtaining Federal approval of, a state plan. State plan approval occurs in stages which include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e).

The Oregon Occupational Safety and Health State Plan was initially approved under Section 18(c) of the Act and Part 1902 on December 22, 1972 (37 FR 28628, Dec. 28, 1972). The Oregon program (Oregon OSHA) is administered by the Occupational Safety and Health Division of the Oregon Department of Consumer and Business Services. On May 12, 2005, OSHA awarded final approval to the Oregon State Plan pursuant to Section 18(e) and amended Subpart R of 29 CFR part 1952 to reflect the Acting Assistant Secretary's decision (70 FR 24947). As a result, OSHA relinquished its authority with regard to occupational safety and health issues covered by the Oregon State Plan (with the exception of temporary labor camps). Federal OSHA retained its authority over safety and health in private sector establishments on Indian reservations and tribal trust lands, including tribal and Indian-owned enterprises; Federal agencies; the U.S. Postal Service and its contractors; contractors on U.S. military reservations, except those working on U.S. Army Corps of Engineers dam construction projects; and private sector maritime employment on or adjacent to navigable waters, including shipyard operations and marine terminals.

Federal OSHA has determined that Oregon's Crater Lake National Park, established in 1902, became an area of ''exclusive Federal jurisdiction'' by an act of Congress on August 21, 1916 (39

Stat. 521), in response to an act by the Oregon state legislature on January 25, 1915, ceding to the United States exclusive jurisdiction over all lands within Crater Lake National Park. Accordingly, OSHA officials informed Oregon OSHA of OSHA's determination. Federal OSHA officials also met on August 16, 2005 with the Crater Lake National Park superintendent, his staff and contractors working at the Park to inform them that Federal OSHA had jurisdiction over both the Federal employees and private sector contractors at Crater Lake. By e-mail of August 23, 2005, from Michele Patterson, Deputy Administrator, Oregon Occupational Safety and Health Division (OR–OSHA) to Richard Terrill, Regional Administrator, the state of Oregon agreed that the state did not have authority to regulate private sector contractors in the Park and that Federal OSHA should exercise jurisdiction over all employees (except state and local government employees, should there be any) at Crater Lake National Park.

Accordingly, Crater Lake National Park is deemed to be an issue no longer covered by the Oregon State Plan, and Federal OSHA is assuming jurisdiction and enforcement responsibility for all private sector as well as Federal employees at the Park. OSHA is also amending its description of the state plan to reflect this change in the level of Federal enforcement.

B. Location of Supplement for Inspection and Copying

A copy of the documents referenced in this notice may be obtained from: Office of State Programs, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–2244, fax (202) 693–1671; Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101–3212; and the Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, 350 Winter Street, NE., Room 430, Salem, Oregon 97310. Other information about the Oregon State Plan is posted on the state's Web site at *http://www.cbs.state.or.us/external/osha/*. Electronic copies of this **Federal Register** notice are available on OSHA's Web page at *http://www.osha.gov/*.

C. Public Participation

Under 29 CFR 1953.3(e), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. Federal OSHA and the state of Oregon have determined that all employers and employees (except state and local government employees, should there be any) at Crater Lake National Park are subject to Federal jurisdiction. This change to Federal jurisdiction has been communicated to Park authorities and their contractors and is already in effect. Accordingly, OSHA finds that further public participation is unnecessary, and this notice of approval is effective upon publication in the **Federal Register**.

List of Subjects in 29 CFR Part 1952

National parks, Intergovernmental relations, Law enforcement, Occupational safety and health.

Signed at Washington, DC, this 3rd day of January 2006.

Jonathan L. Snare,

Acting Assistant Secretary.

■ Part 1952 of 29 CFR is hereby amended as follows:

PART 1952—[AMENDED]

■ 1. The authority section for part 1952 continues to read as follows:

Authority: Section 18 of the OSH Act (29 U.S.C. 667), 29 CFR part 1902, and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Subpart D—Oregon

■ 2. Amend § 1952.104 by revising the second sentence of paragraph (b) to read as follows:

§ 1952.104 Final approval determination.

* * * * *

(b) * * * The plan does not cover private sector establishments on Indian reservations and tribal trust lands, including tribal and Indian-owned enterprises; employment at Crater Lake National Park; Federal agencies; the U.S. Postal Service and its contractors; contractors on U.S. military reservations, except those working on U.S. Army Corps of Engineers dam construction projects; and private sector maritime employment on or adjacent to navigable waters, including shipyard operations and marine terminals.

* * * * *

■ 3. Amend § 1952.105 by redesignating paragraph (b)(1)(iv) as (b)(1)(v) and adding a new paragraph (b)(1)(iv), to read as follows:

§ 1952.105 Level of Federal enforcement.

* * * * *

(b)(1) * * *

(iv) Enforcement of occupational safety and health standards with regard to employment at Crater Lake National Park;

* * * * *

[FR Doc. 06–282 Filed 1–17–06; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Prince William Sound 05–012]

RIN 1625–AA87

Security Zones; Port Valdez and Valdez Narrows, Valdez, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is continuing temporary security zones encompassing the Trans-Alaska Pipeline (TAPS) Valdez Terminal Complex, Valdez, Alaska and TAPS Tank Vessels and Valdez Narrows, Port Valdez, Alaska, and is reducing the size of one of these zones. These temporary security zones will remain effective until February 12, 2006, while we complete a separate rulemaking to create permanent security zones in these locations.

DATES: This rule is effective from January 12, 2006, through February 12, 2006. Comments and related material must reach the Coast Guard on or before February 12, 2006.

ADDRESSES: You may mail comments and related material to U.S. Coast Guard Marine Safety Office, PO Box 486, Valdez, Alaska 99686. Marine Safety Office Valdez, Port Operations Department 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 Marine Safety Office Valdez, 105 Clifton, Valdez, AK 99686 between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Duane Lemmon, Port Operations Department, U.S. Coast Guard Marine Safety Office Valdez, Alaska, (907) 835–7218.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 14, 2005, we published a temporary final rule entitled ''Security Zones; Port Valdez and Valdez Narrows, Valdez AK'' in the **Federal Register** (70

FR 60005). That rule is only effective to January 12, 2006.

A notice of proposed rulemaking (NPRM) was not published for this regulation. In accordance with 5 U.S.C. 553(b)(B), the Coast Guard finds good cause exists for not publishing an NPRM. The Coast Guard is taking this action for the immediate protection of the national security interests in light of terrorist acts perpetrated on September 11, 2001, and the continuing threat that remains from those who committed those acts. Also, in accordance with 5 U.S.C. 553(d)(3), the Coast Guard finds good cause to exist for making this regulation effective less than 30 days after publication in the **Federal Register**. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to provide for the safety of the TAPS terminal and TAPS tank vessels.

On November 7, 2001, we published three temporary final rules in the **Federal Register** (66 FR 56208, 56210, 56212) that created security zones effective through June 1, 2002. The section numbers and titles for these zones are—

§ 165.T17–003—Security zone; Trans-Alaska Pipeline Valdez Terminal Complex, Valdez, Alaska,

§ 165.T17–004—Security zone; Port Valdez, and

§ 165.T17–005—Security zones; Captain of the Port Zone, Prince William Sound, Alaska.

Then on June 4, 2002, we published a temporary final rule (67 FR 38389) that established security zones to replace these security zones. That rule issued in April 2002, which expired July 30, 2002, created temporary § 165.T17–009, entitled ''Port Valdez and Valdez Narrows, Valdez, Alaska—security zone''.

Then on July 31, 2002, we published a temporary final rule (67 FR 49582) that established security zones to extend the temporary security zones that would have expired. This extension was to allow for the completion of a notice-and-comment rulemaking to be completed to create permanent security zones to replace the temporary zones.

On October 23, 2002, we published the notice of proposed rulemaking that sought public comment on establishing permanent security zones similar to the temporary security zones (67 FR 65074). The comment period for that NPRM ended December 23, 2002. Although no comments were received that would result in changes to the proposed rule an administrative omission was found that resulted in the need to issue a supplemental notice of proposed rulemaking (SNPRM) to address a collection of information of the proposed rule (68 FR 14935, March 27, 2003). Then, we issued a temporary final rule (68 FR 26490, May 16, 2003) that established security zones to extend the temporary security zones until June 30, 2003. This extension was to allow for a rulemaking for the permanent security zones to be completed. Then, on October 31, 2003, we published a temporary final rule (68 FR 62009) that established security zones to extend the temporary security zones through March 12, 2004. Then on May 19, 2004, we published a Second Supplemental Notice of Proposed Rulemaking (SSNPRM) (69 FR 28827) incorporating changes to the Trans-Alaskan Pipeline system, Valdez Marine Terminal (VMT) security zone coordinates described in the NPRM (67 FR 65074).

On June 30, 2005, we published a temporary final rule entitled ''Security Zones: TAPS Terminal, Valdez Narrows, and Tank Vessels in COTP Prince William Sound'' in the **Federal Register** (70 FR 37681). That rule was only effective to October 11, 2005. On October 7, 2005 we published a TSNPRM (70 FR 58646) with revisions to our proposed permanent security zones in the same locations as the temporary zones created by this rule. On October 14, 2005, we published a temporary final rule (70 FR 60005) that established security zones to extend these temporary security zones through January 12, 2006.

This temporary final rule creates temporary security zones through February 12, 2006, to allow for the rulemaking involving the TSNPRM to be completed.

Discussion of This Temporary Rule

This temporary final rule establishes three security zones. The Trans-Alaska Pipeline Valdez Marine Terminal Security zone encompasses the waters of Port Valdez between Allison Creek to the east and Sawmill Spit to the west and offshore to marker buoys A and B (approximately 1.5 nautical miles offshore from the TAPS Terminal). The Tanker Moving Security Zone encompasses the waters within 200 yards of a TAPS Tanker within the Captain of the Port, Prince William Sound Zone. The Valdez Narrows Security Zone encompasses the waters 200 yards either side of the Tanker Optimum Trackline through Valdez Narrows between Entrance Island and Tongue Point. This zone is active only when a TAPS Tanker is in the zone.

The Coast Guard has worked closely with local and regional users of Port Valdez and Valdez Narrows waterways to develop these security zones in order to mitigate the impact on commercial and recreational users. This temporary final rule establishes a uniform transition from the temporary operating zones while the rulemaking for permanent security zones is completed.

Request for Comments

Although the Coast Guard has good cause in implementing this regulation without a notice of proposed rulemaking, we want to afford the maritime community the opportunity to participate in this rulemaking by submitting comments and related material regarding the size and boundaries of these security zones in order to minimize unnecessary burdens. If you do so, please include your name and address, identify the docket number for this rulemaking, COTP Prince William Sound 04–001, 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 8.5 by 11 inches, suitable for copying. If you would like to know 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 temporary final rule in view of them.

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 the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Economic impact is expected to be minimal because there are alternative routes for vessels to use when the zone is enforced, permits to enter the zone are available, and the Tanker Moving Security Zone is in effect for a short duration.

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. The number of small entities impacted by this rule is expected to be minimal because there are alternative routes for vessels to use when the zone is enforced, permits to enter the zone are available, and the Tanker Moving Security Zone is in effect for a short duration. Since the time frame this rule is in effect may cover commercial harvests of fish in the area, the entities most likely affected are commercial and native subsistence fishermen. The Captain of the Port will consider applications for entry into the security zone on a case-by-case basis; therefore, it is likely that very few, if any, small entities will be impacted by this rule. Those interested may apply for a permit to enter the zone by contacting Marine Safety Office, Valdez at the above contact number.

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 rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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 affect 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 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 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.

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), of the Instruction, from further environmental documentation. This rule creates no additional vessel traffic and thus imposes no additional burdens on the environment in Prince William Sound. It simply provides guidelines for vessels transiting in the Captain Of The Port, Prince William Sound Zone so that vessels may transit safely in the vicinity of the Port of Valdez and the TAPS terminal. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

■ For the reasons set forth 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; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T17–022 to read as follows:

§ 165.T17–022 Port Valdez and Valdez Narrows, Valdez, Alaska-security zones.

(a) Location. The following areas are security zones:

(1) *Trans-Alaska Pipeline (TAPS) Valdez Terminal Complex (Terminal), Valdez, Alaska and TAPS tank vessels.* All waters enclosed within a line beginning on the southern shoreline of

Port Valdez at 61°05′03.6″ N, 146°25′42″ W; thence northerly to yellow buoy at 61°06′00″ N, 146°25′42″ W; thence east to the yellow buoy at 61°06′00″ N, 146°21′30″ W; thence south to 61°05′06'' N, 146°21′30″ W; thence west along the shoreline and including the area 2000 yards inland along the shoreline to the beginning point.

(2) *Tank Vessel Moving Security Zone.* All waters within 200 yards of any TAPS tank vessel maneuvering to approach, moor, unmoor or depart the TAPS Terminal or transiting, maneuvering, laying to or anchored within the boundaries of the Captain of the Port, Prince William Sound Zone described in 33 CFR 3.85–20(b).

(3) *Valdez Narrows, Port Valdez, Valdez, Alaska.* All waters within 200 yards of the Valdez Narrows Tanker Optimum Track line bounded by a line beginning at 61°05′15″ N, 146°37′18″ W; thence southwest to 61°04′00″ N, 146°39′52″ W; thence southerly to 61°02′32.5″ N, 146°41′25″ W; thence northwest to 61°02′40.5″ N, 146°41′47″ W; thence northeast to 61°04′07.5″ N, 146°40′15″ W; thence northeast to 61°05′22″ N, 146°37′38″ W; thence southeast back to the starting point at 61°05′15″ N, 146°37′18″ W.

(b) *Regulations.* (1) The general regulations in 33 CFR 165.33 apply to the security zones described in paragraph (a) of this section.

(2) Tank vessels transiting directly to the TAPS terminal complex, engaged in the movement of oil from the terminal or fuel to the terminal, and vessels used to provide assistance or support to the tank vessels directly transiting to the terminal, or to the terminal itself, and that have reported their movements to the Vessel Traffic Service, as required under 33 CFR part 161 and § 165.1704, may operate as necessary to ensure safe passage of tank vessels to and from the terminal.

(3) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port and the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a vessel displaying a U.S. Coast Guard ensign by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed. Coast Guard Auxiliary and local or state agencies may be present to inform vessel operators of the requirements of this section and other applicable laws.

Dated: January 5, 2006.

M.S. Gardiner,

Commander, United States Coast Guard, Coast Guard, Captain of the Port, Prince William Sound, Alaska.

[FR Doc. 06–449 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2005–0483; FRL–7754–9]

Thymol; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the thymol (5-methyl-2-isopropyl-1-phenol) on honey, honeycomb, and honeycomb with honey when applied/used as treatment to decrease the incidence of Varroa mite infestation in the honey bee. Vita (Europe) Limited, c/o Landis International Limited, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of thymol (5-methyl-2-isopropyl-1-phenol).

DATES: This regulation is effective January 18, 2006. Objections and requests for hearings must be received on or before March 20, 2006.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit X. of the **SUPPLEMENTARY INFORMATION**. EPA has established a docket for this action under Docket identification (ID) number EPA–HQ–OPP–2005–0483. All documents in the docket are listed on the www.regulations.gov web site. (EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced Federal-wide electronic docket management and comment system located at *http://www.regulations.gov/*. Follow the on-line instructions.) Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy 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.

FOR FURTHER INFORMATION CONTACT: Andrew Bryceland, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6928; e-mail address:*bryceland.andrew@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (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. 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 Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available on E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*. To access the OPPTS Harmonized Guidelines referenced in this document go directly

to the guidelines at *http://www.epa.gpo/opptsfrs/home/guidelin.htm/*.

II. Background and Statutory Findings

In the **Federal Register** of April 27, 2005 (70 FR 21773) (FRL–7707–8), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 3F6752) by Vita (Europe) Limited c/o Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603–5126. The petition requested that 40 CFR part 180 be amended by establishing a temporary exemption from the requirement of a tolerance for residues of thymol (5-methyl-2-isopropyl-1-phenol). This notice included a summary of the petition prepared by the petitioner. A public comment has been received objecting to ''any tolerance, exemption, or waiver allowing more than zero residue of thymol on food.'' This objection was supported by the arguments that:

1. Embryonic chickens have multiple malformations following thymol injection into the yolk or air sac, and;
2. Switzerland has established an Maximum Residue Limit (MRL) of 0.8 milligram/kilogram (mg/kg). The commenter did not provide a specific data citation for either of these arguments.

The results from the chicken study are of questionable relevance to mammals. Currently, EPA does not use chickens (or intrayolk or intra-airsac exposure routes) as an animal model for developmental toxicity because of the differences in developmental physiology and anatomy between the two species. Developmental timing, duration, and potential environmental effects on developing young are also different in mammals and birds, again precluding this model for use in setting developmental toxicity endpoints for the regulation of pesticides (Reference 13).

Developmental malformations have not been found following thymol exposure to other mammalian species such as mice, rats, hamsters, and rabbits (Environmental Risk Management Agency of New Zealand, 2005). In addition, Mortazavi *et al.* (2003) reported no external tissue abnormalities in fetuses following dosing of female rats with an infusion of the plant *Satureja khuzestanica* (which has the components thymol and carvacrol).

Regulatory limits have been set for thymol in other countries. The Swiss Federal Department of the Interior has set a tolerance (MRL) concentration for thymol in honey as an antiparasitic agent (0.8 mg/kg; pharmacological substance active in nutrition or therapeutic application; 817.021.23). This tolerance was derived to prevent exceedance of the taste threshold for thymol in honey (1.1 - 1.3 mg/kg; Bogdanov *et al.*, 1999), not safety. Tolerances set by EPA are based on ''the reasonable certainty of no harm,'' FFDCA section 408(c)(2)(A)(ii), and therefore, are not constrained by criteria such as taste.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take intoaccount the factors set forth in section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, section 408(b)(2)(D) of FFDCA requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues '' and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Thymol is an essential oil that is extracted from thyme and mandarine and tangerine oils and is FDA approved when used as a synthetic flavoring (21 CFR 172.515), a preservative and indirect food additive of adhesives (21 CFR 175.105). Additionally, the source plant (thyme), from which thymol is extracted is acknowledged by FDA as generally recognized as safe (GRAS) (21 CFR 182.10, 21 CFR 182.20). Residues of thymol can be found in other food stuffs either naturally such as that found in lime honey or intentionally added to foods such as ice cream, non-alcoholic beverages, candy, baked goods, and chewing gum. Information from the public literature documents that levels of thymol residues in such foods are present at significantly higher concentrations than those resulting from pesticidal treatments (Refs. 1, 3, 14, 15, 16, 17, and 18). End use products containing thymol as the active ingredient will be used as a slow release treatment within the beehive itself to decrease the incidence of Varroa mite infestation in the honey bee.

Toxicity data requirements were addressed by requests for data waivers. The Agency granted data waivers based on publically available information/data submitted by the registrant and reviewed by the Agency.

1. *Acute oral toxicity waiver (OPPTS 870.1100, 152–10).* The waiver rationale submitted in support of the acute oral toxicity (870.1100) data requirement is based on oral LD_{50}s from the open literature and reviewed by the Agency. The oral LD_{50} of thymol has been reported to be 980, 640–1800, and 880 mg/kg in rats, mice, and guinea pigs, respectively (Refs. 3 and 5). Thymol occurs in various food stuffs and spices from 0.02 mg/kg to 100 mg/kg (Refs. 3, 14, 15, 16, 17, and 18). The lowest level in which there was an effect from thymol was 640 mg/kg (Refs. 3 and 5). The amount in which thymol causes an acute effect is approximately 6 times higher than the 100 mg/kg found in the food stuff with the highest amount of thymol present. The information/data described above support the waiver form the data requirement for the acute oral toxicity study.

2. *Acute dermal toxicity data waiver (OPPTS 870.1200, 152.11).* The waiver rationale submitted in support of the acute dermal toxicity data requirement is based upon information collected from a report by the Environmental Risk Management Agency (ERMA, 2005) of New Zealand and Anonymous (2000) which found dermal LD_{50}'s for thymol

greater than 2,000 mg/kg. Thymol occurs in various food stuffs and spices from 0.02 mg/kg to 100 mg/kg (Refs. 3, 14, 15, 16, 17, and 18). Dermal exposure to thymol already occurs from contact with foodstuffs and seasonings containing thymol as it is FDA approved when used as a direct food additive and is generally recognized as safe by FDA as a spice, natural oil, oleoresin, or natural extract and therefore, any additional exposure resulting from dermal contact with thymol will not result in any significant exposure. Thymol, when used as a pesticide, is to be applied to the inside of beehives. Data from U.S. and European field trials demonstrate maximum residue concentrations of 2.59 mg/kg thymol in honey (at 30 days following treatment in U.S. trials) and 4.61 mg/kg thymol in honey (at 2 days following treatment in European trials) demonstrate that, following good agricultural practices (as specified in the tolerance exemption), the amount of thymol residues remaining in the beehive after application will be well below the dermal LD_{50} and within the range of those thymol residues already present in food stuffs (MRID No.'s: 460435–10, 11, 12, and 13). Based on this information, the Agency therefore concludes that the information/data described above support the waiver from the data requirement for the acute dermal toxicity study.

Classification: Acceptable.

3. *Acute inhalation toxicity waiver (OPPTS 870.1300, 152–12).* The waiver rationale submitted in support of the acute inhalation toxicity data requirment is based upon information from the U.S. Food and Drug Administration Center for Drug Evaluation and Research (Ref. 19). Thymol is added to the anesthetic halothane as a preservative (0.01%) and is considered inactive at this concentration (Ref. 19). Halothane is used to anesthetize dogs, cats, and other non-food animals for periods sometimes exceeding 4 hours (Ref. 19). Anesthetic induction concentrations can typically reach approximately 5% (Ref. 19). Calculation of the exposure from these factors yields a thymol atmospheric concentration of 5 milligram/liter (mg/L). Thymol is for application to the inside of beehives. Thymol occurs in various food stuffs and spices from 0.02 mg/kg to 100 mg/kg (Refs. 3, 14, 15, 16, 17, and 18). Inhalation exposure to thymol already occurs from contact with foodstuffs and seasonings containing thymol as it is FDA approved when used as a direct food additive and is generally recognized as safe by FDA as a spice, natural oil, oleoresin, or natural extract and therefore, any additional exposure resulting from inhalation contact with thymol will not result in any significant exposure The information/data described above support the waiver from the data requirement for the acute inhalation toxicity study.

Classification: Acceptable.

4. *Skin hypersensitivity study waiver (OPPTS 870.2600, 152.15).* The waiver rationale for skin hypersensitivity is based on publically available information (Ref. 20). Using quantitative structure activity relationships, from the public literature, it was predicted that thymol is a dermal sensitizer (Ref. 20). Thymol is for application to the inside of beehives. Thymol occurs in various food stuffs and spices from 0.02 mg/kg to 100 mg/kg (Refs. 3, 14, 15, 16, 17, and 18). Dermal exposure to thymol already occurs from contact with foodstuffs and seasonings containing thymol as it is FDA approved when used as a direct food additive and is generally recognized as safe by FDA as a spice, natural oil, oleoresin, or natural extract and therefore, any additional exposure resulting from dermal contact with thymol will not result in any significant exposure. The information/data described above support the waiver from the data requirement for the skin hypersensitivity study.

Classification: Acceptable.

The information/data described above support the waiver from the data requirement for the skin hypersensitivity study. However, the registrant is obliged under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 6(a)(2) to notify the Agency in the events of such incidents.

Classification: Acceptable.

5. *Genotoxicity and mutagenicity study waivers, Master Record Identification Numbers (MRIDs) 46282801 and 46282802 (OPPTS 870.2300, 870.5195; 152–17, and 152.19).* Genotoxicity and mutagenicity studies submitted on September 18th of 2003 (MRIDs 462828-01 and -02), presumably as waiver rationales for genotoxicity (870.5000) and other peer-reviewed publications retrieved by EPA (Refs. 3, 6, 7, 8, 9, 10, and 11), were used to support the waivers from the data requirements. These data demonstrate that thymol is not genotoxic and/or mutagenic. The information/data described above support the waivers from the data requirements for the genotoxicity and mutagenicity studies.

Classification: Acceptable.

6. *Immune response study waiver (OPPTS 870.3550, 152.18).* The waiver rationale for immune response (870.3550) is based upon information presented in a peer-reviewed publication (Ref. 21). No effects were shown in this data (Ref. 21). The information/data described above support the waiver form the data requirement for the acute inhalation toxicity study.

Classification: Acceptable.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food.* Thymol is already found naturally in food stuffs such lime honey and cooking herbs and/or food stuffs derived from cranberry and mandarin and tangerine oils. Thymol is also added to food stuffs commonly consumed by humans such as ice cream, non-alcoholic beverages, candy, baked goods, and chewing gum. It is FDA approved when used as a synthetic flavoring, (21 CFR 172.515), a preservative and indirect food additive of adhesives (21 CFR 175.105) and the source plant (thyme), from which thymol is extracted is acknowledged by FDA as generally recognized as safe (GRAS) (21 CFR 182.10, 21 CFR 182.20). The information and/or data reviewed in support of this tolerance exemption demonstrate that the levels of thymol already present in foods or intentionally added to food stuffs will at concentrations significantly higher that those levels expected from the use of thymol as a pesticidal product. Because thymol is already present, either naturally or intentionally added to various food stuffs, there is a great likelihood of exposure to thymol for most, if not all individuals, including infants and children. Even if there is a significant increase in exposure to thymol due to it's use as a pesticide, the acute toxicity information from the public literature demonstrating relatively low mammalian toxicity indicate that any possible risk associated with acute exposures by the oral route would below to non-existent.

2. *Drinking water exposure.* No exposure to thymol residues in drinking water is expected since the use of this product is limited to application within the hive box in which the product is contained in a dispenser tray, where the

product is rapidly volatilized or redistributed. Because thymol has relatively low toxicity, has been approved for food use by FDA as a direct food additive and is generally recognized as safe by FDA, even if exposure through drinking water were to occur, the exposure would be far less than the exposure that humans already get from consumption of thymol thru the diet and therefore, no risk is anticipated.

B. Other Non-Occupational Exposure

The potential for non dietary exposure to residues of thymol for the general population, including infants and children, is unlikely because the uses are limited to application to certain agricultural crops within the hive box containing the bees and there is no honey present in the bee hive. Thymol is consumed by humans thru the diet and for this reason, from a dietary exposure standpoint, has been determined to have relatively low toxicity. Therefore, while the likelihood of exposure exists for most if not all individuals, any increased exposure due to the proposed product would not add any significant risks.

1. *Dermal exposure*. Dermal exposure to thymol already occurs from contact with foodstuffs and seasonings containing thymol as it is FDA approved when used as a direct food additive and is generally recognized as safe by FDA as a spice, natural oil, oleoresin, or natural extract and therefore, any additional exposure resulting from dermal contact with thymol will not result in any significant risk.

2. *Inhalation exposure*. Inhalation exposure to thymol already occurs from contact with foodstuffs and seasonings containing thymol as it is FDA approved when used as a direct food additive and is generally recognized as safe by FDA as a spice, natural oil, oleoresin, or natural extract and therefore, any additional exposure resulting from dermal contact with thymol will not result in any significant risk.

V. Cumulative Effects

Thymol has a novel mode of cellular action (GABAA receptor, sodium, potassium, and calcium channel modulator) compared to other currently registered active ingredients (Ref. 1). In addition, there is no indication that toxic effects of thymol would be cumulative (Ref. 1). Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider available information concerning the cumulative effects of a particular pesticide's residues and other substances that have a common mechanism of toxicity.

EPA does not have, at this time, available data to determine whether thymol has a common mechanism of toxicity with other substances. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to thymol and any other substances and thymol does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that thymol has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative/*.

VI. Determination of Safety for U.S. Population, Infants and Children

1. *U.S. population*. The Agency has determined that there is a reasonable certainty that no harm will result from aggregate exposure to residues of thymol to the U.S. population. This includes all anticipated dietary exposures and other non-occupational exposures for which there is reliable information. The Agency arrived at this conclusion based on the relatively low levels of mammalian dietary toxicity associated with thymol, its FDA approval as a direct food additive, a preservative and indirect food additive of adhesives and GRAS listing as a spice, natural oil, oleoresin, or natural extract and information and/or data which demonstrate that the U.S. population is potentially exposed to 938 times more thymol from the consumption of foodstuff such as ice cream, cola beverages and candy, to which thymol is intentionally added, than from thymol consumed in honey (Refs. 22, 23, and MRID 46043510). These data indicate that thymol residues found in food and foodstuffs exist at significantly higher concentrations that those residues levels resulting from the use of thymol as a pesticide. For these reasons, the Agency has determined that thymol residues in honey will not pose any significant dietary risk under reasonable foreseeable circumstances residue.

2. *Infants and children*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless the EPA determines that a different margin of exposure (safety) will be safe for infants and children. Based on all the reliable available information the Agency reviewed on thymol, the Agency concludes that there are no residual uncertainties for prenatal/postnatal toxicity resulting from thymol and that thymol has relatively low toxicity to mammals from a dietary standpoint, including infants and children thus, there are no threshold effects of concern and an additional margin of safety is not necessary to protect infants and children.

VII. Other Considerations

A. Endocrine Disruptors

No studies illustrating thymol-induced immune and endocrine toxicity were submitted by the registrant.

EPA is required under FFDCA, as amended by FQPA, to develop a screening program to determine whether certain substances (including all pesticide active and other ingredients) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other such endocrine effects as the Administrator may designate.'' Following the recommendations of its Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there were scientific bases for including, as part of the program, the androgen and thyroid hormone systems, in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the Program include evaluations of potential effects in wildlife. For pesticide chemicals, EPA will use Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and, to the extent that effects in wildlife may help determine whether a substance may have an effect in humans, FFDCA has authority to require the wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP). When the appropriate screening and/or testing protocols being considered under the Agency's EDSP have been developed, thymol may be subjected to additional screening and/or testing to better characterize effects related to endocrine

disruption. Based on available data, no endocrine system-related effects have been identified with consumption of thymol. Information submitted from the public literature and reviewed by the Agency however, describe immunological endpoints in relation to short-term and chronic dosing. No effects were seen in the thymus, spleen, lymph nodes, white cell counts, red cell counts, hemoglobin counts, or hematocrits following the dosing of rats with 1,000 or 10,000 mg/kg of food grade thymol for 19 weeks. (MRID 46282803; Ref. 21). This information does not however, provide evidence to suggest that thymol affects the immune system, functions in a manner similar to any known hormone, or that it acts as an endocrine disruptor.

B. Analytical Method(s)

An analytical method for measuring thymol in honey and beeswax was submitted and reviewed by the Agency and found to be acceptable.

C. Codex Maximum Residue Level

The are no CODEX maximum residues levels for thymol.

VIII. Conclusions

Based on the information/data submitted and other information available to the Agency, there is a reasonable certainty that no harm will result from aggregate exposure to residues of thymol to the U.S. population, including infants and children, under reasonable foreseeable circumstances, when the biochemical pesticide is used in accordance with the product label directions. This includes all anticipated dietary exposures and all other non-occupational exposures for which there is reliable information. The Agency has arrived at this conclusion based on the information/data submitted (and publically available) demonstrating relatively low toxicity of thymol. As a result, EPA is establishing an exemption from the tolerance requirements pursuant to FFDCA 408(c) and (d) for residues of thymol in or on honey, honeycomb and honeycomb with honey.

IX. References

1. 12/7/05 Agency review memorandum; From Dr. Kent Carlson, Biologist; Through Dr. Russell Jones, Senior Biologist; To Andrew Bryceland, Regulatory Action Leader; Subject: Addendum to the 7/19/05 Agency review memorandum and Review of Response to Deficiency Letter, Waiver Rationales, and Product Chemistry.

2. 7/19/05 Agency review memorandum; From Dr. Kent Carlson, Biologist; Through Dr. Russell Jones, Senior Biologist; To Andrew Bryceland, Regulatory Action Leader; Review of Response to Deficiency Letter, Waiver Rationales, and Product Chemistry.

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12. Environmental Protection Agency. 2001. Risk assessment guidance for superfund volume I: Human health evaluation manual (Part E, Supplemental Guidance for Dermal Risk Assessment) Interim. EPA/540/R/99/005, OSWER 9285.7–02EP, PB99–963312.

13. EPA Health Effects Guidelines (OPPTS.7300, Prenatal development toxicity study, pg.1 (e)(1)).

14. FR Notice 7308–1, Vol.68, No. 109, Friday June 6, 2003.

15. Fenaroli's Handbook of Flavoring ingredients. Vol 2. Edited, translated and revised by T.E. Furia and Bellanca. 2nd edition. Cleeland: The Chemical Rubber Co., 1975., p536.

16. De Vincenzi, M., Maialetti, F., and M. Di Pasquale. 1991. Monographs on botanical flavoring substances used in food; Part 1. Fitoterapia. 62(1). 47–63.

17. Piasenzotto, L., Gracco, L., Conte, L.S., and S. Bodenov. 2002. Application of solid phase microextraction to evaluate traces of thymol in honey. Apidologie. 33. 545–552.

18. Council of Europe. 2000. Council of Europe Publishing, F-67075 Strousburg Cedex, Koelblin-Fortuna-Dick, p. 85.

19. Food and Drug Administration, April 10, 1997, NADA, Freedom of Information Summary, p3.

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X. Objections and Hearing Requests

Under section 408(g) of FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of FFDCA provides essentially the same process for persons to ''object '' to a regulation setting an exemption from the requirement of a

tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2005–0483 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before March 20, 2006.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES.** Mail your copies, identified by docket ID number EPA–HQ–OPP–2005–0483, to: Public Information and Records Integrity Branch, Information Technology and Resource Management Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

XI. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance requirement under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations

that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XII. Congressional Review Act

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 rule 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 of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 30, 2005.

James Jones,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1240 is amended by redesignating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 180.1240 Thymol; exemption from the requirement of a tolerance.

* * * * *

(b) An exemption from the requirement of tolerance is established for residues of Thymol (5-methyl-2-isopropyl-1-phenol in or on honey, honeycomb, and honeycomb with honey when used in accordance with good agricultural practices.

[FR Doc. 06–436 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94–129; DA 05–1618]

Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: A Petition for Declaratory Ruling regarding the Commission's carrier change verification rules was filed by a coalition of rural local exchange carriers (LEC Petitioners). Specifically, the LEC Petitioners asked the Commission to declare that certain carrier change verification actions do not violate the Commission's rules, which prohibits executing carriers from verifying the submission of a change request by a submitting carrier or causing an unreasonable delay in the execution of a change. In this document, the Commission denies the LEC Petitioners' request.

DATES: Effective January 18, 2006.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Marks, Consumer & Governmental Affairs Bureau, (202) 418–2512 (voice), *David.Marks@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Declaratory Ruling* (Order) DA 05–1618, CC Docket No. 94–129, adopted June 8, 2005 and released June 9, 2005. The Order denies a Petition for Declaratory Ruling regarding the Commission's carrier change verification rules filed by a coalition of rural local exchange carriers (LEC Petitioners) on February 1, 2005.

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain new or modified ''information collection burdens for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Copies of 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, Room CY–A257, 445 12th Street, SW., Washington, DC 20054. The complete text of this decision may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's contractor 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). The *Order* can also be downloaded in Word and Portable Document Format (PDF) at *http://www.fcc.gov/cgb/policy*.

Synopsis

On February 1, 2005, a coalition of rural local exchange carriers (LEC Petitioners) filed a Petition for Declaratory Ruling regarding the Commission's carrier change verification rules. In their Petition, LEC Petitioners set forth three main arguments that their practices do not violate the Commission's rules. First, they argue that there is no basis in law, including agency law, for the proposition that a third party (such as an executing LEC) should rely on a claim of authority of a person who the executing carrier believes to be without authorization. *See* Petition for Declaratory Ruling, CC Docket No. 94–129, filed February 1, 2005 (Petition), by 3 Rivers Telephone Cooperative, Inc., Armstrong Telephone Company Maryland, Armstrong Telephone Company New York, Armstrong, Telephone Company North, Armstrong Telephone Company Northern Division, Armstrong Telephone Company Pennsylvania, Armstrong Telephone Company West Virginia, Calaveras Telephone Company, Inc., Chester Telephone Company, Chibardun Telephone Cooperative, Inc., Chickasaw Telephone Company, Citizens Telephone Company of Higginsville, Concord Telephone Company, CTC Telcom, Inc., Darien Telephone Company, DTC Communications, Egyptian Telephone Cooperative, Five Area Telephone, Hardy Telephone Company, Horry Telephone Cooperative, Inc., HTC Communications, Lackawaxen Telecommunications Services, Inc., Lockhart Telephone Co., Margaratville

Telephone Company, Mid-Century Telephone Company, Mid-Rivers Telephone Cooperative, Nicholville Telephone Company, Inc., North Central Telephone Cooperative, Inc., North-Eastern Pennsylvania Telephone Company, Peoples Telephone Company, Poka Lambro Telephone Cooperative, Public Service Telephone Company, Ridgeway Telephone Co., Siskiyou Telephone Company, Smart City Telecom, Smithville Telephone Company, Stayton Cooperative Telephone Company, TEC Services, Inc., Trumansburg Telephone Company, Inc., United Telephone Company, Washington County Rural Telephone Cooperative, West Plains Telephone. Second, LEC Petitioners contend that their actions do not constitute reverification in violation of § 64.1120(a)(2) of the Commission's rules. Third, the LEC Petitioners argue that carrier change rejections under these circumstances do not cause ''unreasonable delay'' in violation of § 64.1120(a)(2) of the Commission's rules. The LEC Petitioners filed the Petition to clarify issues related to those complaints.

Section 64.1120(a)(2) of the Commission's rules provides that ''[a]n executing carrier shall not verify the submission of a change in the subscriber's selection of a telecommunications service received from a submitting carrier.'' *See* 47 CFR 64.1120(a)(2) of the Commission's rules. Based on this rule, the Commission concluded that an executing carrier's rejection of carrier change submissions by a submitting carrier, based on the executing carrier's own conclusion that the customer contacted by the submitting carrier was not authorized to make a long distance carrier change, violates § 64.1120(a)(2) of the Commission's rules.

The LEC Petitioners argue that there is no basis in law, including agency law, to hold that the executing LEC ''has any right to rely on the claim of authority of a person without authorization from the subscriber and thus no obligation to its subscriber to make changes to the subscriber's account.'' This argument fails. The executing carrier may not make an independent determination regarding whether the person authorizing the switch was an authorized agent of the party identified on the executing carrier's account. The Commission has already defined the role of both the submitting and executing carrier in a carrier change request. The submitting carrier, in the course of verifying the intention to change long distance service, is already required to elicit confirmation that the person contacted was authorized to make the change (that is, an agent of the party identified on the account). That the name(s) contained in the executing carrier's local account information differs from that of the contact person listed on the submitting carrier's change is not necessarily indicative of a lack of authority or agency on the part of the person requesting the long distance change. The Commission's rules require that executing carries engage in ''prompt execution of changes verified by a submitting carrier.'' Moreover, executing carriers are only allowed to use submitted carrier change information to effectuate the provision of service by the submitting carrier to its customer. An independent determination by an executing carrier of whether the person initiating a switch is an agent of the party listed on the account goes beyond this limited role. LEC Petitioners also state that the Commission, in its *Third Report and Order*, noted without disapproval that carriers maintain lists of customers authorized to make changes. *See* Petition at 15–16, citing the *Third Report and Order*, 15 FCC Record at 16021, paragraph 50 note 148. In this vein, the LEC Petitioners cite several other situations that can result in their return of a carrier change request to the submitting carrier, such as when a customer is already presubscribed to the submitting carrier, when a customer has a PIC freeze in place, or when PIC changes are not permitted. The Commission recognizes that carriers may access account information in the course of effectuating carrier changes, and does not believe that an executing carrier's return of a carrier change to the submitting carrier, under the limited circumstances described above, constitutes reverification in violation of our rules. The Commission's objection to the LEC actions at issue is not related to their consulting account information per se during the course of executing a carrier change. Rather, executing carriers may not make an independent determination with respect to the ability of a person to authorize a carrier change.

It is noted that the Commission's preferred carrier change provisions give consumers the option to ''freeze'' their choice of telecommunications carrier such that they must then contact their LEC to lift the freeze before any carrier changes can be effectuated. The LEC Petitioners argue that it is unreasonable to ask subscribers that wish additional carrier change protections to utilize a preferred carrier freeze. LEC Petitioners state that their method of simply rejecting submitting carrier changes that contain name(s) that differ from what is in the LEC's account information ''poses less of an impediment to consumers own desire to change carriers.'' The Commission disagrees. The Commission's preferred carrier freeze procedures are not ''complex'' for subscribers. Unlike the ''de facto'' freeze actions of the LEC Petitioners, the Commission's preferred carrier change provisions give consumers extra protections without raising anti-competitive concerns. In addition, because the Commission finds that LEC Petitioners' actions violate the prohibition on verification by executing carriers established in § 64.1120(a)(2) of the Commission's rules, the Commission finds it unnecessary to reach a conclusion as to whether these actions also result in unreasonable delay by an executing carrier in violation of its rules.

Finally, the LEC Petitioners requested that the Commission consider their petition in conjunction with a petition filed by MCI (MCI Petition) regarding preemption of a state rule. *See* Petition for Declaratory Ruling filed by MCI on March 12, 2004. *See also* Motion to Hold Proceeding in Abeyance filed by the Public Service Commission of West Virginia on June 17, 2004. The MCI Petition concerned the question of permissible actions by a state regulatory agency. This Petition, in contrast, concerned the actions of private companies. The Commission, therefore, declines the LEC Petitioner's request to combine consideration of their Petition with the MCI Petition.

The Commission will not send a copy of this Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(a), because the adopted rules are rules of particular applicability.

Ordering Clauses

Pursuant to the authority contained in section 258 of the Communications Act, of 1934, as amended, 47 U.S.C. 258, and §§ 0.141, 0.361, 1.3, 64.1120(a)(2) of the Commission's rules, 47 CFR 0.141, 0.361, 1.2, 64.1120(a)(2), the Rural LECs' Petition for Declaratory Ruling is denied.

Pursuant to the authority contained in section 258 of the Communications Act of 1934, as amended, 47 U.S.C. 258, and §§ 0.141, 0.361, 1.3, 64.1120(a)(2) of the Commission's rules, 47 CFR 0.141, 0.361, 1.2, 64.1120(a)(2), this Declaratory Ruling is adopted.

Federal Communications Commission.

Jay Keithley,

Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 06–322 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 384

[Docket No. FMCSA–2005–21603]

RIN 2126–AA94

Commercial Driver's License Standards; School Bus Endorsement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA adopts as final and without change its interim regulations which implement section 4140 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The regulations specify that: A driver who passed FMCSA-approved knowledge and skills tests for a Commercial Driver's License (CDL) school bus endorsement before September 30, 2002, has met the requirements for a school bus endorsement; the compliance date for States to administer knowledge and skills tests to all school bus drivers is extended to September 30, 2006; and the expiration date for allowing States to waive the driving skills test is also extended to September 30, 2006.

DATES: Effective Date: February 17, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Dominick Spataro, (202) 366–2995, Chief, Commercial Driver's License Division (MC–ESL), Office of Safety Programs, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; or e-mail *dominick.spataro@fmcsa.dot.gov.* Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Copies of This Final Rule and the Interim Final Rule

Copies are available for viewing or downloading through the Internet at: The U.S. Department of Transportation (DOT) Docket Management System (DMS) using the URL, *http://dms.dot.gov*, and typing the last 5 digits of docket number FMCSA–2005–21603; the **Federal Register** Web page at *http://www.gpoaccess.gov;* or the FMCSA's Rules and Regulations Web site at *http://www.fmcsa.dot.gov/rules-regulations.* If you do not have access to the Internet, you may contact the person listed above.

Background

Legal Basis

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Public Law 99–570, 100 Stat. 3207–170 (October 27, 1986), codified with amendments in 49 U.S.C. chapter 313, forms the statutory foundation of the CDL program. The CMVSA required the Secretary of Transportation to issue regulations establishing minimum standards which States must meet when licensing drivers of commercial motor vehicles (CMVs), as defined in 49 U.S.C. 31301.[1] Section 12005 of CMVSA required, among other things, that the regulations include minimum standards for written and driving tests for an individual driving a CMV (49 U.S.C. 31305). The minimum testing and fitness standards for obtaining a CDL are in title 49 of the Code of Federal Regulations, Part 383.

Section 214 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA), Public Law 106–159, 113 Stat. 1748 at 1766 (December 9, 1999), required a special CDL endorsement for drivers of school buses, including: (1) A driving skills test in a school bus; and (2) proper safety procedures for loading and unloading children, using emergency exits and traversing highway rail grade crossings, 49 U.S.C. 31305 note. These regulations are found in 49 CFR 383.123.

As we stated in the interim rule, recent changes in the law necessitated revisions to the testing requirements for drivers of school buses.

Section 4140(a) of SAFETEA–LU, Public Law 109–59, 119 Stat. 1144, at 1746 (August 10, 2005), directed the Secretary of Transportation to recognize any driver who passes a test approved by FMCSA as meeting the *knowledge* test requirement for a school bus endorsement under 49 CFR 383.123. Because 383.123 requires a driver to pass both knowledge and skills tests, FMCSA interpreted section 4140(a) of SAFETEA–LU as requiring recognition of any driver who passes both approved knowledge and skills tests. Thus, section 4140(a) of SAFETEA–LU eliminates the need for States to retest drivers who passed agency-approved knowledge and skills tests before September 30, 2002.

Section 4140(b) of SAFETEA–LU gave the States an additional year in which to fully implement § 383.123 for all school bus drivers. Thus, the compliance date in 49 CFR 384.301 was extended to September 30, 2006. FMCSA interpreted section 4140(b) of SAFETEA–LU as also extending the sunset date in § 383.123(b) from September 30, 2005, to September 30, 2006, because that subsection permits States to waive the driving skills test requirement for currently-licensed school bus drivers who meet certain conditions.

Interim Final Rule (IFR) and IFR Comments

On September 28, 2005, FMCSA published an IFR (70 FR 56589) implementing section 4140 of SAFETEA–LU and making the interim regulations effective that same day. Because section 4140 of SAFETEA–LU required the regulatory changes to be in effect before October 1, 2005, FMCSA issued the IFR without prior notice and prior opportunity for public comment. However, we invited the public to submit comments on the IFR, and the comment period ended on October 28, 2005.

We received comments on the IFR from: the Ohio State Highway Patrol; American Federation of Teachers, AFL–CIO; and Mr. Lev Vozchikov of Limited Mobility School Bus Co. The commenters agreed with FMCSA's decision not to require retesting of those drivers who had passed knowledge and skills tests approved by the Agency for a CDL school bus endorsement before September 30, 2002. The Ohio State Highway Patrol said the decision will save Ohio and other States millions of dollars. The AFL–CIO teachers' union said the decision was a positive step. Mr. Vozchikov said FMCSA acted in accordance with the legislation.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA determined this final rule is not a significant regulatory action as defined in Executive Order 12866, and is not significant under DOT's Regulatory Policies and Procedures, because it does not impose new costs on the States. This rule implements congressionally-mandated changes which clarify acceptance of approved knowledge and skills tests administered to school bus drivers prior to September 30, 2002 for CDL school bus

[1] As pertinent to this rule, a CMV is a motor vehicle used inc ommerce that is designd to transpot at least 16 passengers, including the driver. 49 U.S.C. 31301(4)(B).

endorsements; extend compliance dates for CDL school bus drivers obtaining a school bus endorsement on their CDL; and, give States an additional year to finish administering such knowledge and skills tests to all school bus drivers.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities. Since this rule does not impose any additional costs or burdens on school bus companies or local governments, and no adverse comments were received, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FMCSA determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rule. This rule does not include a Federal mandate likely to result in expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $120.7 million or more annually.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

FMCSA analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule does not create an environmental risk to the health or safety of children.

Executive Order 12630 (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.

Executive Order 13132 (Federalism)

FMCSA analyzed this final rule under the principles and criteria of Executive Order 13132. As discussed earlier in the Background section, Congress initially mandated establishment of CDL school bus endorsements in the Motor Carrier Safety Improvement Act of 1999 (MCSIA). In section 4140 of SAFETEA–LU, Congress mandated that FMCSA-approved tests given before September 30, 2002, be accepted as meeting the requirement for a school bus endorsement, and that States be given an additional year to meet the school bus endorsement requirement of MCSIA. This action merely clarifies procedures and extends compliance dates for CDL school bus drivers obtaining a school bus endorsement on their CDL. Thus, there are no new Federalism impacts associated with this final rule.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FMCSA reviewed this rule and determined it does not change any of the existing information collection requirements.

National Environmental Policy Act (NEPA)

FMCSA reviewed this final rule for the purpose of the NEPA (42 U.S.C. 4321 *et seq.*) and determined that it is categorically excluded from the requirement to prepare an environmental document under Appendix 2, paragraph 6.s(6) of FMCSA's Environmental Order 5610.1C, published March 1, 2004 (69 FR 9680). That exclusion relates to actions taken under regulations which concern requirements for States to give knowledge and skills tests to all qualified applicants for commercial driver's licenses. On that basis, we determined this rule does not have any effect on the quality of the environment.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA) section 176(c), (42 U.S.C. 7401 *et seq.*) and the Environmental Protection Agency's implementing regulations. Under 40 CFR 93.153(c)(2), approval of this action is exempt from the CAA's General conformity requirement since it involves rulemaking and policy development and issuance. This rule will not result in any emissions increase or result in emissions that are above the general conformity rule's minimal emission threshold levels. Further, it is unlikely this rule will increase total CMV mileage, or will change the routing of CMVs, how CMVs operate, or the CMV fleet-mix of motor carriers. This action merely clarifies procedures and extends compliance dates for CDL school bus operators obtaining a school bus endorsement on their CDL.

Executive Order 13211 (Energy Supply, Distribution, or Use)

FMCSA analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. This rule 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.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Highway safety, and Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Highway safety, and Motor carriers.

The Final Rule

Accordingly, the interim regulations published September 28, 2005 at 70 FR 56589, amending Parts 383 and 384 of Subchapter B, Chapter III of Title 49, Code of Federal Regulations, are adopted without further revision.

Issued on: January 10, 2006.

Annette M. Sandberg,

Administrator.

[FR Doc. 06–413 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 71, No. 11
Wednesday, January 18, 2006

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 THE INTERIOR

Bureau of Land Management

43 CFR Part 2930

RIN 1004–AD68

[WO–250–1220–PA–24 1A]

Permits for Recreation on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; correction; extension of comment period.

SUMMARY: This document corrects the regulatory text of a proposed rule published in the **Federal Register** of November 22, 2005, regarding permits for recreation on public lands. First, it corrects two prohibited acts provisions to make it clear that persons who fail to pay a permit fee will incur a maximum penalty of $100, as provided in the Federal Lands Recreation Enhancement Act (the Act), but that those who fail to obtain a permit will be subject to the higher penalties of the Federal Lands Policy and Management Act and other laws, as provided by the Act. Second, it corrects a penalty provision to be consistent with the correction in the prohibited acts provisions. Also, the document extends the comment period in light of the substantive nature of the corrections.

DATES: You should submit your comments by March 20, 2006. BLM will not necessarily consider comments postmarked or received by messenger or electronic mail after the above date in the decisionmaking process on the proposed rule.

ADDRESSES: Mail: Director (630), Bureau of Land Management, Administrative Record, Room 401–LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153. Personal or messenger delivery: Room 401, 1620 L Street, NW., Washington, DC 20036. Federal eRulemaking Portal: *http://www.regulations.gov* Internet e-mail: *comments_washington@blm.gov.* (Include ''Attn: AD68'').

FOR FURTHER INFORMATION CONTACT: Anthony Bobo at (202) 452–0333, as to the substance of the proposed rule, or Ted Hudson at (202) 452–5042, as to procedural matters. Persons who use a telecommunications device for the deaf (TDD) may contact either individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

Correction

In proposed rule FR Doc. 05–23113, beginning on page 70570 in the issue of November 22, 2005 (70 FR 70570), make the following corrections in the regulatory text:

1. On page 70573 in the 2nd and 3rd columns, under item 3 of the regulatory text, correct § 2932.57 by revising paragraphs (b)(1) and (2) to read as follows:

§ 2932.57 Prohibited acts and penalties.

* * * * *

(b) *Penalties.* (1) If you are convicted of any act prohibited by paragraphs (a)(2) through (a)(7) of this section, or of failing to obtain a Special Recreation Permit under paragraph (a)(1) of this section, you may be subject to a sentence of a fine or imprisonment or both for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).

(2) If you are convicted of failing to pay a fee required by paragraph (a)(1) of this section, you may be subject to a sentence of a fine not to exceed $100 for the first offense, or a sentence of a fine and or imprisonment for a Class A or B misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* for all subsequent offenses.

* * * * *

2. In the table at the bottom of page 70573 and the top of page 70574, under item 4 of the regulatory text, correct § 2933.33(d) by revising the first column of paragraphs (1) and (3) to read as follows:

§ 2933.33 Prohibited acts and penalties.

* * * * *

(d) * * *

(1) Failing to obtain a permit under paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(4), (5), or (6) of this section. * * *

* * * * *

(3) Failing to pay a Recreation Use Permit fee required by paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(3) of this section. * * *

Dated: January 10, 2006.

Johnnie Burton,

Acting Assistant Secretary of the Interior.

[FR Doc. 06–402 Filed 1–17–06; 8:45 am]

BILLING CODE 4310–84–M

Notices

Federal Register

Vol. 71, No. 11

Wednesday, January 18, 2006

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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

Summary: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be sent via email to *David_Rostker@omb.eop.gov* or fax to 202–395–7285. Copies of submission may be obtained by calling (202) 712–1365.

Supplementary Information:

OMB Number: OMB 0412–NEW.

Form Number: N/A.

Title: Minority Serving Institution Database.

Type of Submission: New Information Collection.

Purpose: The U.S. Agency for International Development (USAID) requests comment on its proposal to expand its existing automated Extranet database to include voluntary registration of U.S. Minority Serving Institutions (MSIs). The existing application, the Small Business Resource Database (SBRD) was placed into production at the beginning of Fiscal Year 2004. Small and Small and Disadvantaged Business interested in pursuing contracts with USAID may register with the Agency on a voluntary basis. These data are then made available via a secure Extranet conduit to Agency Program, Technical and Contact Officers worldwide. The Agency experienced a significant improvement in the amount of contracting with these entities in Fiscal Year 2004, versus USAID's performance in 2003, and in comparison to the averages for the Executive Branch of the Federal government. The Agency's performance in this regard is published at the following URL: *http://www.sba.gov/GC/goals/Goaling-Report-08-21-2005.pdf*.

USAID proposes to capture the voluntary registration of Minority Serving Institutions (MSIs), who may be interested in pursuing grants with USAID in furtherance of the Agency's international development initiatives. The existing SBRD application, and the Extranet conduit for disseminating these data within USAID would be utilized for this purpose. This action would further the grant-making process and potentially benefit several of the three hundred and fifty-one U.S. MSIs. Additional information regarding the SBRD, which is presently in production, without the proposed expanded registration capability, may be reviewed at the following URL: *http://www.usaid.gov/business/small_business/vendordb.html*.

Annual Reporting Burden:

Respondents: 351.

Total annual responses: 351.

Total annual hours requested: 87.75 hours.

Dated: January 11, 2006.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 06–447 Filed 1–17–06; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development: Comments Requested

Summary: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Dates: Submit comments on or before March 20, 2006.

For Further Information Contact: Beverly Johnson, Bureau for Management, Office of Administrative Services. Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

Supplementary Information:

OMB No.: OMB 412–NEW.

Form No.: N/A.

Title: Mentor-Protégé Program Application.

Type of Review: New Information Collection.

Purpose: The U.S. Agency for International Development (USAID) requests comment on its Mentor-Protégé Program Application. The form will be used to apply for participation in the USAID Mentor-Protégé Program. Firms interested in becoming a mentor firm must apply in writing to the USAID/OSDBU. The application shall be evaluated by the nature and extent of technical and managerial support proposed as well as the extent of financial assistance in the form of equity investment, loans, joint-venture support, and traditional subcontracting support proposed.

The Mentor-Protégé agreement contains:

(1) Name, address, phone, and E-mail of mentor and protégé firm(s) and a point of contact within both firms who will oversee the agreement;

(2) Procedures for the mentor's voluntary withdrawal from the program including notification of the protégé firm and the USAID OSDBU. Withdrawal notification must be in writing, at least 30 days in advance of the mentor's intent to withdraw.

(3) Procedures for a protégé's voluntary withdrawal from the program. The protégé shall notify the mentor firm in writing at least 30 days in advance of the protégé firm's intent to voluntarily terminate the Mentor-Protégé agreement. The mentor shall notify

OSDBU and the contracting officer immediately upon receipt of notice from the protégé;

(4) A description of the type of developmental program that will be provided by the mentor firm to the protégé firm, to include a description of the subcontract work, a schedule for providing assistance, and criteria for evaluation of the protégé's developmental success;

(5) A listing of the number and types of subcontracts to be awarded to the protégé firm;

(6) Program participation term;

(7) Termination procedures;

(8) Plan for accomplishing work should the agreement be terminated; and

(9) Other terms and conditions, as appropriate.

Review of Agreement

(1) OSDBU will review the information to ensure the mentor and protégé are both eligible and the information that is required in this Mentor-Protégé Program Guide is included. OSDBU may consult with the Contracting Officer on the adequacy of the proposed mentor-protégé arrangement, and its review will be completed no later than 30 calendar days after receipt by OSDBU.

(2) Upon completion of the review, the mentor may implement the developmental assistance program.

(3) The agreement defines the relationship between the mentor and protégé firms only. The agreement itself does not create any privity of contract between the mentor or protégé and the USAID.

(a) An approved agreement will be incorporated into the mentor or protégé firm's contract with the USAID. It should be added to the subcontracting plan of the contract.

(b) If the application is disapproved, the mentor may provide additional information for reconsideration. OSDBU will complete review of any supplemental material no later than 30 days after receipt. Upon finding deficiencies the USAID considers correctable, OSDBU will notify the mentor and request information regarding correction of deficiencies to be provided within 30 days.

Annual Reporting Burden:

Total annual responses: 20.

Total annual hours requested: 5.

Dated: January 10, 2006.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 06–448 Filed 1–17–06; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development, One Hundred and Forty-Sixth Meeting; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the one hundred and forty-sixth meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8:30 a.m. to 1 p.m. on February 2, 2006 in the ground floor meeting room of the National Association of State Universities & Land Grant Colleges (NASULGC), at 1307 New York Avenue, NW., Washington, DC.

The BIFAD will hear USAID's briefings on the status and future of USAID's Bureau for Economic Growth, Agriculture and Trade and on the Bureau for Africa's regional strategic framework; discussions on possible topics for policy papers to be commissioned by BIFAD; the status of portfolio of the Collaborative Research Support Programs (CRSPs), and other items of current interest.

The meeting is free and open to the public. Those wishing to attend the meeting or obtain additional information about BIFAD should contact John Rifenbark, the Designated Federal Officer for BIFAD. Write him in care of the U.S. Agency for International Development, Ronald Reagan Building, Office of Agriculture, Bureau for Economic Growth, Agriculture and Trade, 1300 Pennsylvania Avenue, NW., Room 2.11–085, Washington, DC 20523–2110 or telephone him at (202) 712–0163 or fax (202) 216–3010.

John T. Rifenbark,

USAID Designated Federal Officer for BIFAD, Office of Agriculture, Bureau for Economic Growth, Agriculture & Trade, U.S. Agency for International Development.

[FR Doc. 06–458 Filed 1–17–06; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04–105–2]

Melaleuca; Availability of an Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit for the environmental release of the nonindigenous fly *Fergusonina turneri* Taylor and its obligate nematode *Fergusobia quinquenerviae* Davies and Giblin-Davis, which are potential biological control agents of *Melaleuca quinquenervia.* The environmental assessment documents our review and analysis of environmental impacts associated with, and alternatives to, issuing a permit for the environmental release of the fly and its obligate nematode in the continental United States. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

The environmental assessment and finding of no significant impact are also available on the Regulations.gov Web site. Go to *http://www.regulations.gov,* click on the ''Advanced Search'' tab, and select ''Docket Search.'' In the Docket ID field, enter APHIS–2005–0120 then click on ''Submit'' to view the documents.

FOR FURTHER INFORMATION CONTACT: Dr. L. Joseph Vorgetts, Permits Evaluation Specialist, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–5405.

SUPPLEMENTARY INFORMATION:

Background

The Australian broad-leaved paperbark tree, *Melaleuca quinquenervia,* commonly called melaleuca, has become a successful invasive weed in southern Florida because of its ability to produce large quantities of seed. Individual trees bear up to 100 million seeds. Massive, simultaneous seed release occurs after fire or when some other event causes drying of the seed capsules, but a steady seed rain occurs even without such an event. Densities of seedlings may be as

high as 10 million seedlings/hectare (ha), and growth and development of the trees, along with simultaneous self-thinning produces mature stands of 10,000 to 15,000 trees/ha. Individual trees can grow into localized stands. These stands merge with other stands to form expansive monocultures often covering hundreds of acres. Melaleuca has invaded more than a half-million acres in southern Florida and over $25 million has been spent over the past decade to manage it, yet it continues to spread.

Melaleuca was first imported to southern Florida as an ornamental tree around 1900. Later, it was widely planted in wetlands as an inexpensive production method for the nursery trade in an attempt to produce a harvestable commodity. By the late 1970s, melaleuca became recognized as an invasive weed due to its ability to produce large quantities of seed. It was added to the Florida Prohibited Plant List in 1990, and to the Federal Noxious Weed List in 1992.

On October 26, 2004, we published in the **Federal Register** (69 FR 62432–63433, Docket No. 04–105–1) a notice in which we announced the availability, for public review and comment, of an environmental assessment documenting our review and analysis of environmental impacts associated with issuing a permit for the release of the nonindigenous fly *Fergusonina turneri* Taylor (Diptera: Fergusoninidae) and its obligate nematode *Fergusobia quinquenerviae* Davies and Giblin-Davis (Tylenchida: Sphaerulariidae) as biological control agents of melaleuca in the continental United States.

The fly *F. turneri* and the nematode *F. quinquenerviae* have a mutualistic biology that causes galls on plant buds and young leaves of melaleuca. Female flies are infected with parasitic female nematodes, nematode eggs, and nematode juveniles that persist through the life of the female fly. The female fly deposits multiple eggs along with the juvenile nematodes into developing melaleuca buds. These nematodes induce the formation of galls in the bud. Fly larvae then feed on the gall tissue and complete development within the gall. The adult fly will later emerge from a ''window'' in the gall wall, starting the cycle all over again. This process hampers the ability of melaleuca to regenerate by decreasing seed production and reducing survival of melaleuca seedlings and saplings.

We solicited comments on the environmental assessment for 30 days ending on November 26, 2004. We received three comments by that date. One of the commenters supported the recommendations of the environmental assessment. The other two commenters did not address the environmental assessment. Therefore, we are making no changes to the environmental assessment in response to these comments.

In this document, we are advising the public of our decision and finding of no significant impact regarding the use of *F. turneri* and *F. quinquenerviae* to control melaleuca in the continental United States. This decision, which is based on the findings in the environmental assessment, will enable the Animal and Plant Health Inspection Service to issue permits for the field release of *F. turneri* and *F. quinquenerviae* without management constraints or mitigating measures.

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site and in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the environmental assessment and finding of no significant impact by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the environmental assessment when requesting copies.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 11th day of January 2006.

Paul R. Eggert,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–446 Filed 1–17–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0003]

Horse Protection; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service's Animal Care program will host a meeting to present current information on the enforcement of the Horse Protection Act (HPA) and provide a forum for horse industry members and other interested persons to comment on the Horse Protection Program, development of the HPA Operating Plan for 2007 and beyond, and other Horse Protection matters. This notice provides the meeting's agenda, location, and date.

DATES: The meeting will be held from 9 a.m. to 1 p.m. on February 8, 2006. Registration will take place from 8:30 a.m. to 9 a.m.

ADDRESSES: The meeting will be held at the Blue Ribbon Circle Club, 1110 Evans Street, Shelbyville, TN 37160.

FOR FURTHER INFORMATION CONTACT: Mr. Darby G. Holladay, APHIS Legislative and Public Affairs, 4700 River Road Unit 51, Riverdale, MD 20737; (301) 734–3265.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS), Animal Care, is announcing a meeting to discuss the enforcement of the Horse Protection Act (HPA). This meeting is designed to provide a forum for information dissemination on current initiatives by Animal Care. Further, this meeting will provide the opportunity for industry members and other interested parties to provide suggestions for the HPA Operating Plan for 2007 and beyond and comments on other Horse Protection Program matters during the listening session period on the agenda. Each speaker will indicate at registration their intention to address the Deputy Administrator during the listening session and will be allotted a set amount of time. Additional meetings of this type are tentatively scheduled to occur on the following dates and times: March 13, 2006, in Springfield, MO; April 19, 2006 in Dallas, TX; June 12, 2006, in Pomona, CA; September 11, 2006, in Chattanooga, TN; and December 11, 2006, in Riverdale, MD. These meetings will be announced in future **Federal Register** notices.

The meeting will, with the exception of possible minor modifications, follow the agenda below:

8:30 a.m. to 9 a.m.—Registration
9 a.m. to 9:15 a.m.—Welcome and Overview
9:15 a.m. to 11 a.m.—Horse Protection Program Update
11 a.m. to 12:45 p.m.—Listening Session
12:45 p.m. to 1 p.m.—Remarks and Closing

Meeting notices, copies of the Horse Protection Act, HPA regulations, the HPA Operating Plan for 2004–2006, and other relevant documents are available on the Animal Care Web site at *http://www.aphis.usda.gov/ac/hpainfo.html*.

Please note that this meeting is being held to provide for the exchange of information on the enforcement of the Horse Protection Act and is not an opportunity to submit formal comments on proposed rules or other regulatory initiatives. Written comments will be accepted and should be mailed to: USDA, APHIS, Animal Care, 4700 River Road Unit 84, Riverdale, MD 20737.

Done in Washington, DC, this 11th day of January 2006.

Paul R. Eggert,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–444 Filed 1–17–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 05–092–1]

Draft Guidelines on Pharmacovigilance of Veterinary Medicinal Products: Management of Adverse Event Reports (VICH Topic GL24) and Data Elements for Submission of Adverse Event Reports (VICH Topic GL42)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: The International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) has developed two draft guidelines titled ''Pharmacovigilance of Veterinary Medicinal Products: Management of Adverse Event Reports'' and ''Pharmacovigilance of Veterinary Medicinal Products: Data Elements for Submission of Adverse Event Reports.'' These draft guidelines describe, respectively, standardized terminology for the identification of possible adverse events following the use of veterinary medicinal products, and the specific data elements to be used for the submission and exchange of spontaneous adverse event reports between marketing authorization holders (licensees/permittees) and regulatory authorities. Because the draft guidelines apply to pharmacovigilance and adverse event reporting on veterinary vaccines regulated by the Animal and Plant Health Inspection Service under the Virus-Serum-Toxin Act, we are requesting comments on the scope of each guideline and its provisions so that we may include any relevant public input on the drafts in the Agency's comments to the VICH Steering Committee.

DATES: We will consider all comments that we receive on or before March 20, 2006.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2005–0121 to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in *Regulations.gov*.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 05–092–1, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 05–092–1.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*. You may request copies of the draft guidelines ''Pharmacovigilance of Veterinary Medicinal Products: Management of Adverse Event Reports'' and ''Pharmacovigilance of Veterinary Medicinal Products: Data Elements for Submission of Adverse Event Reports'' from the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Center for Veterinary Biologics—Policy Evaluation and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION: The International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) is a unique project conducted under the auspices of the World Organization for Animal Health that brings together the regulatory authorities of the European Union, Japan, and the United States and representatives from the animal health industry in the three regions. The purpose of VICH is to harmonize technical requirements for veterinary products (both drugs and biologics). Regulatory authorities and industry experts from Australia and New Zealand participate in an observer capacity. The World Federation of the Animal Health Industry (COMISA, the Confederation Mondiale de L'Industrie de la Sante Animale) provides the secretarial and administrative support for VICH activities.

The United States Government is represented in VICH by the Food and Drug Administration (FDA) and the Animal and Plant Health Inspection Service (APHIS). The FDA provides expertise on veterinary drugs, while APHIS fills a corresponding role for veterinary biological products. As VICH members, APHIS and FDA participate in efforts to enhance harmonization and have expressed their commitment to seeking scientifically based, harmonized technical requirements for the development of veterinary drugs and biological products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for veterinary drugs and biologics among regulatory agencies in different countries.

Two draft guidelines have been made available by the VICH Steering Committee for comments by interested parties. The first draft guideline, ''Pharmacovigilance of Veterinary Medicinal Products: Management of Adverse Event Reports'' (VICH Topic GL24), is intended to standardize terminology for the identification of possible adverse events following the use of marketed veterinary medicinal products. Because the draft guideline applies to some veterinary biological products regulated by APHIS under the Virus-Serum-Toxin Act—particularly with regard to terminology used for adverse event reporting—we are requesting comments on its provisions so that we may include any relevant public input on the draft in the Agency's comments to the VICH Steering Committee.

The second draft guideline, ''Pharmacovigilance of Veterinary Medicinal Products: Data Elements for Submission of Adverse Event Reports'' (VICH Topic GL42), describes the

specific data elements to be used for the submission and exchange of spontaneous adverse event reports between marketing authorization holders (licensees/permittees) and regulatory authorities. Again, because the draft guideline applies to some veterinary biological products regulated by APHIS under the Virus-Serum-Toxin Act—particularly with regard to the data elements that are required to be included in the Adverse Event Report—we are requesting comments on its provisions so that we may include any relevant public input on the draft in the Agency's comments to the VICH Steering Committee.

The two draft guidelines reflect, respectively, current APHIS thinking on terminology used for the identification of adverse events, and data elements to be used for the submission and exchange of spontaneous Adverse Event Reports between marketing authorization holders (licensees/permittees) and regulatory authorities concerning the clinical effects of marketed veterinary medicinal products. In accordance with the VICH process, once a final draft of each document has been approved, the guideline will be recommended for adoption by the regulatory bodies of the European Union, Japan, and the United States. As with all VICH documents, each final guideline will not create or confer any rights for or on any person and will not operate to bind APHIS or the public. Further, the VICH guidelines specifically provide for the use of alternative approaches if those approaches satisfy applicable regulatory requirements.

Ultimately, APHIS intends to consider the VICH Steering Committee's final guidelines for use by U.S. veterinary biologics licensees, permittees, and applicants. In addition, we may consider the use of each final guideline as the basis for proposed amendments to the regulations in 9 CFR chapter I, subchapter E (Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors). Because we anticipate that applicable provisions of the final versions of ''Pharmacovigilance of Veterinary Medicinal Products: Management of Adverse Event Reports'' and ''Pharmacovigilance of Veterinary Medicinal Products: Data Elements for Submission of Adverse Event Reports'' may be introduced into APHIS' veterinary biologics regulatory program in the future, we encourage your comments on the draft guidelines.

Authority: 21 U.S.C. 151 *et seq.*

Done in Washington, DC, this 11th day of January 2006.

Paul R. Eggert,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–445 Filed 1–17–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will be meeting to review 2005 projects, discuss public outreach methods, and hold a short public forum (question and answer session). The meeting is being held pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393). The meeting is open to the public.

DATES: The meeting will be held on January 24, 2006, 6:30 p.m.

ADDRESSES: The meeting will be held at the Ravalli County Administration Building, 215 S. 4th Street, Hamilton, Montana. Send written comments to Daniel Ritter, District Ranger, Stevensville Ranger District, 88 Main Street, Stevensville, MT 59870, by facsimile (406) 777–7423, or electronically to *dritter@fs.fed.us*.

FOR FURTHER INFORMATION CONTACT: Daniel Ritter, Stevensville District Ranger and Designated Federal Officer, Phone: (406) 777–5461.

Dated: January 10, 2006.

David T. Bull,

Forest Supervisor.

[FR Doc. 06–405 Filed 1–17–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Dockets 62–2005 and 63–2005

Foreign–Trade Zone 61 -- San Juan, Puerto Rico, Expansion of Facilities -- Subzones 61D and 61E, Correction

The **Federal Register** notice (70 FR 74290, 12/15/05) describing the request submitted by the Puerto Rico Trade & Export Company, grantee of FTZ 61, requesting authority to expand the subzones at the Merck, Sharpe & Dohme Quimica De Puerto Rico, Inc. (MSDQ), facilities in Arecibo (Subzone 61D, Docket 62–2005) and Barceloneta (Subzone 61E, Docket 63–2005) areas, is corrected as follows:

Paragraph 8 should read ''A copy of the application and accompanying exhibits will be available during this time for public inspection at the address Number 1 listed above, and at the offices of the Puerto Rico Trade & Export Company, International Trade Center, San Juan Foreign–Trade Zone No. 61 Administration Building, State Rd. No. 165, km. 2.0, Pueblo Viejo Sector, Barrio Amelia, Guaynabo, Puerto Rico, 00965.''

Dated: January 10, 2006.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–474 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–812]

Changed Circumstances Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod From Ukraine: Opportunity To Comment on the Status of Ukraine as a Non-Market Economy Country and Extension of Final Results

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: January 12, 2006.

ACTION: Request for Comments and Extension of Final Results.

SUMMARY: The Department of Commerce is requesting further comment on whether Ukraine should continue to be treated as a non-market economy country for purposes of the antidumping duty law. The final results for this changed circumstance review are therefore extended by thirty days, making the new deadline February 16, 2006. Written comments (original and six copies) should be sent to David Spooner, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, 14th Street and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Lawrence Norton or Shauna Lee-Alaia, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC, 20230; telephone: 202–482–1579 or 202–482–2793, respectively.

Background

On April 2, 2005, the Government of Ukraine's Ministry of Economy and European Integration requested that the Department of Commerce conduct a review of Ukraine's status as a non-market economy (''NME'') country within the context of a changed circumstances review of the antidumping duty order on carbon and certain alloy steel wire rod from Ukraine. In response to this request, the Department initiated a changed circumstances review in order to determine whether Ukraine should continue to be treated as an NME country for purposes of the antidumping law, pursuant to sections 751(b) and 771(18)(C)(ii) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of a Changed Circumstances Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Ukraine*, 70 FR 21396 (April 26, 2005). In its notice of initiation, the Department invited public comment on Ukraine's ongoing economic reforms and received extensive initial and rebuttal comments on July 11, 2005, and August 31, 2005, respectively. These comments have been made available to the public at the Import Administration Web site at the following address: *http://ia.ita.doc.gov/*. In addition, the Department has compiled and analyzed information regarding Ukrainian economic reforms from independent third-party sources that it commonly cites for market economy status decisions.

Opportunity for Public Comment and Extension of Final Results

In order to consider any economic and institutional developments that occurred in Ukraine since the closure of the record in this review that may be of importance to the Department's decision, the Department is inviting further public comment on reforms in Ukraine. Specifically, the Department invites comment on such developments in relation to the factors listed in section 771(18)(B) of the Act, which the Department must take into account in making a market/non-market economy decision:

(i) The extent to which the currency of the foreign country is convertible into the currency of other countries;

(ii) The extent to which wage rates in the foreign country are determined by free bargaining between labor and management;

(iii) The extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country;

(iv) The extent of government ownership or control of the means of production;

(v) The extent of government control over allocation of resources and over price and output decisions of enterprises; and

(vi) Such other factors as the administering authority considers appropriate.

In order to provide opportunity to consider the comments, the Department is extending the deadline for the final results of this changed circumstance review by thirty days, making the new deadline February 16, 2006.

Comments—Deadline, Format, and Number of Copies

The deadline for submission of comments is January 25, 2006. The deadline for rebuttal comments is February 1, 2006. Each person submitting comments should include his or her name and address. To facilitate their consideration by the Department, comments should be submitted in the following format: (1) Begin each comment on a separate page; (2) concisely state the issue identified and discussed in the comment and include any supporting documentation in exhibits or appendices; (3) provide a brief summary of the comment (a maximum of three sentences) and label this section ''summary of comment''; (4) provide an index or table of contents; and (5) include the case number, A–823–812, in the top right hand corner of the submission.

Persons wishing to comment should file a signed original and six copies of each set of comments by the dates specified above. All comments responding to this notice will be a matter of public record and will be available for public inspection and copying at Import Administration's Central Records Unit, Room B–099, between the hours of 8:30 a.m. and 5 p.m. on business days. The Department requires that comments be submitted in written form. The Department recommends submission of comments in electronic media, preferably in Portable Document Format (PDF), to accompany the required paper copies. Comments filed in electronic form should be submitted on CD–ROM as comments submitted on diskettes are likely to be damaged by postal radiation treatment.

Comments received in electronic form will be made available to the public on the Internet at the Import Administration Web site at the following address: *http://ia.ita.doc.gov/*.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482–0866, e-mail: *webmaster-support@ita.doc.gov.*

Dated: January 12, 2006.

David Spooner,

Assistant Secretary for Import Administration.

[FR Doc. 06–461 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Folding Metal Tables and Chairs from the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 11, 2005, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the 2003 - 2004 administrative review of the antidumping duty order on folding metal tables and chairs (FMTCs) from the People's Republic of China (PRC). The period of review (POR) is June 1, 2003, to May 31, 2004. We have now completed the 2003 - 2004 administrative review of the order. Based on comments received, we have made changes in the dumping margin calculations. Therefore, the final results differ from the preliminary results. For details regarding these changes, see the section of this notice entitled ''Changes Since the Preliminary Results.'' The final results are listed below in the ''Final Results of Review'' section.

EFFECTIVE DATE: January 18, 2006.

FOR FURTHER INFORMATION CONTACT: Marin Weaver or Catherine Feig, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482–2336 and (202) 482–3962, respectively.

SUPPLEMENTARY INFORMATION:

Background

The preliminary results in this administrative review were published on July 11, 2005. *See Folding Metal Tables and Chairs from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 39726

(July 11, 2005) (''*Preliminary Results*''). The POR is June 1, 2003, through May 31, 2004. The respondents in this case are Feili Furniture Development Ltd. Quanzhou City, Feili Furniture Development Co., Ltd., Feili Group (Fujian) Co., Ltd., and Feili (Fujian) Co., Ltd. (collectively ''Feili Group''), and New–Tec Integration (Xiamen) Co. Ltd. (''New–Tec''). The domestic interested parties are Meco Corporation (''Meco'') and Cosco Home and Office Products (''Cosco'').

As stated in the *Preliminary Results*, we issued an additional supplemental questionnaire to New–Tec on July 1, 2005. New–Tec responded on July 29, 2005. On August 18, 2005, the Department issued another supplemental questionnaire to New–Tec. On September 7, 2005, in response to New–Tec's August 31, 2005, extension request, the Department granted an extension and also requested additional documentation related to the inventory reconciliation. On September 16, 2005, in response to the Department's requests, New–Tec submitted its responses to both the August 18, 2005, supplemental questionnaire and the additional August 31, 2005, questions. In the *Preliminary Results* the Department applied total adverse facts available to New–Tec. However, on December 1, 2005, the Department issued a margin calculation for New–Tec applying partial adverse facts available. *See* Memorandum to Joseph A. Spetrini; Calculation of an Anti–Dumping Duty Margin of Review and Application of Partial Facts Available with an Adverse Inference for New–Tec Integration (Xiamen) Co., Ltd. (''New–Tec Memo'') (December 1, 2005), *see also* Memorandum to Wendy J. Frankel; Factors–of-Production Valuation for New–Tec Integration (Xiamen) Co., Ltd. Post–Preliminary Results (December 1, 2005) (''New–Tec FOP Memo'') and Memorandum to the File; Calculation Memorandum, New–Tec Integration (Xiamen) Co., Ltd. (''New–Tec Calculation Memo'') (December 1, 2005).

On December 8, 2005, we received case briefs from Meco and the respondents. On December 9, 2005, we received a case brief from Cosco.[1] We received rebuttal briefs from Meco and respondents on December 13, 2005, and from Cosco on December 14, 3005.[2] On December 27, 2005, the Department issued a letter to interested parties soliciting comments on moving indirect employee benefit expenses (*e.g.*, employees provident and other funds, employees gratuity trust fund, workman and staff welfare expense and voluntary retirement compensation) in the surrogate Indian financial statements from direct labor costs to manufacturing overhead costs. Feili Group, New–Tec, Cosco and Meco all responded on December 30, 2005.

Scope of the Order

The products covered by this order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal tables are the following:
   a. Lawn furniture;
   b. Trays commonly referred to as ''TV trays'';
   c. Side tables;
   d. Child–sized tables;
   e. Portable counter sets consisting of rectangular tables 36'' high and matching stools; and
   f. Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28'' to 36'' wide by 48'' to 96'' long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross–braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.
2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross–braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal chairs are the following:
   a. Folding metal chairs with a wooden back or seat, or both;
   b. Lawn furniture;
   c. Stools;
   d. Chairs with arms; and
   e. Child–sized chairs.

The subject merchandise is currently classifiable under subheadings 9401.71.0010, 9401.71.0030, 9401.79.0045, 9401.79.0050, 9403.20.0010, 9403.20.0030, 9403.70.8010, 9403.70.8020, and 9403.70.8030 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Separate Rates Determination for New–Tec

The Department has treated the PRC as a non–market economy (NME) country in all past antidumping duty investigations and administrative reviews. *See, e.g., Final Determination of Sales at Less Than Fair Value: Tetrahydrofurfuryl Alcohol From the People's Republic of China*, 69 FR 34130 (June 18, 2004). A designation as an NME country remains in effect until it is revoked by the Department. *See* section 771(18)(C)(i) of the Tariff Act of 1930, as amended (the Act).

It is the Department's standard policy to assign all exporters of merchandise subject to review in an NME country a single rate unless an exporter can demonstrate an absence of government control, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*); and *Final Determination of Sales at Less Than*

[1] This case brief was timely because one copy was originally filed on December 8, 2005 as ''bracketing not final.''

[2] This rebuttal brief was timely because one copy was originally filed on December 13, 2005 as ''bracketing not final.''

Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this test, exporters in NME countries are entitled to separate, company–specific margins when they can demonstrate an absence of government control over exports, both in law (*de jure*) and in fact (*de facto*). Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: 1) an absence of restrictive stipulations associated with the individual exporter's business and export licenses; 2) any legislative enactments decentralizing control of companies; and 3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control over exports is based on four factors: 1) whether each exporter sets its own export prices independently of the government and without the approval of a government authority; 2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or the financing of losses; 3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and 4) whether each exporter has autonomy from the government regarding the selection of management. *See Silicon Carbide*, 59 FR at 22587, and *Sparklers*, 56 FR at 20589.

New–Tec is a joint venture owned by New–Tec International Inc., a South Korean company, and Xiamen Integration Co., Ltd. New–Tec has placed documents on the record to demonstrate the absence of *de jure* control including its list of shareholders, business license, and the Company Law. Other than limiting New–Tec to activities referenced in the business license, we found no restrictive stipulations associated with the license. In addition, in previous cases the Department has analyzed the Company Law and found that it establishes an absence of de jure control. *See, e.g., Certain Non–Frozen Apple Juice Concentrate from the People's Republic of China: Final Results, Partial Recision and Termination of a Partial Deferral of the 2002–2003 Administrative Review*, 69 FR 65148, 65150 (November 10, 2004). We have no information in this segment of the proceeding which would cause us to reconsider this determination. Therefore, based on the foregoing, we have preliminarily found an absence of *de jure* control for New Tec.

With regard to *de facto* control, New–Tec reported the following: (1) it sets prices to the United States through negotiations with customers and these prices are not subject to review by any government organization; (2) it does not coordinate with other exporters or producers to set the price or determine to which market companies sell subject merchandise; (3) the Chamber of Commerce does not coordinate the export activities of New–Tec; (4) New–Tec's general manager has the authority to contractually bind the company to sell subject merchandise; (5) the board of directors appointed the general manager; (6) there is no restriction on its use of export revenues; and (7) New–Tec's management decides how to dispose of the profits and New–Tec has not had a loss in the last two years. Additionally, New–Tec's questionnaire responses do not suggest that pricing is coordinated among exporters. Furthermore, our analysis of New–Tec's questionnaire responses reveals no other information indicating government control of export activities. Therefore, based on the information provided, we determine that there is an absence of *de facto* government control over New–Tec's export functions.

For the final results of this administrative review, we find an absence of government control, both in law and in fact, with respect to New–Tec's export activities according to the criteria identified in *Sparklers* and an absence of government control with respect to the additional criteria identified in *Silicon Carbide*. Therefore, we have assigned New–Tec a separate rate.

Corroboration of Facts Available

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as facts available. Secondary information is defined as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' See Statement of Administrative Action (''SAA'') accompanying the Uruguay Round Agreements Act ('URAA''), H.R. Doc. No. 103–316 at 870 (1994); see also 19 CFR 351.308(d).

The SAA further provides that the term ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. Thus, in an administrative review, if the Department chooses, as partial adverse facts available (''AFA''), a calculated margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin. The AFA rate used in this review, 70.71 percent, is the current PRC–wide rate originally calculated in the less–than-fair–value investigation and corroborated in the first administrative review. This rate has not been judicially invalidated. Therefore, we consider this rate to be reliable. *See Folding Metal Tables and Chairs From the People's Republic of China: Final Results and Partial Rescission of First Antidumping Duty Administrative Review*, 69 FR 75913, December 20, 2004 (''*FMTCs AR1 Final*''); *see also Notice of Final Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs from the People's Republic of China*, 67 FR 20090, 20091 (April 24, 2002) (*FMTCs Final Determination*).

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Nothing in the record of this review calls into question the relevance of the margin we have selected as AFA. Moreover, the selected margin is the current PRC–wide rate and is currently applicable to exporters who do not have a separate rate. Further, the selected rate of 70.71 percent was the PRC–wide rate for every prior segment of this proceeding. *See FMTCs AR1 Final; see also FMTCs Final Determination.* Thus, it is appropriate to use the selected rate as AFA in this review.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated January 9, 2006, which is hereby adopted by this notice. A list of the issues that parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099 of the main Department of Commerce building. In addition, the Decision

Memorandum can be accessed directly on Import Administration's Web site at *http://.ia.ita.doc.gov.* The paper copy and the electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made changes in the margin calculations for New–Tec and Feili Group. The specific calculation changes can be found in our calculation memoranda dated January 9, 2006. These changes are listed below.

New–Tec

For the final results the Department has revised its calculation of international movement expenses so that ''QTYU'' field is not included and a per–unit international movement expenses calculated. *See* Decision Memorandum at Comment 6. Additionally, as we sated in the New–Tec FOP Memo, we have updated our U.S. deflator for the final results and, therefore, we adjusted our international air freight surrogate values to reflect this change.

Feili Group

For the final results, the Department has revised its surrogate value for wooden pallets using a HTS category for lumber since Feili Group has claimed it makes its pallets. *See* Decision Memorandum at Comment 8. We also changed our surrogate value labor rate to the rate issued by the Department in November 2005, consistent with the wage rate we applied to New–Tec.

New–Tec and Feili Group

We made several changes to the surrogate financial ratios. *See* Decision Memorandum at Comment 1. For the final results we use the revised financial ratios in our margin calculations.

PRC–Wide Entity

Other than finding that New–Tec is no longer part of the PRC–wide entity, we received no comments on and made no changes to our treatment of the PRC–wide entity (including Wok and Pan).

Final Results of Review

We determine that the following weighted–average, *ad valorem*, percentage margins exist for the period June 1, 2003, through May 31, 2004:

Exporter/Manufacturer	Margin (percent)
New–Tec	0.00
Feili Group	0.00
PRC Wide–Rate	70.71

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of the final results of administrative review for all shipments of FMTCs from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be the rates shown above except where the margin is *de minimis*, no cash deposit will be required; (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters will be 70.71 percent; and 4) the cash deposit rate for non–PRC exporters will be the rate applicable to the PRC exporter that supplied that exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment

The Department will determine, and Customs and Border Protection (''CBP'') will assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review. For the companies subject to this review, we calculated customer–specific assessment rates because there is no information on the record that identifies the importers of record. Specifically, for New–Tec and Feili Group we calculated duty assessment rates for subject merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 C.F.R. 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 C.F.R. 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: January 9, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix Issues in Decision Memorandum

List of Comments

I. ISSUES RELATED TO BOTH RESPONDENTS

Comment 1: Financial Ratios

Comment 2: Use of Market–Economy Purchase Prices

Comment 3: Surrogate Labor Rate

II. ISSUES SPECIFIC TO NEW–TEC

Comment 4: Treatment of Zero–Priced Transactions

Comment 5: Application of Total Adverse Facts Available

Comment 6: International Freight Surrogate Value

Comment 7: Application of the International Freight Surrogate Value

III. ISSUES SPECIFIC TO FEILI GROUP

Comment 8: Wood/Pallet Surrogate Value

Comment 9: Billing Adjustments to U.S. Prices

Comment 10: Exclusion of Certain Market–Economy Purchases

[FR Doc. E6–498 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–201–802)

Extension of Time Limit for Preliminary Results and Final Results of the Full Sunset Review of the Antidumping Duty Order on Gray Portland Cement and Clinker from Mexico

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

EFFECTIVE DATES: January 18, 2006.

FOR FURTHER INFORMATION CONTACT: Zev Primor at 202–482–4114 or Edythe Artman at 202–482–3931, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Extension of Time Limits

In accordance with section 751(c)(5)(B) of the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (the Department) may extend the period of time for making its determination by not more than 90 days, if it is determines that the sunset review is extraordinarily complicated. As set forth in 751(c)(4)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order. The sunset review subject to this notice is a review of a transition order. Therefore, Department has determined, pursuant to section 751(c)(5)(C)(v) of the Act, that this sunset review is extraordinarily complicated and will require additional time for the Department to complete its analysis.

The Department's preliminary results of this full sunset review was scheduled for January 23, 2006, and the final results was scheduled for May 31, 2006. They are now being extended until April 24, 2006, and August 29, 2006, respectively. These dates are 90 days from the originally scheduled dates of the preliminary and final results of this sunset review.

This notice is issued in accordance with sections 751(c)(5)(B) and (C)(v) of the Act.

Dated: January 11, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 06–455 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–201–802)

Gray Portland Cement and Clinker from Mexico: Notice of Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 13, 2005, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers one manufacturer/exporter, CEMEX, S.A. de C.V., and its affiliate, GCC Cemento, S.A. de C.V. The period of review is August 1, 2003, through July 31, 2004.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted–average dumping margin is listed below in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: January 18, 2006.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Jeffrey Frank, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3477 or (202) 482–0090, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2005, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. See *Preliminary Results of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico*, 70 FR 54013 (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results*. On October 13, 2005, we received case briefs from the petitioner, the Southern Tier Cement Committee, Holcim Inc., a domestic interested party, and from the respondents, CEMEX, S.A. de C.V. (CEMEX), and GCC Cemento, S.A. de C.V. (GCCC).

Scope of the Order

The products covered by this order include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than being ground into finished cement. Gray portland cement is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item number 2523.29 and cement clinker is currently classifiable under HTSUS item number 2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as ''other hydraulic cements.'' The HTSUS subheadings are provided for convenience and customs purposes only. The Department's written description remains dispositive as to the scope of the product coverage.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review, and to which we have responded, are listed in the Appendix to this notice and addressed in the ''Issues and Decision Memo'' (Decision Memo) from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary for Import Administration, dated January 11, 2006, which is hereby adopted by this notice. The Decision Memo is on file in Import Administration's Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the Decision Memo is available on the Internet at *http://ia.ita.doc.gov*. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have corrected certain programming and ministerial errors in our preliminary results, where applicable. These changes are discussed in the Final Results Analysis Memorandum from the case analyst to the File dated January 11, 2005.

Final Results of Review

We determine that the following weighted–average margin exists for the collapsed parties, CEMEX and GCCC, for the period August 1, 2003, through July 31, 2004:

Exporter/manufacturer	Weighted–average percentage margin
CEMEX/GCCC	42.26

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection

(CBP) shall assess, antidumping duties on all appropriate entries. We will issue appropriate assessment instructions directly to CBP on or after the 41st day after publication of these final results of review. In accordance with 19 CFR 351.212(b), we have calculated an exporter/importer–specific assessment rate. For the sales in the United States through the respondent's affiliated U.S. parties, we divided the total dumping margin for the reviewed sales by the total entered value of those reviewed sales. We will direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of the entries during the review period (see 19 CFR 351.212(b)(1)).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by the company included in the final results of review for which the reviewed company did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see Notice of Policy Concerning Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

Cash–Deposit Requirements

As discussed in the Decision Memo in response to Comment 6, we continue to determine that it is appropriate to require a per–unit cash–deposit amount for entries of subject merchandise produced or exported by CEMEX/GCCC. The following deposit requirements shall be effective upon publication of this notice of final results of administrative review for all shipments of gray portland cement and clinker from Mexico, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) the cash–deposit amount for CEMEX/GCCC will be $26.28 per metric ton; (2) for previously investigated or reviewed companies not listed above, the cash–deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or any previous reviews or the original less–than-fair–value (LTFV) investigation but the manufacturer is, the cash–deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash–deposit rate for all other manufacturers or exporters will continue to be 61.85 percent, which was the ''all others'' rate in the LTFV investigation. See *Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Mexico*, 55 FR 29244 (July 18, 1990). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO are sanctionable violations.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 11, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix Issues in the Decision Memo

1. Revocation
2. Regional Assessment
3. Sales–Below-Cost Test
4. Bag vs. Bulk
5. Swap Sales
6. Cash–Deposit Methodology
7. Ordinary Course of Trade
8. Indirect Selling Expenses
9. Interest Revenue

[FR Doc. E6–484 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend an Export Trade Certificate of Review.

SUMMARY: Export Trading Company Affairs (''ETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or E-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021–B H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 85–12A18.''

A summary of the application for an amendment follows.

Summary of the Application

Applicant: U.S. Shippers Association (''USSA''), 3715 East Valley Drive, Missouri City, Texas 77459, Contact: John S. Chinn, Project Director, Telephone: (734) 927–4328.

Application No.: 85–12A18.

Date Deemed Submitted: January 9, 2006.

The original USSA Certificate was issued on June 3, 1986 (51 FR 20873, June 9, 1986), and last amended on November 5, 2004 (69 FR 67703, November 19, 2004).

Proposed Amendment: USSA seeks to amend its Certificate to:

1. Add each of the following companies as a new ''Member'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)):

(a) Atotech USA, Inc., Rockhill, South Carolina; Bostik, Inc., Wauwatosa, Wisconsin; Hutchinson FTS, Inc., Troy, Michigan; Paulstra CRC Corporation, Grand Rapids, Michigan; Sartomer Company, Inc., Exton, Pennsylvania; Total Lubricants USA, Inc., Linden, New Jersey; and Total Petrochemicals USA, Inc., Houston, Texas. The controlling entity for these seven proposed new members is Total Holdings USA, Inc., Houston, Texas;

(b) Shell Chemical LP, Houston, Texas; Shell Chemicals Americas, Inc., Calgary, Ontario, Canada; and Shell Oil Products Company LLC, Houston, Texas. The controlling entity for these three proposed new members is Royal Dutch Shell plc, The Hague, The Netherlands; and

(c) DeSantis & Associates, Inc., Missouri City, Texas;

2. Delete the following companies as ''Members'' of the Certificate: ConocoPhillips, Borger, Texas; Lyondell Chemicals Worldwide, Inc., Houston, Texas; and Pecten Chemicals, Inc., Houston, Texas; and

3. Change the name of the following Member: ''Resolution Performance Products, LLC, Houston, Texas'' to ''Hexion Specialty Chemicals, Houston, Texas'' (controlling entity: Apollo Management LP, New York, New York).

Dated: January 11, 2006.

Jeffrey C. Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E6–470 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Conference on Weights and Measures: Interim Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of a public meeting of the Conference in January 2006.

SUMMARY: The Interim Meeting of the 91st National Conference on Weights and Measures (NCWM) will be held January 22 through 25, 2006, at the Omni Jacksonville Hotel in Jacksonville, Florida. This meeting is open to the public. Detailed meeting agendas and information on registration requirements, fees and hotel information can be found at *http://www.ncwm.net.* The NCWM is an organization of weights and measures officials of the states, counties, and cities of the United States, Federal Agencies, and private sector representatives. This meeting brings together government officials and representatives of business, industry, trade associations, and consumer organizations to consider subjects related to the field of weights and measures technology, administration and enforcement. Pursuant to (15 U.S.C. 272(b)(6)), the National Institute of Standards and Technology (NIST) supports the NCWM as one of several means it uses to solicit comments and recommendations on revising or updating a variety of publications related to legal metrology and to promote uniformity among the States in laws, regulations, methods, and testing equipment that comprises regulatory control of commercial weighing and measuring devices and practices. Publication of this Notice by the NIST on the NCWM's behalf is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the proposals contained in the notice.

DATES: January 22–25, 2006.

ADDRESSES: The Omni Jacksonville Hotel, Jacksonville, Florida.

SUPPLEMENTARY INFORMATION: The NCWM has the following topics scheduled for discussion and development at its Interim Meeting. At this stage, the items are proposals. This meeting includes work sessions in which Committees take public comments and develop or finalize recommendations for possible adoption in July 2006 at the 91st NCWM Annual Meeting. Committees may also withdraw or carryover items that need additional development. Please see NCWM Publication 15, which is available on the NCWM Web site at *http://www.ncwm.net* for additional information. The following are brief descriptions of some significant agenda items that will be considered at the meeting. Comments will be taken on these items during the public comment sessions to be held at the meeting.

The NCWM Specifications and Tolerances Committee will consider proposed amendments to NIST Handbook 44, ''Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices.'' Those items address weighing and measuring devices that may be used in commercial measurement applications, that is, devices that are normally used to buy from or sell to the general public or used for determining the quantity of product sold among businesses. Issues on the agenda of the NCWM Laws and Regulations Committee relate to proposals to amend NIST Handbook 130, ''Uniform Laws and Regulations in the area of legal metrology and engine fuel quality,'' or NIST Handbook 133, ''Checking the Net Contents of Packaged Goods.'' This notice contains information about significant items on the NCWM Committee agendas so several issues are not presented in this notice so the following items are not consecutively numbered.

NCWM Specifications and Tolerances Committee

The following items are proposals to amend NIST Handbook 44, ''Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices.''

General Code

Item 310–1. Software for Not-Built for Purpose Devices: the issue addresses an extensive series of marking requirements for commercial measurement systems. In particular, the topic examines which marking requirements should apply to electronic instruments not specifically designed for weighing or measuring systems.

Item 310–3. Multiple Weighing or Measuring Elements with a Single Provision for Sealing: the proposal would require new liquid-measuring devices to identify when an adjustment is made to any measuring element which has multiple measuring elements but that is only equipped with a single provision for sealing.

Item 310–4. Applicable Tolerances for Type Evaluation: the issue seeks to clarify the tolerances to be applied

during the type evaluation of weighing and measuring devices.

Scales Code

Item 320–1. Zero Indication; Requirements for Markings or Indications for Other than Digital Zero Indications: this item would clarify the requirement's original intent for marking zero indications on scales and point-of-sale systems where a zero is represented by other than a digital indication of zero.

Item 320–3. Revise Shift Test for Scales: this item would modify requirements for the placement of test weights and test loads on weighing devices.

Item 320–5. Maintenance Tolerances: this item is a proposal to align tolerances in NIST Handbook 44 with recommendations for nonautomatic scales from Organization of International Legal Metrology (OIML).

Item 320–6. Time Dependence Tests: this is a proposal to align the type approval requirements for the time dependence (creep) test for scales and load cells with OIML requirements.

Item 320–8. Computing Scale Interfaced to a Cash Register: this proposal is intended to address the proper interface of computing scales with Electronic Cash Registers (ECRs) and to clarify how each component must display transaction information, function in taking tare, and operate with Price-Look-Up (PLU) capability.

Item 320–11. Acceptable International Symbols: this is a proposal to include a list of accepted international symbols for marking operational controls, indications and features on scales in NIST Handbook 44.

Belt-Conveyor Scale Systems

Item 321–1. Official and As-found Tests: the purpose of this item is to improve the accuracy of these systems by encouraging users to conduct random as-found tests and to improve their recordkeeping concerning scale maintenance and performance.

Liquid-Measuring Devices

Item 330–4. Diversion of Measured Flow: this item is a proposal to revise requirements for valves and piping on liquid measuring devices so that they are consistent through-out the handbook.

Vehicle-Tank Meters

Item 331–3. Temperature Compensation: this proposal would add a number of specifications, test notes, and tolerances to recognize automatic temperature compensation on vehicle-tank meters and specify the tests to be conducted on meters equipped with automatic temperature compensation. Temperature compensation is under consideration by the Laws and Regulations Committee as described below in Item 232–1.

Cryogenic Liquid Measuring Devices 334–1 Provision for Security Seals: this is a proposal to add a requirement that these meters have electronic security seals.

NCWM Laws and Regulations Committee

The following items are proposals to amend NIST Handbook 130, ''Uniform Laws and Regulations—in the Areas of Legal Metrology and Engine Fuel Quality.''

Method of Sale of Commodities Regulation

Item 232–1. Temperature Compensation: add provisions to permit the temperature compensation of refined petroleum products to the volume at 15 °C (60 °F) for deliveries in both wholesale and retail (service station) transactions.

Item 232–2. Biodiesel and Fuel Ethanol Labeling: this item requires the identification and labeling of biodiesel fuels and blends at retail service stations.

Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation

Item 237–1. Premium Diesel Lubricity: this is a proposal to amend the lubricity requirement for premium diesel fuel to make them consistent with the appropriate ASTM standard for this product.

Interpretations and Guidelines and Others

Item 250–2. Guideline for the Method of Sale of Fresh Fruits and Vegetables: this is a proposal to allow farmers' markets and other retailers to sell products by various methods of sale including weight, measure or count.

NIST Handbook 133 ''Checking the Net Contents of Packaged Goods''

Item 260–1. Moisture Loss in Packaged Goods: this item proposes to add guidance regarding moisture loss from packaged goods.

FOR FURTHER INFORMATION CONTACT: Ken Butcher, NIST, Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899–2600. Telephone (301) 975–4859, or e-mail: *kbutcher@nist.gov.*

Dated: January 3, 2006.

William Jeffrey,

Director.

[FR Doc. E6–471 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011106F]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Special Management Zone (SMZ) Monitoring Team.

DATES: The SMZ Monitoring Team meeting will convene at 9 a.m. on Wednesday, February 1 and conclude no later than 2 p.m. on Thursday, February 2, 2006.

ADDRESSES: The meeting will be held at the National Marine Fisheries Service Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408; telephone: (850) 234–6541.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Ron Lukens, SMZ Monitoring Team Chairman; telephone: (228) 875–5912.

SUPPLEMENTARY INFORMATION: The Mississippi Gulf Fishing Banks, Inc. and the Alabama Department of Conservation and Natural Resources/ Marine Resources Division have both petitioned the Gulf of Mexico Fishery Management Council (Council) for Special Management Zone (SMZ) status for artificial reef areas off their respective coasts. SMZ status allows for the implementation of gear restrictions that are required when fishing within a zone. This means that regulations for fishing within an SMZ would be different than regulations for fishing anywhere else in the Gulf of Mexico Exclusive Economic Zone, only with respect to gears.

The Council established the SMZ Monitoring Team to provide technical advice regarding requests from petitioners. The SMZ Monitoring Team meeting will consist of the following discussion topics:

•Reports from petitioners

•Discussion regarding adequacy of the reports to address the FMP Framework Provision

•Discussion of data needs

•Discussion of time and location of public workshops

•Wrap up and general discussion of the process

Although other non-emergency issues not on the agenda may come before the SMZ Monitoring Team for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the SMZ Monitoring Team will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling (813) 348–1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: January 12, 2006.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–456 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011106E]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3-day Council meeting on January 31, and February 1 and 2, 2006, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, January 31, 2006, through Thursday, February 2, 2006, beginning at 9 a.m. on Tuesday and 8:30 a.m. on Wednesday and Thursday.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay,88 Spring Street, Portland, ME; telephone: (207) 775–2311.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, January 31, 2006

Following introductions, the Council will receive reports from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission and the Joint New England and Mid-Atlantic Council Trawl Survey Committee. During the morning session, the Council will review the Habitat Committee's work on development of essential fish habitat (EFH) designation alternatives and alternatives for Habitat Areas of Particular Concern, both under consideration for inclusion in the New England Fishery Management Council's (NEFMC) Omnibus EFH Amendment 2. Following a lunch break, there will be an open public comment period to address items not listed on the agenda. A public hearing is then scheduled to receive comments on the revised proposed action (with additional analyses) under consideration for Amendment 1 to the Atlantic Herring Fishery Management Plan (FMP). This will be followed by a Council vote to approve the final Herring FMP management measures and completion of the Final Environmental Impact Statement.

Wednesday, February 1, 2006

During the morning session of the meeting the Magnuson-Stevens Act Committee will provide recommendations for Council approval concerning NEFMC positions on a bill currently before Congress. This will be followed by a Stock Assessment Public Review Workshop during which the status of whiting, mackerel, and Illex squid will be reviewed along details of the multispecies virtual population analysis used. The remainder the day will be spent on groundfish-related issues. The Council intends to approve final action on Framework Adjustment 42 to the Northeast Multispecies FMP. Measures may include changes to days-at-sea (DAS) allocations or use, possession limits and gear requirements for commercial vessels. They may also address recreational fishing measures, extension of the DAS leasing and transfer programs and Special Access Programs, and possible renewal of the Category B (regular) DAS Program. Framework Adjustment 3 to the Monkfish FMP also will be discussed and possibly approved under the groundfish agenda item, given that it may be incorporated into Framework 42. If approved, measures would prohibit both limited access multispecies and monkfish permit holders from using a multispecies B regular DAS when fishing on a monkfish DAS. A third subject to be addressed during discussions on groundfish involves consideration of a control date for party/charter boats in the Northeast. If approved, vessels participating in the fishery after the control date may be treated differently than those in the fishery prior to implementation of the control date.

Thursday, February 2, 2006

The Council will receive a report on the Ecosystems Pilot Project stakeholder workshops, a presentation on coastal pollution and marine fisheries productivity, and recommendations from the Council's Scientific and Statistical Committee and Social Sciences Advisory Committee about future directions concerning the incorporation of ecosystems principles into fisheries management programs. The Research Steering Committee will report on its review of completed research projects and research priorities for 2006. During the final agenda item the Scallop Committee will ask the Council for approval of a scoping document for Amendment 11 to the Scallop FMP. The intent of the action contemplated is to provide more effective management for the general category scallop fishery and to change the scallop fishing year. Future scallop management actions and their timelines also will be discussed. The Council also will consider and may approve a recommendation from the Capacity Committee to allow permit stacking for limited access scallop vessels.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action

under section 305(c) of the Magnuson-Stevens Act, provided that 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 with disabilities. 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.

Dated: January 12, 2006.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–455 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011106D]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council's (Council) Halibut Charter Guidelines Harvest Level (GHL) Committee will meet in Anchorage, AK.

DATES: The meetings will be held on February 1, 2006, from 8:30 a.m. to 4:30 p.m. and February 2, 2006, from 8:30 a.m. to 12 noon.

ADDRESSES: The meetings will be held at the North Pacific Research Board Conference Room, 1007 W. 3rd Avenue, Suite 100, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Halibut Charter GHL Committee will review the GHL analysis and provide comments to the Council, as well as to provide recommendations to revise the GHL program with the following possible amendments: (1) link GHL to halibut abundance; (2) divide Areas 2C & 3A GHLs into sub-regions; (3) establish a moratorium on new entrants; (4) establish a valid reporting system for the halibut charter fishery.

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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: January 12, 2006.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–451 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011106G]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting of the North Pacific Fishery Management Council (Council)/Alaska Board of Fisheries (BOF).

SUMMARY: The Council/BOF will meet on February 3, 2006 at the Fourth Avenue Theatre.

DATES: The meeting will be held on February 3, 2006, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Fourth Avenue Theatre, 630 West 4th Avenue, Lathrop Room, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda: Discuss proposal for State waters cod fishery near Adak.

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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: January 12, 2006.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–452 Filed 1–17–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0026]

Federal Acquisition Regulation; Submission for OMB Review; Change Order Accounting

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0026).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning change order accounting. This OMB clearance expires on April 30, 2006.

Public comments are particularly invited on: Whether this collection of

information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before March 20, 2006.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeritta Parnell, Contract Policy Division, GSA (202) 501–4082.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR clause 52.243–6, Change Order Accounting, requires that, whenever the estimated cost of a change or series of related changes exceed $100,000, the contracting officer may require the contractor to maintain separate accounts for each change or series of related changes. The account shall record all incurred segregable, direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts are to be maintained until the parties agree to an equitable adjustment for the changes or until the matter is conclusively disposed of under the Disputes clause. This requirement is necessary in order to be able to account properly for costs associated with changes in supply and research and development contracts that are technically complex and incur numerous changes.

B. Annual Reporting Burden

Respondents: *8,750.*
Responses Per Respondent: *18.*
Annual Responses: *157,500.*
Hours Per Response: *.084.*
Total Burden Hours: *13,230.*

C. Annual Recordkeeping Burden

Recordkeepers: *8,750.*
Hours Per Recordkeeper: *1.5.*
Total Recordkeeping Burden Hours: *13,125.*
Total Burden Hours: *26,355.*

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0026, Change Order Accounting, in all correspondence.

Dated: January 10, 2006.

Gerald Zaffos,

Director, Contract Policy Division.

[FR Doc. 06–401 Filed 1–17–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 20, 2006.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: January 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Revision.

Title: Fiscal Operations Report for 2005–2006 and Application to Participate for 2007–2008 (FISAP) and Reallocation Form E40–4P.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 6,172.
Burden Hours: 26,939.

Abstract: This application data will be used to compute the amount of funds needed by each school for the 2007–2008 award year. The Fiscal Operations Report data will be used to assess program effectiveness, account for funds expended during the 2004–2005 award year, and as part of the school funding process. The Reallocation form is part of the FISAP on the web. Schools will use it in the summer to return unexpended funds for 2004–2005 and request supplemental FWS funds for 2005–2006.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2970. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW, Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to IC *DocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements

should be electronically mailed to the e-mail address IC *DocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E6–447 Filed 1–17–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 17, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: Revision.

Title: School Survey on Crime and Safety: 2006 (SSOCS: 2006).

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 2,550.

Burden Hours: 2,703.

Abstract: Authorized under the Education Sciences Reform Act of 2002, the School Survey on Crime and Safety: 2006 (SSOCS) is the only recurring federal survey which collects detailed information on crime and safety from the public school principals' perspective. The survey collects information on frequency and types of crimes at schools and disciplinary actions; information about perceptions of disciplinary problems in school; and a description of school policies and programs concerning crime and safety.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2934. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to IC *DocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to the e-mail address IC *DocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E6–448 Filed 1–17–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information; Early Reading First Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.359A/B.

Dates: Applications Available: January 20, 2006.

Deadline for Transmittal of Pre-Applications: February 20, 2006.

Deadline for Transmittal of Full Applications: May 8, 2006.

Deadline for Intergovernmental Review: July 7, 2006.

Eligible Applicants: Under this competition, eligible applicants are (a) one or more local educational agencies (LEAs) that are eligible to receive a subgrant under the Reading First program (title I, part B, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended (ESEA)); (b) one or more public or private organizations or agencies (including faith-based organizations) located in a community served by an eligible LEA; or (c) one or more eligible LEAs, applying in collaboration with one or more eligible organizations or agencies. To qualify under paragraph (b) of this definition, the organization's or agency's application must be on behalf of one or more programs that serve preschool-age children (such as a Head Start program, a child care program, or a family literacy program such as Even Start, or a lab school at a university), unless the organization or agency itself operates a preschool program.

Estimated Available Funds: $102,087,000.

Estimated Range of Awards: $1,500,000–$4,500,000.

Estimated Average Size of Awards: $3,000,000.

Estimated Number of Awards: 23–68.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: This program supports local efforts to enhance the oral language, cognitive, and early reading skills of preschool-age children, especially those from low-income families, through strategies, materials, and professional development that are grounded in scientifically based reading research.

The specific activities for which recipients must use grant funds are identified in the program statute, which is included in the application package.

Priorities: This competition includes three invitational priorities and one competitive preference priority that are as follows.

Under this competition, we are particularly interested in applications that address the following invitational priorities.

Invitational Priorities: For FY 2006 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Intensity

The Secretary is especially interested in preschool programs that operate full-time, full-year early childhood educational programs, at a minimum of 6.5 hours per day, 5 days per week, 46 weeks per year, and that serve children for the two consecutive years prior to their entry into kindergarten.

Scientifically based research on increasing the effectiveness of early childhood education programs serving children from low-income families tells us that children attending programs that have a greater intensity of service make higher and more persistent gains in the language and cognitive domains than children who attend early childhood programs that have lesser intensity of service. In other words, children who spend more time in high-quality early childhood education programs learn more than children who spend less time in those programs. The purpose of Invitational Priority 1 is to encourage preschool programs supported with Early Reading First funds to provide services that are of a sufficient duration and intensity to maximize language and early literacy gains for children enrolled in those programs.

Invitational Priority 2—Children From Low-Income Families

The Secretary is especially interested in projects in which, in all preschool centers supported by the Early Reading First funds, at least 75 percent of the children enrolled in the preschool qualify to receive free or reduced priced lunches or at least 75 percent of the children enrolled in the elementary school in the school attendance area in which that center is located qualify to receive free or reduced priced lunches.

One of the statutory purposes of the Early Reading First program is to enhance the early language, literacy, and early reading development of preschool-age children, particularly those from low-income families. This invitational priority is intended to increase the likelihood that preschool programs supported with Early Reading First funds serve children primarily from low-income families.

Invitational Priority 3—English Language Acquisition Plan

The Secretary is especially interested, for applicants serving children with limited English proficiency, in applications that include a specific plan for the development of English language proficiency for these children from the start of their preschool experience. The Early Reading First program is designed to prepare children to enter kindergarten with the necessary cognitive, early language, and literacy skills for success in school. School success often is dependent on each child entering kindergarten being as proficient as possible in English so that the child is ready to benefit from formal reading instruction in English when the child starts school.

The English language acquisition plan should, at a minimum: (1) Include a description of the approach for the development of language, based on the linguistic factors or skills that serve as the foundation for a strong language base, which is a necessary precursor for success in the development of pre-literacy and literacy skills for children with limited English proficiency; (2) explain the instructional strategies, based on best available valid and reliable research, that the applicant will use to address English language acquisition in a multi-lingual classroom; (3) describe how the project will facilitate the children's transition to English proficiency by means such as the use of environmental print in appropriate multiple languages and hiring bilingual teachers, paraprofessionals, or translators to work in the preschool classroom; (4) include intensive professional development for instructors and paraprofessionals on the development of English language proficiency; and (5) include a timeline that describes benchmarks for the introduction of the development of English language proficiency and the use of measurement tools.

Ideally, at least one instructional staff member in each Early Reading First classroom should be dual-language proficient both in a child's first language and in English to facilitate the child's understanding of instruction and transition to English proficiency. At a minimum, each classroom should include a teacher who is proficient in English.

Competitive Preference Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from § 75.225 of the Education Department General Administrative Regulations (EDGAR), which apply to this program (34 CFR 75.225).

Competitive Preference Priority—Novice Applicant

For FY 2006 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional five (5) points to a pre-application and an additional five (5) points to a full application meeting this competitive preference priority.

This priority is:

Novice Applicant

The applicant must be a ''novice applicant'' as defined in 34 CFR 75.225.

Program Authority: 20 U.S.C. 6371–6376.

Applicable Regulations: EDGAR in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99 as applicable.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $102,087,000.

Estimated Range of Awards: $1,500,000–$4,500,000.

Estimated Average Size of Awards: $3,000,000.

Estimated Number of Awards: 23–68.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. Eligible Applicants

Under this competition, eligible applicants are (a) one or more LEAs that are eligible to receive a subgrant under the Reading First program (title I, part B, subpart 1, ESEA); (b) one or more public or private organizations or agencies (including faith-based organizations) located in a community served by an eligible LEA; or (c) one or more eligible LEAs, applying in collaboration with one or more eligible organizations or agencies. To qualify under paragraph (b) of this definition, the organization's or agency's application must be on behalf of one or more programs that serve preschool-age children (such as a Head Start program, a child care program, or a family literacy program such as Even Start, or a lab school at a university), unless the organization or agency itself operates a preschool program.

2. Cost Sharing or Matching

This program does not involve cost sharing or matching.

IV. Application and Submission Information

1. Address to Request Application Package

You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain an application via the Internet, use the following Web address: *http://www.ed.gov/programs/earlyreading/applicant.html.*

To obtain a copy from ED Pubs, write or call Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.359A/B.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in section VII of this notice.

2. Content and Form of Application Submission

Requirements concerning the content of the pre-application and the full application, together with the forms you must submit, are in the application package for this competition. All applicants must apply in the pre-application phase; applicants must be invited to submit a full application.

Page Limits: The pre-application narrative and the full application narrative for this program (Part II of the pre- and full applications) are where you, the applicant, address the selection criteria that reviewers use to evaluate your pre- and full applications. You must limit Part II of the pre-application to the equivalent of no more than ten (10) pages and Part II of the full application to the equivalent of no more than thirty-five (35) pages.

Part III of the pre-application is where you, the applicant, provide the Appendices. Pre-application Appendices are limited to the following: A list and a brief description of the existing preschool programs that the proposed Early Reading First project would support; a language acquisition plan, if applicable; and endnote citations for research cited specifically in the pre-application narrative. You must limit the list and the brief description of the existing preschool programs to the equivalent of no more than five (5) pages. You must limit any English language acquisition plan to the equivalent of no more than two (2) pages for the pre-application. No page limit applies to the pre-application endnote citations.

Part III of the full application is where you, the applicant, provide a budget narrative that reviewers use to evaluate your full application. You must limit the budget narrative in Part III of the full application to the equivalent of no more than five (5) pages.

Part IV of the full application is where you, the applicant, provide the Appendices. Full application Appendices are limited to the following: A list and a brief description of the existing preschool programs that the proposed Early Reading First project would support; an English language acquisition plan, if applicable; position descriptions (and resumes or curriculum vitae if available) for up to five (5) key personnel; endnote citations for research cited specifically in the full application narrative; and documentation demonstrating the stakeholder support for the project. You must limit the list and the brief description of the existing preschool programs to the equivalent of no more than five (5) pages. You must limit each resume or curriculum vitae to the equivalent of no more than three (3) pages each, and limit the documentation demonstrating stakeholder support for the project to the equivalent of no more than five (5) pages. You must limit any English language acquisition plan to the equivalent of no more than five (5) pages for the full application.

For all page limits, use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application and budget narratives, including titles, headings, footnotes, quotations, references, and captions included in the body of the narrative.
- Text in endnotes, charts, tables, figures, and graphs may be single-spaced.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch), including text in endnotes, charts, tables, figures, and graphs.

For the full application, the page limits do not apply to the budget form (ED Form 524) in Part III, or to the assurances and certifications, position descriptions, and endnotes in Part IV.

Our reviewers will not read any pages of your pre-application or full application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. Submission Dates and Times

Applications Available: January 20, 2006.

Deadline for Transmittal of Pre-Applications: February 20, 2006.

Deadline for Transmittal of Full Applications: May 8, 2006.

Pre- and full applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: July 7, 2006.

4. Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. Funding Restrictions

We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. Other Submission Requirements

Pre- and full applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Pre- and full applications for grants under the Early Reading First program-CFDA Number 84.359A (pre-application) and CFDA Number 84.359B (full application) must be submitted electronically using the Grants.gov Apply site at: *http://www.grants.gov*

Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your pre- or full application. You may not e-mail an electronic copy of a grant application to us.

We will reject your pre- or full application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the pre- or full application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the pre- or full application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Early Reading First program at: *http://www.grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- 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.
- Applications received by Grants.gov are time and date stamped. Your pre- and full applications must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the pre- or full application deadline date. Except as otherwise noted in this section, we will not consider your pre- or full application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the pre- or full application deadline date. When we retrieve your pre- or full application from Grants.gov, we will notify you if we are rejecting your pre- or full application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the pre- or full application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the pre- or full application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your pre- and any full application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your pre- or full application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see *http://www.grants.gov/GetStarted*). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf*). You also must provide on your pre- and full applications the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit a pre- or full application via Grants.gov.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your pre- and full applications as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.
- Your electronic pre- and full applications must comply with any page limit requirements described in this notice.
- After you electronically submit your pre- or full application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your pre- or full application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your pre- or full application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are prevented from electronically submitting your pre- or full application on the pre- or full application deadline dates because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your pre- or full application electronically, or by hand delivery. You also may mail your pre- and full applications by following the mailing instructions as described elsewhere in this notice. If you submit a pre- or full application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your pre- or full application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your pre- or full application by 4:30 p.m., Washington, DC time, on the pre- or full application deadline date. The Department will contact you after a determination is made on whether your pre- or full application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your pre- or full application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your pre- or full application in paper format, if you are unable to submit a pre- or full application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the pre- or full application deadline date (14 calendar days or, if the fourteenth calendar day before the pre- or full

application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your pre- or full application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the pre- or full application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the pre- or full application deadline date.

Address and mail or fax your statement to: Jill Stewart, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C136, Washington, DC 20202–6132. Telephone: (202) 260–2533; FAX number (202) 260–7764 or Rebecca Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C138, Washington, DC 20202–6132. Telephone: (202) 260–0968; FAX number (202) 260–7764.

Your paper pre- or full application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your pre- or full application to the Department. You must mail the original and two copies of your pre- or full application, on or before the pre- or full application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.359A/B), 400 Maryland Avenue, SW., Washington, DC 20202–4260, or

By mail through a commercial carrier:

U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.359A/B), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your pre- or full application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your pre- or full application is postmarked after the pre- or full application deadline date, we will not consider your pre- or full application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper pre- or full application to the Department by hand. You must deliver the original and two copies of your pre- or full application by hand, on or before the pre- or full application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.359A/B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your pre- or full application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your pre- or full application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the pre- or full application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. Selection Criteria

This program has separate selection criteria for pre-applications and full applications.

A. Pre-Applications

The following selection criterion for pre-applications is from 34 CFR 75.210 of EDGAR. Additional information about this selection criterion is in the application package. The maximum score for the pre-application selection criterion is 100 points.

(i) *Quality of the project design* (0–100 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (34 CFR 75.210(c)(2)(xiii))

(b) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements. (34 CFR 75.210(c)(2)(xiv))

(c) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources. (34 CFR 75.210(c)(2)(xvi))

B. Full Application

The following selection criteria for full applications are from § 75.210 of EDGAR (34 CFR 75.210). Additional information about each of these selection criteria is in the application package. The maximum score for each criterion is indicated after the title of the criterion. The maximum score for the full application selection criteria is 100 points.

(i) *Quality of the project design* (0–60 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (34 CFR 75.210(c)(2)(xiii))

(b) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements. (34 CFR 75.210(c)(2)(xiv))

(c) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources. (34 CFR 75.210(c)(2)(xvi))

(ii) *Quality of project personnel* (0–10 points)

The Secretary considers the quality of the personnel who will carry out the

proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (34 CFR 75.210(e)(1), (2))

In addition, the Secretary considers the following factors:

(a) The qualifications, including relevant training and experience, of the project director or principal investigator. (34 CFR 75.210(e)(3)(i))

(b) The qualifications, including relevant training and experience, of key project personnel. (34 CFR 75.210(e)(3)(ii))

(c) The qualifications, including relevant training and experience, of project consultants or subcontractors. (34 CFR 75.210(e)(3)(iii))

(iii) *Adequacy of resources* (0–5 points)

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(a) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project. (34 CFR 75.210(f)(2)(ii))

(b) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (34 CFR 75.210(f)(2)(iv))

(iv) *Quality of the management plan* (0–15 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (34 CFR 75.210(g)(2)(i))

(b) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (34 CFR 75.210(g)(2)(ii))

(c) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project. (34 CFR 75.210(g)(2)(iv))

(v) *Quality of the project evaluation* (0–10 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(a) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (34 CFR 75.210(h)(2)(i))

(b) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (34 CFR 75.210(h)(2)(iv))

VI. Award Administration Information

1. Award Notices

If your pre-application is successful, we notify you in writing and post the list of successful applicants on the Early Reading First Web site at *http://www.ed.gov/programs/earlyreading/awards.html.* If your full application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your pre-application is not evaluated, or following the submission of your pre-application you are not invited to submit a full application, we notify you. If your full application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting

At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. Early Reading First grantees also are required to meet the annual reporting requirements outlined in section 1225 of the ESEA. For specific requirements on grantee reporting, please go to: *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. Performance Measures

Under the Government Performance and Results Act (GPRA), the Secretary has established the following two measures for evaluating the overall effectiveness of the Early Reading First program: (1) The percentage of preschool-age children participating in Early Reading First programs who achieve significant gains on oral language skills as measured by the Peabody Picture Vocabulary Test-III, Receptive; and (2) the average number of letters that preschool-age children are able to identify as measured by the Upper Case Alphabet Knowledge subtask on the PALS Pre-K assessment.

We will expect all grantees to document their success in addressing these performance measures in the annual performance report described in section VI.3. of this notice.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jill Stewart, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C136, Washington, DC 20202–6132. Telephone: (202) 260–2533 or by e-mail: *Jill.Stewart@ed.gov* or Rebecca Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C138, Washington, DC 20202–6132. Telephone: (202) 260–0968 or by e-mail: *Rebecca.Haynes@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–

888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 12, 2006.

Henry L. Johnson,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 06–446 Filed 1–12–06; 2:47 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Notice Extending the Deadline Date for Transmittal of Applications for the Teaching American History Program Fiscal Year (FY) 2006 Competition

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215X.

SUMMARY: On December 6, 2005, we published in the **Federal Register** (70 FR 72624) a notice inviting applications for the Teaching American History program's FY 2006 competition. The original notice for this FY 2006 competition established a February 3, 2006, deadline date for eligible applicants to apply for funding under this program. For this competition, applicants are required to submit their applications electronically through the Department's Electronic Grant Application System (e-Application). In order to accommodate a move of the e-Application system, which will result in the unavailability of the system on the original deadline date, we are extending the deadline date for transmittal of applications for the Teaching American History program FY 2006 competition.

DATES: *Deadline for Transmittal of Applications:* February 9, 2006. (Applications must be received by e-Application no later than 4:30 p.m., Washington, DC time.)

Note: Applications for grants under the Teaching American History program must be submitted electronically using e-Application available through the Department's e-Grants system. You may not e-mail an electronic copy of a grant application to us. For information about how to submit your application electronically, please refer to section IV. 6. *Other Submission Requirements* in the December 6, 2005 notice (70 FR 72624). We have not extended the deadline for submitting a statement that an applicant qualifies for an exception to the electronic submission requirement.

Deadline for Intergovernmental Review: The deadline date for Intergovernmental Review under Executive Order 12732 is extended to April 10, 2006.

FOR FURTHER INFORMATION CONTACT: Alex Stein, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W206, Washington, DC 20202–5960. Telephone: (202) 205–9085 or by e-mail: *alex.stein@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

SUPPLEMENTARY INFORMATION: Any eligible applicant may apply for funding under this program by the deadline date established in this notice. Eligible applicants that submit their applications for the Teaching American History program FY 2006 competition to the Department before the competition's original deadline date of 4:30 p.m., February 3, 2006, are not required to resubmit their applications or reapply in order to be considered for FY 2006 awards under this program. We encourage eligible applicants to submit their applications as soon as possible to avoid any problems with submitting electronic applications on the deadline date. The deadline for submission of applications will not be extended any further.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 12, 2006.

Nina Shokraii Rees,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E6–505 Filed 1–17–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. 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, February 2, 2006, 6 p.m. to 9 p.m.

ADDRESSES: College Hill Library, Room L–107, Front Range Community College, 3705 W. 112th Avenue, Westminster, Colorado.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Executive Director, Rocky Flats Citizens Advisory Board, 12101 Airport Way, Unit B, Broomfield, CO, 80021; telephone (303) 966–7855; fax (303) 966–7856.

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:

1. Discussion on topics to include in the Board's recommendation on the Final Proposed Plan for Rocky Flats.
2. Discussion on the Board's Legacy Report.
3. Other Board business may be conducted as necessary.

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 Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions 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.

Minutes: The minutes of this meeting will be available for public review and copying at the office of the Rocky Flats Citizens Advisory Board, 12101 Airport Way, Unit B, Broomfield, CO, 80021; telephone (303) 966–7855. Hours of operations are 7:30 a.m. to 4 p.m.,

Monday through Friday. Minutes will also be made available by writing or calling Ken Korkia at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's web site within one month following each meeting at: *http://www.rfcab.org/Minutes.HTML.*

Issued at Washington, DC, on January 11, 2006.

Carol Matthews,

Acting Advisory Committee Management Officer.

[FR Doc. E6–499 Filed 1–17–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2005–0057; FRL–7749–2]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on February 1-3, 2006, in Washington, DC. At this meeting, the NAC/AEGL Committee will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: Allyl chloroformate; cyclohexyl isocyanate; diphosgene; ethyl chloroformate; ethyl chlorothioformate; ethylene oxide; hexafluoropropylene; isobutyl chloroformate; isopropyl chloroformate; methanol; methyl chloroformate; n-butyl chloroformate; propyl chloroformate; sec-butyl chloroformate; silane; sulfuryl chloride; tetrafluoroethylene; tetramethoxy silane; trifluorochloroethylene; trimethoxy silane .

DATES: A meeting of the NAC/AEGL Committee will be held from 9 a.m. to 5 p.m., on February 1, 2006; 8:30 a.m. to 5:30 p.m., on February 2, 2006; and from 8 a.m. to noon, on February 3, 2006.

ADDRESSES: The meeting will be held at the U.S. Department of Labor (Francis Perkins Building) 200 Constitution Ave., NW., Washington, DC 20210, Rooms C5515 IA and IB (Judiciary Square Metro stop).

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Economics, Exposure, and Technology Division (7406M), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8557; e-mail address: *tobin.paul@epa.gov*.

For information on access or services for individuals with disabilities, please contact Paul S. Tobin, Designated Federal Officer (DFO) (please see contact information above), preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State agencies and private organizations, may adopt the AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO 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 (ID) number OPPT–2005–0057. 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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744, and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

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 submit or view public comments, to 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. Meeting Procedures

For additional information on the scheduled meeting, the agenda of the NAC/AEGL Committee, or the submission of information on chemicals to be discussed at the meeting, contact the DFO listed under **FOR FURTHER INFORMATION CONTACT.**

The meeting of the NAC/AEGL Committee will be open to the public. Oral presentations or statements by interested parties will be limited to 10 minutes. Interested parties are encouraged to contact the DFO to schedule presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the DFO at the earliest possible date to ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical-specific information should be directed to the DFO.

III. Future Meetings

Another meeting of the NAC/AEGL Committee is scheduled for May or June 2006 (exact meeting date, site and details will be provided in a future notice.)

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Health.

Dated: December 29, 2005.

Wendy C. Hamnett,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 06–377 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8022–7]

Notice of Public Meeting of the National Environmental Education Advisory Council

Notice is hereby given that the National Environmental Education Advisory Council, established under section 9 of the National Environmental Education Act of 1990 (the Act), will hold a public meeting on February 16 and 17, 2006. The meeting will take place at 1200 Pennsylvania Ave., NW., Washington, DC from 9 a.m. to 5 p.m. on Thursday, February 16th and Friday, February 17th. The purpose of this meeting is to provide the Council with an opportunity to advise EPA's Office of Children's Health Protection and Environmental Education (OCHPEE) and the Office of Environmental Education (OEE) on its implementation of the Act. Members of the public are invited to attend and to submit written comments to EPA following the meeting. For information on facilities or services for the handicapped or to request special assistance at the meetings, please contact the Designated Federal Officer.

For additional information regarding the Council's upcoming meeting, please contact Ginger Potter, Office of Environmental Education (1704A), Office of Children's Health Protection and Environmental Education, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or call (202) 564–0453.

Dated: January 6, 2006.

Ginger Potter,

Designated Federal Official, National Environmental Education Advisory Council.

[FR Doc. E6–469 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8022–8]

Science Advisory Board Staff Office Clean Air Scientific Advisory Committee (CASAC) CASAC Particulate Matter Review Panel; Notification of a Public Advisory Committee Meeting (Teleconference)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Review Panel (Panel) to consider providing the Agency with additional advice and recommendations concerning EPA's proposed revisions to the PM National Ambient Air Quality Standards (NAAQS).

DATES: The teleconference meeting will be held on Friday, February 3, 2006, from 1 to 5 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in number and access code, would like to submit written or brief oral comments or want further information concerning this teleconference meeting should contact Mr. Fred Butterfield, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, via telephone/voice mail: (202) 343–9994, fax: (202) 233–0643, or e-mail at: *butterfield.fred@epa.gov.* General information concerning the CASAC or the EPA SAB can be found on the EPA Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: *Summary:* The CASAC, which is comprised of seven members appointed by the EPA Administrator was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee in part to provide advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and NAAQS under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The CASAC PM Review Panel—which consists of the seven members of the statutory, chartered CASAC supplemented by fifteen subject-matter-expert Panelists—complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

This teleconference meeting is being held for the CASAC to consider providing the Agency with additional advice and recommendations concerning EPA's December 20, 2005, proposal to revise the PM NAAQS.

Background: Under section 108 of the CAA, the Agency is required to establish NAAQS for each pollutant for which EPA has issued criteria, including PM. Section 109(d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. EPA is also to revise the NAAQS, if appropriate, based on the revised criteria.

This teleconference meeting is a continuation of the CASAC PM Review Panel's ongoing advisory activities in this present NAAQS review cycle for particulate matter. The CASAC's most recent final reports to the Administrator on this issue—from the Panel's peer review of the second draft PM Staff Paper and the second draft PM Risk Assessment (EPA–SAB–CASAC–05–007, dated June 6, 2005) and pursuant to the Panel's August 11, 2005, teleconference to review EPA Staff recommendations concerning a potential thoracic coarse PM standard in the final PM Staff Paper (EPA–SAB–CASAC–05–012, dated September 15, 2005)—are posted on the SAB Web site at: (searchable at: *http://www.epa.gov/sab/fiscal05.html*). The Agency proposed revisions to the PM NAAQS on December 20, 2005.

Availability of Meeting Materials: EPA's proposal to revise the PM NAAQS can be accessed at: *http://www.epa.gov/air/particlepollution/actions.html.* In addition, it is expected that this proposed Agency rule will be published in the **Federal Register** on or about January 17, 2006, at: *http://www.gpoaccess.gov/fr/index.html.* Finally, a copy of the draft meeting agenda will be posted at: *http://www.epa.gov/sab/agendas.htm* in advance of this CASAC PM Review Panel teleconference.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the CASAC PM Review Panel to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker with no more than a total of thirty minutes for all speakers.

Interested parties should contact Mr. Butterfield, DFO (preferably via e-mail) at the contact information noted above, by January 27, 2006, to be placed on the public speaker list for the teleconference. *Written Statements:* Written statements should be received in the SAB Staff Office by January 27, 2006, so that the information may be made available to the Panel for their consideration. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Butterfield at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: January 12, 2006.

Anthony Maciorowski,

Acting Director, EPA Science Advisory Board Staff Office.

[FR Doc. E6–467 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0306; FRL–7750–2]

Notice of Filing of a Pesticide Petition for Establishment of a Regulation for Residues of Alpha-Tocopherol in or on Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition for an exemption from the requirement of a tolerance in 40 CFR 180.950 for residues of alpha-tocopherol (CAS Reg. No. 10191–41–0) in or on food commodities when used as an inert ingredient in pesticide products.

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0306 and pesticide petition number (PP) 5E6996, by one of the following methods:

- *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.
- *E-mail*: *opp.docket@epa.gov*.
- *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0306. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–0306. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.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 comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; (703) 305–6304; e-mail: *boyle.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (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. 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then

identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

• Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

• Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

• Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of each pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Exemption from Tolerance

PP 5E6996. BASF Corporation, 100 Campus Drive, Florham Park, NJ 07932, proposes to establish an exemption from the requirement of a tolerance for residues of alpha-tocopherol (CAS Reg. No. 10191–41–0) in or on food commodities when used as an inert ingredient in pesticide products. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 5, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 06–379 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0305; FRL–7750–1]

Notice of Filing of a Pesticide Petition for an Amendment to a Regulation for Residues of Isoxadifen-Ethyl in or on Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition for an amendment to an existing tolerance in 40 CFR 180.570 for residues of isoxadifen-ethyl (ethyl 5,5–diphenyl–2–isoxazoline–3–carboxylate), (CAS Reg. No. 163520–33–0) in or on food commodities when used as an inert ingredient in pesticide products.

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0305 and pesticide petition number (PP) 5E6962, by one of the following methods:

• *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.

• *E-mail*: *opp.docket@epa.gov*.

• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0305. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–0305. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through http://www.regulations.gov or e-mail. The http://www.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 comment. If you send an e-mail comment directly to EPA without going through http://www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information

about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the http://www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; (703) 305–6304; e-mail: *boyle.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (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. 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of each pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

Amendment to Existing Tolerance

PP 5E6962. Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709, proposes to increase the existing tolerances in 40 CFR 180.570 for residues of isoxadifen-ethyl (ethyl 5,5–diphenyl–2–isoxazoline–3–carboxylate), (CAS Reg. No. 163520–33–0) in or on the food commodities corn, field, forage to 0.2 parts per million (ppm); and corn stover to 0.4 ppm when used as an inert ingredient in pesticide products. The liquid chromatography-mass spectrometry/mass spectrometry (LC-MS/MS) analytical method quantifies all analytes from a single sample using isotopically labeled internal standards.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 5, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–409 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0531; FRL–7756–8]

Notice of Filing of a Pesticide Petition for an Amendment Establishing Tolerances for the Residues of the Insecticide Novaluron in or on Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing to amend 40 CFR 180.598 by establishing tolerances for residues of the insecticide novaluron (1–[3–chloro–4–(1,1,2–trifluoro–2–trifluoromethoxyethoxy)phenyl]–3–[2,6–difluorobenzoyl]urea) in or on the food commodities Brassica vegetables, head and stem (Subgroup 5A).

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0531 and pesticide petition number (PP) 4E6834, by one of the following methods:

• *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.

• *E-mail*: *opp.docket@epa.gov*.

• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0531. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–00531. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website 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 comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Barbara Madden, Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; (703) 305–6463; e-mail: *madden.barbara@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (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. 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

• Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

• Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

• Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under

section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

Amendment to Existing Tolerance

PP 4E6834. IR–4, 681 U.S. Highway #1 South, North Brunswick, NJ 08902, proposes to amend 40 CFR 180.598 by establishing tolerances for residues of the insecticide novaluron (1–[3–chloro–4–(1,1,2–trifluoro–2–trifluoromethoxyethoxy)phenyl]–3–[2,6–difluorobenzoyl]urea) in or on the food commodities Brassica vegetables, head and stem (Subgroup 5A)at 0.5 parts per million (ppm). Makhteshim-Agan of North America, Inc., 551 Fifth Avenue, Suite 1100, New York, NY 10176 is the manufacturer and basic registrant of novaluron. Makhteshim-Agan of North America, Inc. prepared and summarized the information in support of this pesticide petition for novaluron. An adequate analytical method, gas chromatography/electron capture detector (GC/ECD), is available for enforcing tolerances of novaluron residues in or on head and stem Brassica vegetables, as recently published in the **Federal Register** of June 2, 2004 (69 FR 31013; FRL–7359–2). The limit of quantitation (LOQ = 0.05 ppm) was taken as the lowest level validated by this method.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 2006.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 06–380 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0546; FRL–7756–9]

Notice of Filing of a Pesticide Petition for an Amendment Establishing Tolerances for the Combined Residues of the Fungicide Trifloxystrobin in or on Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing to amend 40 CFR 180.555 by establishing tolerances for the combined residues of the fungicide trifloxystrobin and the free form of its acid metabolite (CGA–32113) in or on the food commodities barley and oats.

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0546 and pesticide petition number (PP) 3E6769, by one of the following methods:

• *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.

• *E-mail*: *opp.docket@epa.gov*.

• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0546. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–0546. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website 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 comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Shaja Brothers Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460–0001; (703) 308–3194; e-mail: *brothers.shaja@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).
• Animal production (NAICS code 112).
• Food manufacturing (NAICS code 311).
• Pesticide manufacturing (NAICS code 32532).

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B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

• Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
• Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
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• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
• Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

Amendment to Existing Tolerance

PP 3E6769. IR–4, 681 U.S. Highway #1 South, North Brunswick, NJ 08902, proposes to amend 40 CFR 180.555 by establishing tolerances for the combined residues of the fungicide trifloxystrobin and the free form of its acid metabolite (CGA–32113) in or on the food commodities barley, grain at 0.05 parts per million (ppm); barley, hay at 0.3 ppm; barley, straw at 5.0 ppm; oat, forage at 0.3 ppm; oat, grain at 0.05 ppm; oat, hay at 0.3 ppm; and oat, straw at 5.0 ppm. A practical analytical methodology for detecting and measuring levels of trifloxystrobin in or on food commodities has been submitted to the EPA. The limit of detection (LOD) for each analyte of this method is 0.08ng injected, and the limit of quantitation (LOQ) is 0.02 ppm. The method is based on crop specific cleanup procedures and determination by gas chromatography with nitrogen-phosphorus detection.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 4, 2006.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 06–383 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0547; FRL–7757–1]

Notice of Filing of a Pesticide Petition for an Amendment Establishing Tolerances for the Combined Residues of the Fungicide Triflumizole in or on Filberts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing to amend 40 CFR 180.476 by establishing tolerances for the combined residues of the fungicide triflumizole and its metabolites containing the 4–chloro–2–trifluoromethylaniline moiety in or on the food commodity filberts.

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0547 and pesticide petition number (PP) 3E6535, by one of the following methods:

• *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.
• *E-mail*: *opp.docket@epa.gov*.
• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0547. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–0547. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website 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 comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Shaja Brothers Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; (703) 308–3194; e-mail: *brothers.shaja@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

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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. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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2. *Tips for preparing your comments*. When submitting comments, remember to:

• Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
• Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
• Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
• Describe any assumptions and provide any technical information and/or data that you used.
• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
• Provide specific examples to illustrate your concerns, and suggest alternatives.
• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
• Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the

''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

Amendment to Existing Tolerance

PP 3E6535. IR–4, 681 U.S. Highway #1 South, North Brunswick, NJ 08902, proposes to amend 40 CFR 180.476 by establishing tolerances for the combined residues of the fungicide triflumizole and its metabolites containing the 4–chloro–2–trifluoromethylaniline moiety in or on the food commodity filberts at 0.05 parts per million (ppm). The analytical method is suitable for analyzing crops for residues of triflumizole and its aniline containing metabolites at the proposed tolerance levels. The analytical method has been independently validated. Residue levels of triflumizole are converted to FA–1–1 by acidic and alkaline reflux, followed by distillation. Residues are then extracted and subjected to SPE purification. Detection and quantitation are conducted by a gas chromatography equipped with nitrogen phosphorus detector, electron capture detector or mass spectrometry detector. The limit of quantitation of the method has been determined at 0.05 ppm for the combined residues of triflumizole and FA–1–1 in filberts. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual, Vol. II (PAM II).

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 2006.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 06–384 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2005–0303; FRL–7755–9]

Notice of Filing of a Pesticide Petition for the Establishment of an Exemption from the Requirement of a Tolerance for the Microbial Pesticide *Bacillus mycoides* isolate J in or on Sugar Beets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of an exemption from the requirement of a tolerance for the microbial pesticide *Bacillus mycoides* isolate J in or on sugar beets.

DATES: Comments must be received on or before February 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2005–0303 and pesticide petition number (PP) 5G6983 by one of the following methods:

• *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.

• *E-mail*: *opp.docket@epa.gov*.

• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2005–0303. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2005–0303. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website 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 comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. 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. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/docket.htm/*.

Docket: All documents in the docket are listed in the www.regulation.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Anne Ball, Biopesticides and Pollution Prevention Division, (7511C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; (703) 308–8717; e-mail: *ball.anne@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (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. 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

• Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

• Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

• Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Exemption from Tolerance

PP 5G6983. Montana Microbial Products, 510 East Kent Ave., Missoula, MT 59801, proposes to establish an exemption from the requirement of a tolerance for residues of the microbial pesticide Bacillus mycoides isolate J, in or on the food commodity sugar beets. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 2006.

Phillip Hutton,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. E6–468 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

EPA–HQ–OPPT–2006–0011; FRL–7758–1

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from December 8, 2005 to December 31, 2005, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments, identified by the docket ID number EPA–HQ–OPPT–2006–0011 and the specific PMN number or TME number, must be received on or before February 17, 2006.

ADDRESSES: Comments/may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter

of the premanufacture notices addressed in the action. 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 (ID) number EPA–HQ–OPPT–2006–0011. 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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744, and the telephone number for the OPPT Docket, which is located in the EPA Docket Center, is (202) 566–0280.

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/*.

EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005 by an enhanced federal-wide electronic docket management and comment system located at *http://www.regulations.gov/*. Follow the on-line instructions.

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 submit or 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.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. 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. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose 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 EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number EPA–HQ–OPPT–2006–0011. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to *oppt.ncic@epa.gov*, Attention: Docket ID Number EPA–HQ–OPPT–2006–0011 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official

public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2006–0011 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from December 8, 2005 to December 31, 2005, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 47 PREMANUFACTURE NOTICES RECEIVED FROM: 12/08/05 TO 12/31/05

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–06–0172	12/08/05	03/07/06	CBI	(G) Component of foam	(G) Fatty acid polymer with aliphatic diol and aromatic diacid
P–06–0173	12/08/05	03/07/06	Altair Nanomaterials, Inc.	(G) Anode for L1 ion Battery	(S) Lithium titanium oxide (li4ti5o12)
P–06–0174	12/08/05	03/07/06	Raybo Chemical Company	(S) Corrosion inhibitor	(G) Amine salt of an organic acid
P–06–0175	12/08/05	03/07/06	CBI	(G) Component of foam	(G) Fatty acid polymer with aliphatic diol and aromatic diacid
P–06–0177	12/09/05	03/08/06	Forbo Adhesives, LLC	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polyester polyether urethane polymer
P–06–0178	12/12/05	03/11/06	CBI	(G) Open, non-dispersive use.	(G) Fatty acid modified polyester resin
P–06–0179	12/12/05	03/11/06	CIBA Specialty Chemicals Corporation	(S) Coloring agent for paints, lacquers and varnishes (printing inks)	(G) Benzofurandione bis alkyl dinitroaryl hydrazone
P–06–0180	12/15/05	03/14/06	CBI	(G) Open non-dispersive (resin)	(G) Unsaturated aliphatic urethane acrylate

I. 47 PREMANUFACTURE NOTICES RECEIVED FROM: 12/08/05 TO 12/31/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–06–0181	12/15/05	03/14/06	CBI	(S) Coatings application	(G) Hydroxyl functional acrylic polyol
P–06–0182	12/15/05	03/14/06	Hercules Incorporated	(G) Papermaking chemical	(G) Alkyl ester
P–06–0183	12/15/05	03/14/06	Hercules Incorporated	(G) Papermaking chemical	(G) Alkyl ester
P–06–0184	12/16/05	03/15/06	CBI	(G) Open, non-dispersive use	(G) Styrene-acrylate- methacrylate copolymer
P–06–0185	12/16/05	03/15/06	CBI	(S) Fiber reactive dye for cellulosic fibers	(G) Substituted polycyclic-acid, ((((halo-((substituted)phenyl)amino) -heterocycle)amino- sulfophenyl)azo)-hydroxy-alkyl-substituted-, sodium salt
P–06–0186	12/19/05	03/18/06	CBI	(G) Polymeric binder	(G) Styrene-methacrylate copolymer, metal salt
P–06–0187	12/19/05	03/18/06	CBI	(S) Ultra violet curable coating formulations	(G) Brominated epoxy acrylate
P–06–0188	12/19/05	03/18/06	CBI	(G) Papermaking additive	(G) Refined corn fiber
P–06–0189	12/19/05	03/18/06	CBI	(S) Site limited intermediate to manufacture ts 05s0k7	(S) Propanenitrile, 3-[2-(2-methoxyethoxy)ethoxy]
P–06–0190	12/19/05	03/18/06	CBI	(S) Intermeiate in the synthesis of a colorant	(S) 1-propanamine, 3-[2-(2-methoxyethoxy)ethoxy]-
P–06–0191	12/19/05	03/18/06	CBI	(S) Polymerization initiator	(S) Propanamide, 2,2′-azobis[n-(2-hydroxyethyl)-2-methyl-
P–06–0192	12/20/05	03/19/06	CBI	(G) Industrial viscosity modifier	(S) Tall-oil pitch, unsaponifiables, distn. lights
P–06–0193	12/20/05	03/19/06	CBI	(G) Industrial viscosity modifier.	(S) Tall-oil pitch, unsaponifiables, distn. middle fraction
P–06–0194	12/20/05	03/19/06	CBI	(G) Industrial viscosity modifier.	(S) Tall-oil pitch, unsaponifiables, distn. residues
P–06–0195	12/22/05	03/21/06	CBI	(G) Contained use in energy production.	(G) Polyacrylate
P–06–0196	12/22/05	03/21/06	The Dow Chemical Company	(G) Cast polyurethane elastomers for industrial wheels and tires, mechanical parts and recreation wheels	(G) Tdi prepolymer based on hybrid caprolactone polyol
P–06–0197	12/22/05	03/21/06	The Dow Chemical Company	(G) Cast polyurethane elastomers for industrial wheels and tires, mechanical parts and recreation wheels	(G) Tdi prepolymer based on hybrid caprolactone polyol
P–06–0198	12/23/05	03/22/06	CBI	(G) Industrial adhesive	(G) Isocyanate functional urethane prepolymer
P–06–0199	12/23/05	03/22/06	CBI	(G) Open, non-dispersive use	(G) Oxabicycloalkane carboxylic acid alkanediyl ester
P–06–0200	12/23/05	03/22/06	CBI	(G) Lubricant additive	(G) Hydroxy carboxylic acid amide, n,n-dialkyl derivatives.
P–06–0201	12/27/05	03/26/06	CBI	(G) Synthetic lubricant base stock	(G) Hydrogenated polyalphaolefins
P–06–0202	12/27/05	03/26/06	CBI	(G) Paint additive	(G) Polyurethane
P–06–0203	12/27/05	03/26/06	CBI	(G) Pigment dispersant	(G) Polyisobutenyl succinimide
P–06–0204	12/27/05	03/26/06	CBI	(G) Dispersive use; fiber additive	(G) Fatty acid, alkyl ester
P–06–0205	12/28/05	03/27/06	Gelest, Inc.	(S) Blended to form a mixture for the preservation of electrical cables; research; chromatography column preparations	(S) Butanenitrile, 4-(dimethoxymethylsilyl)-2-methyl-
P–06–0206	12/28/05	03/27/06	CBI	(G) Monomer for textile treatment additive	(G) fluoroalkyl acrylat
P–06–0207	12/28/05	03/27/06	CBI	(G) Textile treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0208	12/28/05	03/27/06	CBI	(G) Textile treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0209	12/28/05	03/27/06	CBI	(G) Cosmetic uses	(G) 2-propenoic acid, 2-methyl-, amino alkyl ester, polymer with butyl 2-propenoate, amino alkyl ethyl ester 2-methyl-2-propenoate, ethane, 2-ethylhexyl 2-propenoate, methyl 2-methyl-2-propenoate, 1,2-propanediol mono(2-methyl-2-propenoate) and 2-propenoic acid, potassium salt
P–06–0210	12/29/05	03/28/06	CBI	(S) Site-limited intermdiate	(G) Sulfonated petroleum distillate
P–06–0211	12/28/05	03/27/06	CBI	(G) Textile treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0212	12/28/05	03/27/06	CBI	(G) Nonwoven internal additive	(G) Fluoroalkylacrylate copolymer
P–06–0213	12/28/05	03/27/06	CBI	(G) Carpet treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0214	12/28/05	03/27/06	CBI	(G) Paper treatment additive	(G) Fluoroalkylacrylate copolymer

I. 47 PREMANUFACTURE NOTICES RECEIVED FROM: 12/08/05 TO 12/31/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–06–0215	12/28/05	03/27/06	CBI	(G) Textile treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0216	12/28/05	03/27/06	CBI	(G) Carpet treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0217	12/28/05	03/27/06	CBI	(G) Textile treatment additive	(G) Fluoroalkylacrylate copolymer
P–06–0218	12/29/05	03/28/06	CBI	(G) Coating	(G) Polyalcycloglycol acrylate
P–06–0219	12/29/05	03/28/06	CBI	(G) Dispersive use	(G) Salt of a sulfonated petroleum distillate polymer

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 29 NOTICES OF COMMENCEMENT FROM: 12/08/05 TO 12/31/05

Case No.	Received Date	Commencement Notice End Date	Chemical
J–04–0004	12/14/05	11/14/05	(G) Recombinant microorganism
P–01–0571	12/14/05	11/24/05	(S) Fatty acids, C_{18}-unsaturated, dimers, di-me esters, hydrogenated, polymers with polymethylenephenylene isocyanate, polypropylene glycol and trimethylolpropane
P–02–0521	12/19/05	01/21/05	(G) Substituted butadiene-styrene polymer
P–03–0136	12/19/05	12/13/05	(G) Substituted aromatic ketone
P–03–0791	12/12/05	11/30/05	(G) Ethylene interpolymer
P–04–0055	12/22/05	12/05/05	(G) Multifunctional acrylate oligomer resin
P–04–0620	12/07/05	11/16/05	(S) Fatty acids, C_{18}-unsaturated, dimers, polymers with C_{36}-alkylenediamines, ethylenediamine, polypropylene glycol diamine and sebacic acid
P–04–0812	12/21/05	11/07/05	(S) Silane, dichloromethyl[1-(methylphenyl)ethyl]-
P–04–0813	12/21/05	11/15/05	(S) Silane, dimethoxymethyl[2-(methylphenyl)ethyl]-
P–04–0862	12/29/05	12/16/05	(G) Benzene alkylate
P–05–0202	12/27/05	12/12/05	(G) Sulfonated azo dye
P–05–0203	12/27/05	12/12/05	(G) Sulfonated azo dye
P–05–0541	12/30/05	12/19/05	(G) Aliphatic polyurethane resin
P–05–0587	12/19/05	12/15/05	(S) Endo-1,4-.beta.-xylanase
P–05–0616	12/28/05	11/30/05	(S) Thiols, C_{8-10}-tertiary, C_9-rich, manufacture of, distn. residues
P–05–0622	12/23/05	12/02/05	(G) Octadecanoic acid, 12-hydroxy-, ion(1-), salts with alkyl acrylate-glycidyl methacrylate-hydroxyalkyl acrylate-me methacrylate-styrene polymer-2,2′-thiobis[ethanol] reaction products lactates (salts)
P–05–0695	12/14/05	11/13/05	(G) Copolymer of acrylonitrile, methyl methacrylate and monosubstituted acrylamide
P–05–0697	12/12/05	11/29/05	(G) Polyether polyurethane derivative polymer
P–05–0713	12/12/05	11/23/05	(G) Alkyl ester
P–05–0719	12/08/05	11/22/05	(G) Polymer of carbomonocyclic diisocyanate, a modified polyalkene, hydroxyalkane and a substituted alkoxysilane
P–05–0746	12/19/05	12/07/05	(G) Polyalphaolefins
P–05–0747	12/19/05	12/07/05	(G) Polyalphaolefins
P–05–0748	12/19/05	12/07/05	(G) Polyalphaolefins
P–05–0749	12/19/05	12/09/05	(G) Polyalphaolefins
P–05–0750	12/19/05	12/07/05	(G) Polyalphaolefins
P–05–0758	12/19/05	12/05/05	(G) Acrylic solution polymer
P–05–0767	12/16/05	12/05/05	(G) Substituted cyclopropylcarboxylic acid ester
P–97–0493	12/28/05	12/05/05	(G) Alkyl phosphate ester
P–98–0604	12/14/05	11/21/05	(G) Inorganic layer polymer

List of Subjects

Environmental Protection, Chemicals, Premanufacturer Notices.

Dated: January 10, 2006.

Carolyn Thornton,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 06–378 Filed 1–17–06; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

January 5, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 20, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov*. If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0979.

Title: Spectrum Audit Letter.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions and state, local or tribal governments.

Number of Respondents: 310,000.

Estimated Time Per Response: .5 hours.

Frequency of Response: One time reporting requirement.

Total Annual Burden: 155,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: No.

Needs and Uses: This collection will be submitted as an extension (after this 60 day comment period) to OMB in order to obtain the full three year clearance.

The information collected is required for an audit of the construction and operational status of various Wireless Radio services in the Commission's licensing database that are subject to rule-based construction and operational requirements. The Commission's rules for these radio services require construction within a specified timeframe and require a station to remain operational in order for the license to remain valid.

OMB Control No.: 3060–0824.

Title: Service Provider Identification Number and Contact Form.

Form No.: FCC Form 498.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 5,000.

Estimated Time Per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 7,500 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: This collection will be submitted as a revision (after this 60 day comment period) to OMB in order to obtain the full three year clearance. FCC Form 498 enables participants to request a Service Provider Identification Number (SPIN) and provides the official record for participation in the universal service support mechanisms. The general and remittance contact information provided by participants on the FCC Form 498 enables the Universal Service Administrative Company (USAC) to send service providers their payments. Based on administrative and operational experience, and feedback from the community of service providers, FCC Form 498 is being revised to more clearly present and collect the information being requested. Clarification statements have been added and language has been simplified to make the collection of the information required easier for the participants. This has resulted in a net decrease in burden hours for the respondents.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–323 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

January 5, 2006.

SUMMARY: The Federal Communications Commission, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13, and as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 17, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Leslie F. Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov*. If you would like to obtain or view a copy of this revised information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collection(s), contact Leslie F. Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1015.

Title: Ultra Wideband Transmission Systems Operating under Part 15.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; Not-for-profit institutions.

Number of Respondents: 150.

Estimated Time per Response: 1 hour.

Frequency of Response: One time and on occasion reporting requirements; Third party disclosure.

Total Annual Burden: 150 hours.

Total Annual Costs: $7,500.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On February 13, 2003, the FCC adopted a *Memorandum Opinion and Order (MO&O) and Further Notice of Proposed Rule Making,* in the Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission System, ET Docket No. 98–153. Section 15.525—Coordination requirements—the Commission revised the rules to the effect that initial operation in a particular area does not require prior approval from the FCC to operate the equipment. The *First Report and Order* required operators of the Ultra Wideband (UWB) imaging systems to coordinate with other Federal agencies via the FCC and to obtain approval before the UWB equipment may be used. Under the rules adopted in the MO&O, initial operation in a particular area may not commence until the information has been sent to the Commission and no prior approval is required. The information will be used to coordinate the operation of the Ultra Wideband transmission systems in order to avoid interference with sensitive U.S. government radio systems. The UWB operators will be required to provide the name, address and other pertinent contact information of the user, the desired geographical area of operation, and the FCC ID number, and other nomenclature of the UWB device. This information will be collected by the Commission and forwarded to the National Telecommunications and Information Administration (NTIA under the U.S. Department of Commerce. This information collection is essential to controlling potential interference to Federal radio communications. Since initial operation in a particular area does not require prior approval from the FCC to operate the equipment, we have reduced the amount of time per response to 1 hour.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–324 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

January 5, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 20, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0250.

Title: Sections 74.784 and 74.1284, Rebroadcasts.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents: 500.

Estimated Time per Response: 30 minutes.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 250 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 74.784 requires licensees of low power television and TV translator stations to notify the FCC when rebroadcasting programs or signals of another station and to certify that written consent has been obtained from originating station. The FCC staff uses the data to ensure compliance with section 325(a) of the Communications Act, as amended. 47 CFR 74.1284 requires that the licensee of a FM translator station obtain prior consent to rebroadcast programs of any FM broadcast station or other FM translator. The licensee must notify the Commission of the call letters of each station rebroadcast and must certify that written consent has been received from the licensee of that station.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–325 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comment Requested

January 9, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as

required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 20, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0161.

Title: Section 73.61, AM Directional Antenna Field Strength Measurements.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,890.

Estimated Time per Response: 4 hours.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 36,020 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 73.61 requires that each AM station using directional antennas to make field strength measurement as often as necessary to ensure proper directional antenna system operation. Stations not having approved sampling systems make field strength measurements every three months. Stations with approved sampling systems must take field strength measurements as often as necessary. Also, all AM station using directional signals must take partial proofs of performance as often as necessary. The FCC staff used the data in field inspections/investigations. AM licensees with directional antennas use the data to ensure that adequate interference protection is maintained between stations and to ensure proper operation of antennas.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–390 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–10–M

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 02–386; DA 05–3174]

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

AGENCY: Federal Communications Commission.

ACTION: Notice; comments requested.

SUMMARY: In this document, the Consumer & Governmental Affairs Bureau (Bureau) seeks comment on Mid America Computer Corporation's (MACC's) Petition for expedited interim waiver, on behalf of its client companies, of the Commission's Customer Account Record Exchange (CARE) rules. The Petition asks the Commission to consider waiving the requirement that carriers indicate that the customer's account is subject to a preferred interexchange carrier (PIC) freeze, and the requirement that carriers notify the interexchange carrier that the PIC change order is rejected as mandated by the CARE rules.

DATES: Comments are due on or before February 2, 2006, and reply comments are due on or before February 13, 2006.

ADDRESSES: You may submit comments, identified by [docket number and/or rulemaking number], by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- Mail: Parties who choose to file by paper should also submit their comment on diskette. These diskettes should be submitted, along with three paper copies to Kelli Farmer, Consumer & Governmental Affairs Bureau, Policy Division, 445 12th Street, SW., Room 5-A866, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible formatted using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case CG Docket No. 02–386), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: ''Disk Copy-Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lisa Boehley, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418–7395 (voice), *Lisa.Boehley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 05–3174, released December 12, 2005 regarding a petition filed by MACC against a *Report and Order and Further Notice of Proposed Rulemaking* the Commission released on February 25, 2005, published at 70 FR 32258 (June 2, 2005). The full text of document DA 05–3174, the MACC's submission, and copies of 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. Document DA

05–3174, the MACC's submission, and copies of subsequently filed documents in this matter may also be purchased from the Commission's contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their Web site *http://www.bcpiweb.com* or call 1–800–378–3160. A copy of the MACC's submission may also be found by searching ECFS at *http://www.fcc.gov/cgb/ecfs* (insert CG Docket No. 02–386 into the proceeding block).

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), 202–418–0432 (TTY). Document DA 05–3174 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/cgb/policy.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Synopsis

On December 2, 2005, Mid America Computer Corporation (MACC) filed a petition on behalf of its client companies for expedited, interim waiver of requirements set forth in § 64.4002 of the Commission's customer account record exchange (CARE) rules. *See* Petition for Expedited Interim Waiver of § 64.4002 of the Commission's rules, filed by MACC, December 2, 2005 (Waiver Request). *See also* 47 CFR 64.4002 of the Commission rules. The CARE rules generally require interexchange carriers (IXCs) and local exchange carriers (LECs) to exchange certain customer account information that the Commission has determined is needed by carriers to properly bill their customers and to execute carrier change requests in a timely and efficient manner. *See* Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange *Carriers, Report and Order and Further Notice of Proposed Rulemaking,* 20 FCC Record 4560 (released February 25, 2005). The CARE rules became effective on September 21, 2005. *See* Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, published at 70 FR 55302 (September 21, 2005).

MACC states that it provides billing and data processing services to small, rural incumbent LECs and, more recently, to competitive LECs that provide local and long distance telephone services. On behalf of its approximately 275 client companies, MACC asks the Commission for an interim waiver of subsection 64.4002(a)(7) and § 64.4002(c) of the Commission's CARE rules until September 1, 2006. Subsection 64.4002(a)(7) of the Commission's rules requires a LEC, upon receiving and processing a PIC selection submitted by a customer and placing the customer on the network of the customer's preferred IXC at the LEC's local switch, to provide certain customer account information to the IXC concerning the IXC's new customer. This would include, as relevant here, a notification that the IXC customer's account is subject to a PIC freeze. *See* 47 CFR 64.4002(a)(7) of the Commission's rules. Section 64.4002(c) of the Commission's rules requires a LEC to notify an IXC when the LEC has rejected or otherwise has not acted upon an IXC-submitted PIC change order and to provide the reason(s) why the PIC change order could not be processed. *See* 47 CFR 64.4002(c) of the Commission's rules.

MACC represents that it seeks an interim waiver only with respect to the two provisions of the Commission's CARE rules referenced above and that its processing services are ''in compliance'' with other requirements established in the CARE order. MACC contends that a grant of its Waiver Request is needed to allow it ''sufficient time to complete [its] development of the software'' required by MACC's clients to fully comply with the Commission's February 2005 CARE order. According to MACC, an interim waiver would allow it to include the programming changes needed to implement these two requirements in its next regularly-scheduled release of its operating support system product ''without significant costs to its small rural LEC clients.''

Combining and incorporating the software solutions addressing these requirements with the ''regularly-scheduled release of its operating support system product,'' according to MACC, will avoid the need to issue ''numerous updates'' and thus limit the costs of any required updates to its clients.

Federal Communications Commission.

Jay Keithley,

Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 06–280 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 03–123; DA 06–23]

National Exchange Carrier Association's Request To Withdraw Its Petition for Interim Waiver and Rulemaking Concerning the Compensation of Wireless Telecommunications Relay Service (TRS) is Granted

AGENCY: Federal Communications Commission.

ACTION: Notice; petition for rulemaking; withdrawal.

SUMMARY: In this document, the Commission grants NECA's request to withdraw its Petition for Interim Waiver and Rulemaking (Petition) concerning the compensation of wireless TRS calls. The Commission grants the request without prejudice to NECA (or any other interested entity) filing a future petition of this issue.

DATES: Effective January 6, 2006.

FOR FURTHER INFORMATION CONTACT: Thomas Chandler, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–1475 (voice), (202) 418–0597 (TTY), or e-mail *Thomas.Chandler@fcc.gov*.

SUPPLEMENTARY INFORMATION: On June 13, 2003, the Commission released Public Notice DA 03–1939, in CC Docket No. 98–67, which published in the **Federal Register** on June 23, 2003 (68 FR 37158), seeking comment on NECA's July 22, 2002 Petition for Interim Waiver and Rulemaking concerning the compensation of wireless TRS calls. This is a summary of the Commission's document DA 06–23, released January 6, 2006 in CG Docket No. 03–123. The full text of document DA 06–23 and copies of 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. Document DA 06–23 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's contractor at their Web site *www.bcpiweb.com* or by calling 1–800–378–3160. A copy of the Petition for Rulemaking may also be found by searching ECFS at *http://www.fcc.gov/cgb/ecfs* (insert CG Docket No. 03–123 into the proceeding block).

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), (202) 418–0432 (TTY). Document DA 06–23 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/dro*.

Federal Communications Commission.

Jay Keithley,

Deputy Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 06–389 Filed 1–17–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Background.

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer –Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

OMB Desk Officer–Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or e-mail to mmenchik@omb.eop.gov.

Final approval under OMB delegated authority the extension for three years, without revision, of the following reports:

1. Report title: Recordkeeping and Disclosure Requirements in Connection with Regulation B (Equal Credit Opportunity)

Agency form number: Reg B

OMB control number: 7100–0201

Frequency: Event–generated

Reporters: State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and Edge and agreement corporations.

Annual reporting hours: 189,540 hours

Estimated average hours per response: Notice of action, 2.5 minutes; credit history reporting, 2 minutes; recordkeeping for applications & actions, 8 hours; monitoring data, 0.50 minutes; appraisal report upon request, 5 minutes; notice of right to appraisal, 0.25 minutes; recordkeeping of self test, 2 hours; recordkeeping of corrective action, 8 hours; and disclosure of optional self–test, 1 minute.

Number of respondents: 1,341

General description of report: This information collection is mandatory (15 U.S.C. 1691(b)(a)(1)). The adverse action disclosure is confidential between the institution and the consumer involved. Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, the information may be protected from disclosure under the exemptions (b)(4), (6), and (8) of the Freedom of Information Act (5 USC 522(b)).

Abstract: The Equal Credit Opportunity Act (the Act) and Regulation B prohibit discrimination in any aspect of a credit transaction because of race, color, religion, national origin, sex, marital status, age, or other specified bases. To aid in implementation of this prohibition, the statute and regulation also subject creditors to various mandatory disclosure requirements, notification provisions, credit history reporting, monitoring rules, and recordkeeping requirements. These requirements are triggered by specific events and disclosures must be provided within the time periods established by the Act and regulation.

2. Report title: Recordkeeping and Disclosure Requirements in Connection

with Regulation E (Electronic Funds Transfer)

Agency form number: Reg E

OMB control number: 7100–0200

Frequency: Event–generated

Reporters: State member banks, branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and Edge and agreement corporations.

Annual reporting hours: 63,047 hours

Estimated average hours per response: Initial terms disclosure, 1.5 minutes; change in terms disclosure, 1 minute; periodic disclosure, 7 hours; and error resolution rules, 30 minutes.

Number of respondents: 1,289

General description of report: This information collection is mandatory (15 U.S.C. 1693 et seq.). The disclosures required by the rule and information about error allegations and their resolution are confidential between the institution and the consumer. Since the Federal Reserve does not collect any information, no issue of confidentiality arises. However, the information, if made available to the Federal Reserve, may be protected from disclosure under exemptions (b)(4), (6), and (8) of the Freedom of Information Act (5 U.S.C. 552 (b)(4), (6), and (8)).

Abstract: The Electronic Funds Transfer Act and Regulation E are designed to ensure adequate disclosure of basic terms, costs, and rights relating to electronic fund transfer (EFT) services provided to consumers. Institutions offering EFT services must disclose to consumers certain information, including: Initial and updated EFT terms, transaction information, periodic statements of activity, the consumer's potential liability for unauthorized transfers, and error resolution rights and procedures. EFT services include automated teller machines, telephone bill payment, point–of– sale transfers in retail stores, fund transfers initiated through the internet, and preauthorized transfers to or from a consumer's account.

Board of Governors of the Federal Reserve System, January 11, 2006.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E6–427 Filed 1–17–06; 8:45 am]

BILLING CODE 6210–01–S

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 February 1, 2006.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Steven D. Carr, as trustee of Wheeler Trust No. 2099, Wichita, Kansas; and Steven D. Carr, Wichita, Kansas; Michael D. Carr, Leawood, Kansas; Terry L. Carr, Wichita, Kansas; Douglas D. Carr, Andover, Kansas; and Bobby D. Carr, Wichita, Kansas; acting as individuals and a group acting in concert, to acquire voting shares of Community State Bancshares, Inc., Wichita, Kansas, and thereby indirectly acquire voting shares of Community Bank of Wichita, Inc., Wichita, Kansas.

Board of Governors of the Federal Reserve System, January 12, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–457 Filed 1–17–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Revised Jurisdictional Thresholds for Section 8 of the Clayton Act

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission announces the revised thresholds for interlocking directorates required by the 1990 amendment of Section 8 of the Clayton Act. Section 8 prohibits, with certain exceptions, one person from serving as a director or officer of two competing corporations if two thresholds are met. Competitor corporations are covered by Section 8 if each one has capital, surplus, and undivided profits aggregating more than $10,000,000, with the exception that no corporation is covered if the competitive sales of either corporation are less than $1,000,000. Section 8(a)(5) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product. The new thresholds, which take effect immediately, are $22,761,000 for Section 8(a)(1), and $2,276,100 for Section 8(a)(2)(A).

DATES: *Effective Date:* January 18, 2006.

FOR FURTHER INFORMATION CONTACT: James F. Mongoven, Bureau of Competition, Office of Policy and Coordination, (202) 326–2879.

(Authority: 15 U.S.C. 19(a)(5)).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 06–422 Filed 1–17–06; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Revised Jurisdictional Thresholds for Section 7A of the Clayton Act

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission announces the revised thresholds for the Hart-Scott-Rodino Antitrust Improvements Act of 1976 required by the 2000 amendment of Section 7A of the Clayton Act. Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Public Law 94–435, 90 Stat. 1390 (''the Act''), requires all persons contemplating certain mergers or acquisitions, which meet or exceed the jurisdictional thresholds in the Act, to file notification with the Commission and the Assistant Attorney General and to wait a designated period of time before consummating such transactions. Section 7A(a)(2) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product, in accordance with Section 8(a)(5). The new thresholds, which take effect 30 days after publication in the **Federal Register**, are as follows:

Subsection of 7A	Original threshold	Adjusted threshold
7A(a)(2)(A)	$200 million	$226.8 million.
7A(a)(2)(B)(i)	50 million	56.7 million.
7A(a)(2)(B)(i)	200 million	226.8 million.
7A(a)(2)(B)(ii)(i)	10 million	11.3 million.
7A(a)(2)(B)(ii)(i)	100 million	113.4 million.
7A(a)(2)(B)(ii)(II)	10 million	11.3 million.
7A(a)(2)(B)(ii)(II)	100 million	113.4 million.
7A(a)(2)(B)(ii)(III)	100 million	113.4 million.
7A(a)(2)(B)(ii)(III)	10 million	11.3 million.
Section 7A note: Assessment and Collection of Filing Fees [1] (3)(b)(1)	100 million	113.4 million.
Section 7A note: Assessment and Collection of Filing Fees (3)(b)(2)	100 million	113.4 million.
Section 7A note: Assessment and Collection of Filing Fees (3)(b)(2)	500 million	567.0 million.
Section 7A note: Assessment and Collection of Filing Fees (3)(b)(3)	500 million	567.0 million.

[1] Pub. L 106–533, Sec. 630(b) amended Sec. 18a note.

Any reference to these thresholds and related thresholds and limitation values in the HSR rules (16 CFR Parts 801–803) and the Antitrust Improvements Act Notification and Report Form and its Instructions will also be adjusted, where indicated by the term ''(as adjusted)'', as follows:

Original threshold	Adjusted threshold
$10 million	$11.3 million.
50 million	56.7 million.
100 million	113.4 million.
110 million	124.7 million.
200 million	226.8 million.
500 million	567.0 million.
1 billion	1, 134.0 million.

DATES: Effective February 17, 2006.

FOR FURTHER INFORMATION CONTACT: B. Michael Verne, Bureau of Competition, Premerger Notification Office (202) 326–3100.

Authority: 16 U.S.C. 7A.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E6–449 Filed 1–17–06; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—12/27/2005			
20060278	Valeant Pharmaceutical International	InterMune, Inc	InterMune, Inc.
20060380	Fortis SA/NV	The William F. O'Connor Foundation	O'Connor & Company L.L.C.
20060381	Fortis N.V	The William F. O'Connor Foundation	O'Connor & Company L.L.C.
TRANSACTIONS GRANTED EARLY TERMINATION—12/30/2005			
20060281	Cisco Systems, Inc	Scientific-Atlanta, Inc	Scientific-Atlanta, Inc.
20060364	Apollo Investment Fund V, L.P	Linens 'n Things, Inc	Linens 'n Things, Inc.
20060368	Thunder FZE	Peninsular & Oriental Steam Navigation Company.	Peninsular & Oriental Steam Navigation Company.
20060367	Kenneth R. Thomson	Quantitative Analytics Inc	Quantitative Analytics Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—1/03/2006			
20060265	CCG Investments BVI, L.P	Geac Computer Corporation Limited	Geac Computer Corporation Limited.
20060334	CCG Investments BVI, L.P	InTriCage Holdco S.a.r.l	InTriCage Holdco S.a.r.l.
20060389	Nokia Corporation	Intellisync Corporation	Intellisync Corporation.
20060391	Gannett Co., Inc	Mr. Fred Eychaner	Channel 20 TV Company.
20060394	Electronic Arts Inc	JAMDAT Mobile, Inc	JAMDAT Mobile, Inc.
20060398	Wachovia Corporation	Ernest S. Rady	Western Consumer Products. Westran Services Corp. WFS Receivables Corporation 2. WFS Receivables Corporation 4.
20060399	Ernest S. Rady	Wachovia Corporation	Wachovia Corporation.
20060400	ALLTEL Holding Corp	Valor Communications Group, Inc	Valor Communications Group, Inc.
20060407	General Electric Group	Belk, Inc	Belk, Inc.
20060408	Avista Capital Partners, LP	Oak Hill Capital Partners, L.P	WideOpen West Cleveland, Inc. WideOpen West Illinois, Inc.

Trans #	Acquiring	Acquired	Entities
			WideOpen West Networks, Inc.
			WideOpen West Ohio, Inc.
20060416	Lafarge, S.A	Rein, Schultz & Dahl of Illinois, Inc	Rein, Schultz & Dahl of Illinois, Inc.
20060419	Sprint Nextel Corporation	Don E. Bond	Enterprise Communications Partnership.
20060420	Sprint Nextel Corporation	W. Mansfield Jennings, Jr. and Genelle Jennings.	Enterprise Communications Partnership.
TRANSACTIONS GRANTED EARLY TERMINATION—01/04/2006			
20060392	Brady Corporation	SKM Equity Fund III, L.P	AIO Holdings, Inc.
20060393	E.I. du Pont de Nemours and Company	Gilles Vicard	Neptune Environmental Technologies, Inc.
20060418	BCT Coffee Acquisition Holdings, Inc	Pernod Ricard S.A	Dunkin' Brands, Inc.
20060426	EarthLink, Inc	New Edge Holding Company	New Edge Holding Company.
TRANSACTIONS GRANTED EARLY TERMINATION—01/05/2006			
20060357	Buckeye Partners, L.P	BP plc	BP Pipelines (North America) Inc.
20060370	MCP-TPI Holdings, LLC	EquaTerra, Inc	EquaTerra, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/06/2006			
20060344	Castlerigg International Limited	Wendy's International, Inc	Wendy's International, Inc.
20060348	Trian Star Trust	Wendy's International, Inc	Wendy's International, Inc.
20060406	Toyota Tsusho Corporation	Tomen Corporation	Tomen Corporation.
20060430	J.P. Morgan Chase & Co	CareMore Medical Group	CareMore Medical Enterprises.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative or Renee Hallman, Contact Representative.

Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 06–417 Filed 1–17–06; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–06–0479]

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 404–639–4766 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

Automated Management Information System (MIS) for Diabetes Control Programs (OMB No. 0920–0479)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Division of Diabetes Translation (DDT) within the National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), has implemented a Management Information System (MIS) and Federally sponsored data collection requirement from all CDC funded Diabetes Prevention and Control Programs. Diabetes is the sixth leading cause of death in the United States contributing to more than 224,000 deaths each year. An estimated 14.6 million people in the United States have been diagnosed with diabetes and an estimated 6.2 million people have undiagnosed diabetes. The Division of Diabetes Translation provides funding to health departments of States and territories to develop, implement, and evaluate systems-based Diabetes Prevention and Control Programs (DPCPs). DPCPs are population-based, public health programs that design, implement and evaluate public health prevention and control strategies that improve access to and quality of care for all, and reach communities most impacted by the burden of diabetes (*e.g.*, racial/ethnic populations, the elderly, rural dwellers and the economically disadvantaged). Support for these programs is a cornerstone of the DDT's strategy for reducing the burden of diabetes throughout the nation. The Diabetes Control Program is authorized under sections 301 and 317(k) of the Public Health Service Act [42 U.S.C. sections 241 and 247b(k)].

In accordance with the original OMB approval (0920–0479) and the first extension (August 14, 2003) for this project, this requested 3 years OMB revision will continue to expand and enhance the technical reporting capacity of the MIS. MIS is a web-based, password access protected repository/technical reporting system that replaced an archaic paper reporting system. MIS allows the accurate, uniform, and

complete collection of diabetes program progress information using the Internet.

The number of hours that DPCPs users spend with the system usage has increased since compared to the initial baseline proposed in the last OMB approval three years ago. This increase in burden does not directly translate into a greater reporting burden, but facilitates better monitoring and tracking of their programs and helps create an organizational memory. Consequently, they are using the System to a great extent as an integral part of their program compared to previous years. DPCPs add updates about their work plans and other activities into the System on an ongoing basis. The hour-burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Based on input provided by a representative sample for DPCPs, the total annualized response burden increased from 4 to 96 hours, changing the total burden hours from 236 to 5,664. Even though there has been an increase in the burden hours the number of responses remains at one (1), because the DPCPs are only required to report annually to CDC.

MIS has improved upon the old data collection system by:

- Improving accountability.
- Shortening the information cycle.
- Eliminating non-standard reporting.
- Minimizing unnecessary duplication of data collection and entry.
- Reducing the reporting burden on small state organizations.
- Using plain, coherent, and unambiguous terminology that is understandable to respondents.
- Implementing a consistent system for progress reporting and record keeping processes.
- Identifying the retention periods for record keeping requirements.
- Utilizing modern information technology for data collection and transfer.
- Significantly reducing the amount of paper reports that diabetes prevention and control programs are required to submit.

MIS has allowed CDC to more rapidly respond to outside inquiries concerning a specific diabetes control activity occurring in the state diabetes prevention and control programs. The data collection requirement has formalized the format and the content of diabetes data reported from the DPCPs and provides an electronic means for efficient collection and transmission to the CDC headquarters.

MIS has facilitated the staff's ability at CDC to fulfill its obligations under the cooperative agreements; to monitor, evaluate, and compare individual programs; and to assess and report aggregate information regarding the overall effectiveness of the DCP program. It has also supported DDT's broader mission of reducing the burden of diabetes by enabling DDT staff to more effectively identify the strengths and weaknesses of individual DPCPs and to disseminate information related to successful public health interventions implemented by these organizations to prevent and control diabetes. Implementation of MIS has provided for efficient collection of state-level diabetes program data. The respondent's average Internet cost is $1,080 per year.

ESTIMATED ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (hours)
State Program Control Officers	59	1	96	5664

Dated: January 10, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–442 Filed 1–17–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health Advisory Board on Radiation and Worker Health

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Correction: This notice was published in the **Federal Register** on January 3, 2006, volume 71, Number 1, Page 120–121. The meeting times/dates and ''matters to be discussed'' have been changed.

Subcommittee Meeting Time and Date: 9 a.m.–2 p.m., January 24, 2006.

Committee Meeting Times and Dates: 2:30 a.m.–5 p.m., January 24, 2006. 8:30 a.m.–5 p.m., January 25, 2006. 8:30 a.m.–4:30 p.m., January 26, 2006.

Matters to be Discussed: The agenda for the Subcommittee meeting includes Task 3 review; review of Bethlehem Steel, Rocky Flats, and Y–12 site profiles; and individual dose reconstruction reviews. The agenda for the Board meeting includes Reports from the Subcommittee and Working Groups; Pacific Proving Grounds Special Exposure Cohort (SEC) Evaluation Report and Supplement; Site Profiles for Bethlehem Steel, Rocky Flats, Y–12, Hanford, Nevada Test Site, and Savannah River Site; Letter from Steel Workers; SEC Rule rewrite; Task 3 review of SC&A Contract; Conflict of Interest issues; Dose Reconstruction Reviews; an update on Science Issues which will include but not be limited to Lymphoma—Dose Reconstruction Target Organ Selection; future schedules; procedures for the Board to use in reviewing SEC petitions (including a discussion of the Y–12 SEC Petition). The evening public comment sessions are scheduled for January 24 from 5:30 p.m.–6:30 p.m. and January 25 from 7 p.m.–8:30 p.m.

For Further Information Contact: Dr. Lewis V. Wade, Executive Secretary, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513–533–6825, fax 513–533–6826.

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 the Agency for Toxic Substances and Disease Registry.

Dated: January 9, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–436 Filed 1–17–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0494]

Agency Information Collection Activities; Proposed Collection; Comment Request; Cosmetic Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including collections of information in current rules, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions in FDA's cosmetic labeling regulations. FDA's cosmetic labeling regulations, as published in the **Federal Register** on March 15, 1974 (39 FR 10054 at 10056) and subsequently amended, most recently on March 17, 1999 (64 FR 13254 at 13297), remain unchanged by this notice. FDA is publishing this notice in compliance with the PRA. This notice does not represent any new regulatory initiative.

DATES: Submit written or electronic comments on the collection of information by March 20, 2006.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including collections of information in current rules, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

Under section 3506(c)(2)(A) of the PRA and 5 CFR 1320.8(d)(1), FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Cosmetic Labeling Regulations—(21 CFR Part 701)

The Federal Food, Drug, and Cosmetic Act (the act) and the Fair Packaging and Labeling Act (the FPLA) require that cosmetic manufacturers, packers, and distributors disclose information about themselves or their products on the labels or labeling of their products. Sections 201, 502, 601, 602, 603, 701, and 704 of the act (21 U.S.C. 321, 352, 361, 362, 363, 371, and 374) and sections 4 and 5 of the FPLA (15 U.S.C. 1453 and 1454) provide authority to FDA to regulate the labeling of cosmetic products. Failure to comply with the requirements for cosmetic labeling may render a cosmetic adulterated under section 601 of the act or misbranded under section 602 of the act.

FDA's cosmetic labeling regulations are published in part 701 (21 CFR part 701). Four of the cosmetic labeling regulations have information collection provisions. Section 701.3 requires the label of a cosmetic product to bear a declaration of the ingredients in descending order of predominance. Section 701.11 requires the principal display panel of a cosmetic product to bear a statement of the identity of the product. Section 701.12 requires the label of a cosmetic product to specify the name and place of business of the manufacturer, packer, or distributor. Section 701.13 requires the label of a cosmetic product to declare the net quantity of contents of the product.

FDA's cosmetic labeling regulations, as published in the **Federal Register** on March 15, 1974 (39 FR 10054 at 10056) and subsequently amended, most recently on March 17, 1999 (64 FR 13254 at 13297), remain unchanged by this notice. FDA is publishing this notice in compliance with the PRA. This notice does not represent any new regulatory initiative.

FDA estimates the annual burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
701.3	1518	21	31,600	1.00	31,600
701.11	1518	24	36,340	1.00	36,340
701.12	1518	24	36,340	1.00	36,340
701.13	1518	24	36,340	1.00	36,340
Total					140,620

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The hour burden is the additional or incremental time that establishments need to design and print labeling that includes the following required elements: A declaration of ingredients in decreasing order of predominance, a statement of the identity of the product, a specification of the name and place of business of the establishment, and a declaration of the net quantity of contents. These requirements increase the time establishments need to design labels because they increase the number of label elements that establishments must take into account when designing labels. These requirements do not generate any recurring burden per label because establishments must already print and affix labels to cosmetic products as part of normal business practices.

According to the 2001 census, there are 1,518 cosmetic product establishments in the United States (U.S. Census Bureau, *http://www.census.gov/epcd/susb/2001/us/US32562.HTM*). FDA calculates label design costs based on stockkeeping units (SKUs) because each SKU has a unique product label. Based on data available to the agency and on communications with industry, FDA estimates that cosmetic establishments will offer 94,800 SKUs for retail sale in 2005. This corresponds to an average of 62 SKUs per establishment.

One of the four provisions that FDA discusses in this information collection, § 701.3, applies only to cosmetic products offered for retail sale. However, the other three provisions, §§ 701.11, 701.12, and 701.13, apply to all cosmetic products, including non-retail professional-use-only products. FDA estimates that including professional-use-only cosmetic products increases the total number of SKUs by 15 percent to 109,020. This corresponds to an average of 72 SKUs per establishment.

Finally, based on the agency's experience with other products, FDA estimates that cosmetic establishments may redesign up to one-third of SKUs per year. Therefore, FDA estimates that the annual frequency of response will be 21 (31,600 SKUs) for § 701.3 and 24 each (36,340 SKUs) for §§ 701.11, 701.12, and 701.13.

FDA estimates that each of the required label elements may add approximately 1 hour to the label design process. FDA bases this estimate on the hour burdens the agency has previously estimated for food, drug, and medical device labeling and on the agency's knowledge of cosmetic labeling. Therefore, FDA estimates that the total hour burden on members of the public for this information collection is 140,620 hours per year.

Dated: January 10, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–443 Filed 1–17–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0010]

Proposed Collection; Comment Request; Guam Visa Waiver Information (I–736)

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Guam Visa Waiver Information. This proposed information collection was previously published in the **Federal Register** (70 FR 58452–58453) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Guam Visa Waiver Information.

OMB Number: 1651–0109.

Form Number: CBP Form I–736.

Abstract: The CBP Form I–736 is used to track an alien's application for waiver of the nonimmigrant visa requirement for entry into Guam.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 170,000.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 14,110.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 10, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–423 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0002]

Proposed Collection; Comment Request; Application for Withdrawal of Bonded Stores for Fishing Vessels and Certification of Use

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Withdrawal of Bonded Stores for Fishing Vessels and Certification of Use. This proposed information collection was previously published in the **Federal Register** (70 FR 58455) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania, Avenue NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use.

OMB Number: 1651–0092.

Form Number: CBP Form 5125.

Abstract: The CBP Form 5125 is used for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels. The form also certifies the use: total consumption or partial consumption with secure storage for use on next voyage.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Businesses.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 42.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 10, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–424 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0003]

Agency Information Collection Activities: Importers of Merchandise Subject To Actual Use Provisions

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Importers of Merchandise Subject to Actual Use Provisions. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 58457) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before February 17, 2006.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, DC 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION: The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L.104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the Proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who

are to respond, including 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.

Title: Importers of Merchandise Subject to Actual Use Provisions.

OMB Number: 1651–0032.

Form Number: None.

Abstract: The Importers of Merchandise Subject to Actual Use Provision is part of the regulation which provides that certain items may be admitted duty-free, such as farming implements, seed, potatoes etc., providing the importer can prove these items were actually used as contemplated by law. The importer must maintain detailed records and furnish a statement of use.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Institutions.

Estimated Number of Respondents: 12,000.

Estimated Time per Respondent: 60 minutes.

Estimated Total Annual Burden Hours: 13,000.

Estimated Total Annualized Cost on the Public: N/A.

If additional information is required contact: Tracey Denning, Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229, at 202–344–1429.

Dated: January 9, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–425 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0009]

Proposed Collection; Comment Request; Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade Commission

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade commission. This proposed information collection was previously published in the **Federal Register** (70 FR 58453) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection Service, Attn: Tracey Denning, Information Services, Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations,maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade Commission.

OMB Number: 1651–0099.

Form Number: None.

Abstract: This collection is required to ensure compliance with section 337 of the Tariff Act of 1930, as amended by section 321 of the Uruguay Round Agreements regarding bond procedures for entry of articles subject to exclusion orders issued by the U.S. International Trade Commission.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Businesses.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 10, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–426 Filed 1–17–05; 8:45 am]

BILLING CODE 9111–14–M

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0008]

Proposed Collection; Comment Request; NAFTA Regulations and Certificate of Origin

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the NAFTA Regulations and Certificate of Origin. This proposed information collection was previously published in the **Federal Register** (70 FR 58456) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document the CBP is soliciting comments concerning the following information collection:

Title: NAFTA Regulations and Certificate of Origin.

OMB Number: 1651–0098.

Form Number: CBP Forms 434 and 446.

Abstract: The objectives of NAFTA are to eliminate barriers to trade in goods and services between the United States, Mexico, and Canada; facilitate conditions of fair competition within the free trade area; liberalize significantly conditions for investments within the free trade area; establish effective procedures for the joint administration of the NAFTA; and the resolution of disputes.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 120,050.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 30,037.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 10, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–427 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0007]

Proposed Collection; Comment Request; Transfer of Cargo to a Container Station

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Transfer of Cargo to a Container Station. This proposed information collection was previously published in the **Federal Register** (70 FR 58452) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station.

OMB Number: 1651–0096.

Form Number: None.

Abstract: The container station operator may file an application for transfer of a container to a container station which is moved from the place of unlading, or from a bonded carrier after transportation in-bond before filing of the entry for the purpose of breaking bulk and redelivery.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 21,660.

Estimated Time per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 2,513.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 9, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–428 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0004]

Proposed Collection; Comment Request; Andean Trade Preferences

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning Andean Trade Preferences. This proposed information collection was previously published in the **Federal Register** (70 FR 58454) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Customs and Border Protection, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW., Room 3.2.C, Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Andean Trade Preferences.

OMB Number: 1651–0091.

Form Number: None.

Abstract: This collection identifies the country of origin and related rules which apply for purposes of duty-free or reduced-duty treatment and specifies the documentary and other procedural requirements for preferential tariff treatment under the Andean Trade Preferences Act 19 U.S.C. 3201 through 3206.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, individuals, institutions.

Estimated Number of Respondents: 48,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 7,968.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 9, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–429 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0005]

Proposed Collection; Comment Request; Declaration of Owner of Merchandise Obtained (Other Than) in Pursuance of a Purchase Agreement To Purchase and Declaration of Importer of Record When Entry Is Made by an Agent

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent. This proposed information collection was previously published in the **Federal Register** (70 FR 58455–58456) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent.

OMB Number: 1651–0093.

Form Number: CBP Forms–3347 and 3347A.

Abstract: CBP Forms–3347 and 3347A allow an agent to submit, subsequent to making the entry, the declaration of the importer of record that is required by statute. These forms also permit a nominal importer of record to file the declaration of the actual owner and to be relieved of statutory liability for the payment of increased duties.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 5,700.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 570.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 9, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–430 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0006]

Proposed Collection; Comment Request; Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S.

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S. This proposed information collection was previously published in the **Federal Register** (70 FR 58456) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before February 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document the CBP is soliciting comments concerning the following information collection:

Title: Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S.

OMB Number: 1651–0094.

Form Number: None.

Abstract: This declaration is used under conditions where articles are imported and then exported and then reimported free of duty due. The declaration is to insure CBP control over duty-free merchandise.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension.

Affected Public: Individuals, business or other for-profit institutions.

Estimated Number of Respondents: 1500.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 250.

Estimated Total Annualized Cost on the Public: N/A.

Dated: January 10, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–431 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2006–0011]

Agency Information Collection Activities: Application for Extension of Bond for Temporary Importation

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Application for Extension of Bond for Temporary Importation. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 58451) on October 6, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before February 17, 2006.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, DC 20503. Additional comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION: Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including 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.

Title: Application for Extension of Bond for Temporary Importation.

OMB Number: 1651–0015.

Form Number: CBP Form-3173.

Abstract: Imported merchandise that is to remain in the Bureau of Customs and Border Protection territory for 1-year or less without duty payment is entered as a temporary importation. The importer may apply for an extension of this period on CBP Form-3173.

Current Actions: This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Estimated Number of Respondents: 1,200.

Estimated Time per Respondent: 14 minutes.

Estimated Total Annual Burden Hours: 348.

Estimated Total Annualized Cost on the Public: $5,568.

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.2.C, Washington, DC 20229, at 202–344–1429.

Dated: January 9, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 06–432 Filed 1–17–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–01]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request, Grant Application Standard Logic Model; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* February 1, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within fourteen (14) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number) and should be sent to: Mr. Maurice Champagn, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *Maurice_B._Champagn@omb.eop.gov;* fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian L. Deitzer, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L_Deitzer@HUD.gov*; telephone (202) 708–2374 or Ms. Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, e-mail *Barbara_Dorf@hud.gov*, telephone (202) 708–0667. These are not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed revision to the currently approved information collection for selecting applicants for all of HUD's Discretionary grant programs.

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) 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; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Grant Application Standard Logic Model.

Description of Information Collection: Applicants of HUD Federal Financial Assistance will be required to indicate intended results and impacts. Grant recipients will be required to report against their baseline performance standards. HUD's previously approved

collection instrument has been revised. This revised information collection automates responses through a drop down table listing. This was done in response to customer concerns about the difficulty in putting information in the previously approved form. The revised collection adds an additional requirement for addressing a series of tailored management questions and a return on investment statement when reporting back to HUD. This process will replace various, current progress reporting requirements and reduce reporting burdens. It will also promote greater emphasis on performance and results in grant programs. The management questions are based on the © Carter-Richmond methodology that identifies key management and evaluation questions for HUD's programs. The following table identifies the ©Carter-Richmond generic questions and where the source data is found in the Logic Model.

© CARTER-RICHMOND METHODOLOGY: [1] BUILDING BLOCKS FOR EFFECTIVE MANAGEMENT

Management questions	Logic model columns for source data
1. How many clients are you serving?	Service/Activity/Output.
2. How many units were provided?	Service/Activity/Output.
3. Who are you serving?	Service/Activity/Output.
4. What services do you provide?	Service/Activity/Output.
5. What does it cost?	Service/Activity/Output.
6. What does it cost per service delivered?	Service/Activity/Output/Evaluation.
7. What happens to the "subjects" as a result of the service?	Outcome.
8. What does it cost per outcome?	Outcome and Evaluation.
9. What is the value of the outcome?	Outcome and Evaluation.
10. What is the return on investment?	Evaluation.

[1] The Carter-Richmond methodology is copyrighted and is provided to support the development of your grant application. Any other use is prohibited without prior written permission of The Center for Applied Management Practices, Inc., 3609 Gettysburg Road, Camp Hill, PA 17011, (717) 730–3705, *www.appliedmgt.com.*

[2] The subject can be a client or a unit, such as a building and is defined in its associated unit of service.

OMB Control Number: 2535–0114.

Agency Form Numbers: HUD–96010.

Members of Affected Public: Individuals, Not-for-profit institutions, State, Local or Tribal Government, Business or other for-profit.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: This information collection is estimated to total thirty minutes per submission. Of the estimated 11,000 grant applicant/recipients, approximately 4,400 report quarterly and 6,600 report annually. Total annual reporting burden is estimated to 12,100 hours.

Status of the Proposed Information Collection: Revised Collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 12, 2006.

Lillian L. Deitzer,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. E6–458 Filed 1–17–06; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–220–05–1020–JA–VEIS

Notice of Extension of the Public Comment Period for the Draft Programmatic Environmental Impact Statement and Environmental Report for Vegetation Treatments on Public Lands Administered by the Bureau of Land Management in the Western United States, Including Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension.

SUMMARY: The Bureau of Land Management (BLM) announces an extension of the public comment on the Draft Programmatic Environmental Impact Statement and Environmental Report for Vegetation Treatments on Public Lands Administered by the Bureau of Land Management in the Western United States, Including Alaska. The draft national programmatic EIS and environmental report on vegetation treatments involves the use of chemical herbicides and other methods on the public lands administered by BLM in 17 western states, including Alaska.

DATES: The original notice published in the **Federal Register** on November 10, 2005 [70 FR 68474] provided for a comment period to end on January 9, 2006. BLM is extending the comment period until February 10, 2006.

ADDRESSES: Written comments should be sent to: Project Manager, National Vegetation EIS, BLM Nevada State Office, P.O. Box 12000, Reno, NV 89520–0006. Comments may also be sent by e-mail to *vegeis@nv.blm.gov*.

FOR FURTHER INFORMATION CONTACT: Brian Amme, Project Manager, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520–0006; e-mail *brian_amme@nv.blm.gov*; telephone, (775) 861–6645.

SUPPLEMENTARY INFORMATION: The original Notice of Availability published in the **Federal Register** on November 10, 2005 [70 FR 68474] provided for comments on the Draft EIS to be received through January 9, 2006. Several individuals and groups have requested an extension in the comment period. BLM has decided to act in accordance to individual and group requests, therefore, comments on the Draft EIS relevant to the review of the proposed EIS will now be accepted through February 10, 2006.

Dated: January 6, 2006.

Ed Shepard,

Assistant Director.

[FR Doc. 06–441 Filed 1–17–06; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Park Service

[NM–930–1610–DP–NSHT]

Notice of Intent To Prepare a Comprehensive Management Plan/ Environmental Impact Statement for the Old Spanish National Historic Trail; New Mexico, Colorado, Arizona, Utah, Nevada, and California

AGENCY: Bureau of Land Management, National Park Service, Interior.

ACTION: Notice of Intent To Prepare a Comprehensive Management Plan and Environmental Impact Statement.

SUMMARY: Pursuant to the National Trails System Act of 1968 (Pub. L. 90–543), as amended, and the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) and the National Park Service (NPS) are initiating preparation of a Comprehensive Management Plan/ Environmental Impact Statement (CMP/ EIS) for the Old Spanish National Historic Trail in New Mexico, Colorado, Arizona, Utah, Nevada, and California.

DATES: A public scoping period will commence on the date this Notice is published in the **Federal Register** and will end 120 days from the publication of this Notice. During the scoping period, the BLM and NPS will solicit public comment on issues, concerns, and opportunities that should be considered during the development and analysis of the CMP. To ensure full local community participation, public meetings will be held during the scoping period in New Mexico, in Santa Fe, Taos, Abiquiu, and Aztec; in Colorado, in Durango, Grand Junction, and Gunnison; in Arizona, in Kayenta and Page; in Utah, in Moab, Green River, and Cedar City; in Nevada, in Mesquite, Las Vegas, and Pahrump; and in California, in Barstow, San Bernardino, and Los Angeles. Dates and locations for public meetings will be announced through local news media, newsletters, and the Old Spanish Trail Web site hosted by the NPS, *http://www.nps.gov/olsp.* Written comments will be accepted during the development of the plan at the addresses below.

ADDRESSES: If you wish to comment, request additional information, or request to be put on the mailing list for this planning effort, you may mail, hand deliver, or call your comments or requests to: Sarah Schlanger, Bureau of Land Management, New Mexico State Office, P.O. Box 27115, 1474 Rodeo Road, Santa Fe, New Mexico 87505, telephone (505) 438–7454, fax (505) 438–7426, e-mail *Sarah_Schlanger@blm.gov;* or Aaron Mahr, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87504–0728, telephone (505) 988–6736, fax (505) 986–5214, e-mail *aaron_mahr@nps.gov.* You may also comment through the Web site, *http://parkplanning.nps.gov.* Comments, including names and street addresses of respondents, will be available for public review at the National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, and will be subject to disclosure under the Freedom of Information Act (FOIA). They also may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not consider anonymous comments. All submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety. All documents relevant to the plan development are available for review at the NPS address listed above.

FOR FURTHER INFORMATION CONTACT: Sarah Schlanger, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, telephone (505) 438–7454, fax (505) 438–7426, e-mail *Sarah_Schlanger@blm.gov;* or Aaron Mahr, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87504–0728, telephone (505) 988–6736, fax (505) 986–5214, e-mail *aaron_mahr@nps.gov.*

SUPPLEMENTARY INFORMATION: The trail passes through federally-managed lands under the administration of the BLM, NPS, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, Army Corps of Engineers, and the Department of Defense, as well as through tribal lands, lands held in private hands, and lands under the administration of State and municipal agencies.

The Old Spanish Trail was added to the National Trails System in 2002 in keeping with the National Trails System Act, to ''promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation.'' The trail runs from Abiquiu and Santa Fe (northern New Mexico) through Colorado, Utah, Nevada, and Arizona, to reach its terminus in Los Angeles, California, and includes some 2,700 miles along several historic routes. In its period of greatest use, from 1829 through 1848, the trail was traversed by mule pack-trains and horse-mounted traders bringing woolen goods west and herds of stock, primarily mules and horses, east to the burgeoning markets of the eastern United States and Mexico. Today, the trail crosses through or near public lands under the administration of six BLM States; two NPS regions, including 11 park units; 15 National Forests; and one National Wildlife Refuge. Over one-half the length of the trail route is in tribal, State, municipal, or private ownership and management.

The CMP/EIS for the national historic trail will identify the administrative policies, objectives, processes, and management actions needed to protect trail resources and, where possible and appropriate, make these resources accessible to the public and available to serve the public's needs for recreation, education, and heritage preservation. The CMP will describe the current condition of the trail route and trail resources; develop a vision and set goals for future preservation and development through consultation with the public, Native American communities, and traditional communities with interests in the history of the trail and the trail route, and trail resource owners and managers; and provide guidance for the preservation and development of these resources for the public benefit. Effective administration of the Old Spanish National Historic Trail will rely on the cooperative management efforts and support of Federal, tribal, State, local, and private interests, including landowners. The BLM and NPS will assume joint administration of the trail and will work together with the public to develop the CMP. Issue-driven planning themes identified to date include:

- Defining a trail corridor that incorporates trail resource protection and desired visitor experiences;
- Providing for education, interpretation, and recreation;
- Incorporating multiple voices into trail interpretation;
- Reconciling existing uses within the trail corridor with desired trail conditions;
- Identifying economic opportunities related to the recreation use of the trail; and

• Coordinating trail management among Federal, tribal, State, and local governmental agencies.

More specifically, issues related to the themes identified above include possible conflicts between off-highway vehicle use, energy development, and trail site and segment preservation, protection, and appropriate use, and conflicts between existing uses, future uses, and the preservation of trail viewsheds through visual resource management. Any additional issues to be resolved through the plan will be identified during the public scoping period.

An initial list of affected jurisdictions, interest groups, business, and landowners has been developed. A large mailing list has been generated by BLM and NPS that will be updated as the process continues. The mailing list will include all interested individuals, groups, and agencies that have participated in the process. Those who have participated in meetings or made written comments through the mail or the internet will be tracked throughout the process. Public participation elements will include, but not be limited to, public notices and press releases; newsletters and a project web page; public meetings (scoping, alternative development, and review of draft EIS); and depositories for public document review.

Nearly 50 sovereign Indian Nations have expressed an affiliation with or an interest in the Old Spanish Trail. The trail planning effort will include full tribal participation and consultation throughout the process; a point of contact for tribal consultation will be designated to coordinate with American Indian constituencies during development of the CMP.

The BLM and the NPS are committed to a collaborative planning approach in the development of the CMP. The plan development will involve other Federal agencies, including the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the Army Corps of Engineers, and the Department of Defense; American Indian Tribes and pueblos; State agencies in California, Arizona, Nevada, Utah, Colorado, and New Mexico, including Departments of Natural Resources, Transportation, Historic Preservation, and Parks; and county and municipal governmental agencies. Stakeholders and special interest groups, including private landowners, lessees, and permit holders, recreation groups, trail alliances and associations, museums and interpretive facilities, visitor services groups, historical societies, and scenic and back country byway organizations will be invited to participate in the development of the CMP. The BLM and NPS will work collaboratively with interested parties to identify alternatives that are best suited to local, regional, and national interests.

Dated: November 22, 2005.

Michael D. Snyder,

Acting Director, Intermountain Region National Park Service.

Dated: October 2, 2005.

Linda S.C. Rundell,

BLM State Director, New Mexico, Oklahoma, Texas, Kansas.

Dated: October 28, 2005.

Ron Wenker,

BLM State Director, Nevada.

Dated: October 31, 2005.

Sally Wisely,

BLM State Director, Colorado.

Dated: November 2, 2005.

Gene Terland,

BLM State Director, Utah.

Dated: October 31, 2005.

Mike Pool,

BLM State Director, California.

Dated: November 2, 2005.

Elaine Y. Zielinski,

BLM State Director, Arizona.

[FR Doc. 06–399 Filed 1–17–06; 8:45 am]

BILLING CODE 4310–FB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–451 (Second Review)]

Gray Portland Cement and Cement Clinker From Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct a full five-year review concerning the antidumping duty order on gray portland cement and cement clinker from Mexico.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty order on gray portland cement and cement clinker from Mexico would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts, A, D, E, and F (19 CFR part 207).

DATES: Effective Janaury 6, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitic.gov.*

SUPPLEMENTARY INFORMATION: On January 6, 2006, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (70 FR 57617, October 3, 2005) were adequate. A record of the Commission's votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: January 12, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06–444 Filed 1–17–06; 8:45 am]

BILLING CODE 7020–02–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–512]

In the Matter of Certain Light-Emitting Diodes and Products Containing Same; Notice of Commission Final Determination of No Violation of Section 337 as to Five Patents and Violation of Section 337 as to Three Patents; Issuance of Limited Exclusion Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is no violation of 19 U.S.C. 1337 by Dominant Semiconductors Sdn. Bhd. (''Dominant'') with respect to United States Patent Nos. 6,066,861, 6,277,301, 6,613,247, 6,245,259, and 6,592,780 (collectively, the ''Particle Size Patents''); that there is a violation by Dominant with respect to United States Patent Nos. 6,376,902, 6,469,321, and 6,573,580 (collectively, the ''Lead Frame Patents''); and that the Commission has determined to issue a limited exclusion order.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation based on a complaint filed by Osram GmbH and Osram Opto Semiconductors GmbH, both of Germany (collectively, ''Osram''). 69 FR 32609 (June 10, 2004). In the complaint, as supplemented and amended, Osram alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diodes and products containing the same by reason of infringement of various claims of the Particle Size Patents, United States Patent No. 6,576,930 (the '' '930 patent''), the Lead Frame Patents, and United States Patent No. 6,716,673 (the '' '673 patent'').

On May 10, 2005, the presiding administrative law judge (''ALJ'') issued his final initial determination (''ID'') finding the sole remaining respondent, Dominant, in violation of section 337, but only with respect to the '673 patent. The ALJ concluded that the asserted claims of the Particle Size Patents were invalid for indefiniteness, that the '930 patent and the Lead Frame Patents were not infringed by Dominant's accused products, and that Osram did not meet the technical prong of the domestic industry requirement with respect to the '930 patent.

On June 24, 2005, the Commission determined to review the ALJ's findings and conclusions regarding the Particle Size Patents, the '930 patent, and the Lead Frame Patents. 70 FR 37431 (June 29, 2005). The Commission declined to review the ALJ's determination of violation of section 337 with respect to the '673 patent.

On review, the Commission determined that the Particle Size Patents were not invalid for indefiniteness and construed the disputed phrase ''mean grain diameter d_{50}'' to mean average diameter by volume. Inv. No. 337–TA–512, Comm'n Op. at 4–14 (Aug. 12, 2005). The Commission remanded the investigation to the ALJ for a determination on infringement and domestic industry with regard to the Particle Size Patents consistent with the Commission's opinion. In addition, the Commission left open the question whether the asserted claims of the Particle Size Patents are invalid as indefinite for failing to specify the type of instrument that should be used to determine the ''mean grain diameter d_{50}.'' With regard to the '930 patent, the Commission terminated the investigation with a finding of no violation. Finally, the Commission deferred addressing the issue of violation with respect to the Lead Frame Patents, as well as issues relating to remedy, public interest, and bonding. 70 FR 48194 (Aug. 16, 2005).

The ALJ issued a remand initial determination (''Remand ID'') on October 31, 2005, finding no violation of section 337 with regard to the Particle Size Patents, because Osram failed to show that there was an industry in the United States that practices those patents. The ALJ also concluded that some of Dominant's accused products do not infringe the asserted claims of the Particle Size Patents. Finally, the ALJ declined to revisit the issue of indefiniteness, because Dominant failed to raise it on remand.

In its remand notice, the Commission had invited comments from the parties addressing the ALJ's determination on remand, and on November 10, 2005, Osram filed comments, challenging the Remand ID. 70 FR 48194 (Aug. 16, 2005). On November 18, 2005, Dominant and the Commission investigative attorney each filed responses to Osram's comments, asserting that the ALJ's determinations on remand are not erroneous.

Having examined the record of this investigation, including the ALJ's final ID and Remand ID and the submissions of the parties, the Commission has determined (1) That there is no violation of section 337 by Dominant with regard to the Particle Size Patents; (2) that there is a violation of section 337 by Dominant with regard to the Lead Frame Patents; and (3) to issue a limited exclusion order with respect to the Lead Frame Patents and the '673 patent. The Commission's order was delivered to the President on the day of its issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.45).

Issued: January 11, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–429 Filed 1–17–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Executive Office for United States Trustees; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Application for Debt Education Course Provider.

The Department of Justice (DOJ), Executive Office for United States Trustees (EOUST) submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to

obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 70, Number 121, page 36658 on June 24, 2005, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 17, 2006. this process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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 agencies 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

Overview of This Information Collection

(1) Type of Information Collection: New Collection.

(2) Title of the Form/Collection: Application for Debt Education Course Provider.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Form Number: None. Executive Office for United States Trustees.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit. Other: Not-for-profit Institutions. Congress passed a new bankruptcy law that requires individuals who file for bankruptcy to complete an approved personal financial management instructional course as a condition of receiving a discharge.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 800 respondents will complete the application in approximately 8 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated total annual public burden associated with this application is 6,400 hours.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: January 11, 2006.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 06–397 Filed 1–17–06; 8:45 am]

BILLING CODE 4410–40–M

DEPARTMENT OF JUSTICE

Executive Office for United States Trustees; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Application for Non-Profit Budget and Credit Counseling Agencies.

The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 70, Number 116, page 35302 on June 17, 2005, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 17, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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 agencies 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.

Overview of This Information Collection

(1) Type of information collection: Extension of a currently approved collection.

(2) The title of the form/collection: Application for Approval as a Nonprofit Budget and Credit Counseling Agency.

(3) The agency form number, if any, and the applicable component of the department sponsoring the collection: Form Number: None. Executive Office for United States Trustees.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Not-for-profit institutions. Agencies that wish to offer credit counseling services. Other: None. Congress passed a new bankruptcy law that requires any individual who wishes to file for bankruptcy to, within 180 days of filing for bankruptcy relief, first obtain credit counseling from a nonprofit budget and credit counseling agency that has been approved by the United States Trustee.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to

respond/reply: It is estimated that 800 respondents will complete the form in approximately 10 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated total annual public burden associated with this application is 8,000 hours.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: January 11, 2006.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. E6–472 Filed 1–18–06; 8:45 am]

BILLING CODE 4410–40–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on December 16, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, BenQ Corporation, Taoyuan, Taiwan; Coby Electronics Co., Ltd., Guangdong, People's Republic of China; Denso Corporation, Aichiken, Japan; Digitalway, Gyeonggi-do, Republic of Korea; DongGuan Qisheng Electronic Industrial Co., Ltd., Guangdong, People's Republic of China; ETV Interactive Limited, Stirling, United Kingdom; Evatone, Inc., Clearwater, FL; Express Way Limited, Hong Kong, Hong Kong-China; Hitachi High-Technologies Taiwan Corporation, Taipei, Taiwan; Intech Electronics (HK) Co, Ltd., Hong Kong, Hong Kong-China; Kestrelink Corp., Boise, ID; Marco System Digital Video AG, Wetter, Germany; Moser Baer India Ltd., New Delhi, India; Newsky Asia Limited, Hong Kong, Hong Kong-China; Nintendo Co., Ltd., Kyoto, Japan; QiSheng International Limited, Shenzhen, People's Republic of China; Radix Inc., Seoul, Republic of Korea; Shanghai United Optical Disc Co., Ltd., Shanghai, People's Republic of China; Shenzhen Arlink Tech Corp., Ltd., Shenzhen, People's Republic of China; Shenzhen Junlan Electronic Ltd., Shenzhen, People's Republic of China; Shenzhen KXD Multi-Media Co., Ltd., Shenzhen, People's Republic of China; Shenzhen Oriental Digital Technology Co., Ltd., Shenzhen, People's Republic of China; Shenzhen Skywood Info-Tech Industries Co., Ltd., Shenzhen, People's Republic of China; Yuxing Electronics Company Limited, Tortola, British Virgin Islands; and Zhongshan Tomei Audio & Video Products Co., Ltd., Guangdong, People's Republic of China have been added as parties to this venture.

Also, Cyrus Audio Limited, Huntingdon, United Kingdom; MIRAI Audio & Video Co., Ltd., Seoul, Republic of Korea; Micro-Star Int'l Co., Ltd., Taipei Hsien, Taiwan; Nakamichi Corporation, Tokyo, Japan; Schotten Glassmatersing -an der Heiden GmbH, Schotten, Germany; SOHO Tech Village, Ltd., Eastlake, OH; TAG McLaren Audio Limited, Huntingdon, United Kingdom; TBS Service, Inc., Tokyo, Japan; Tecnew Electronic Engineering Co., Ltd., Taipei, Taiwan; and Zhongshan Kenloon Digital Technology Co., Ltd., Guangdong, People's Republic of China have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notification disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on September 19, 2005. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 17, 2005 (70 FR 60369).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–443 Filed 1–17–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on December 16, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act'') Institute of Electrical and Electronics Engineers (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 13 new standards have been initiated and 10 existing standards are being revised. More detail regarding these changes can be found at *http://standards.ieee.org/standardswire/sba/12-07-05.html.*

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on November 15, 2005. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 5, 2005 (70 FR 72468).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–442 Filed 1–17–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration is issuing this notice to announce the receipt of a ''Certification of Non-Relocation and Market and Capacity Information Report'' (Form 4279–2) for the following:

Applicant/Location: Riverside Technologies Newell, LLC, Newell, West Virginia.

Principal Product: The loan, guarantee, or grant applicant plans to build a plant which would use a proprietary technology known as ''pyrolysis'' to take scrap rubber and produce synthetic carbon black, oil, scrap steel and gas. The NAICS industry codes for this enterprise are: 32519 Other Basic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 325120 Industrial Gas Manufacturing; and 423930 Recyclable Material Merchant Wholesalers.

DATES: All interested parties may submit comments in writing no later than February 1, 2006. Copies of adverse comments received will be forwarded to the applicant noted above.

ADDRESSES: Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N–4514, Washington, DC 20210; or transmit via fax 202–693–3015 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, at telephone number (202) 693–2784 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration (ETA) within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed at Washington, DC, this 5th day of January, 2006.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

[FR Doc. E6–473 Filed 1–17–06; 8:45 am]

BILLING CODE 4510–30–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting; Agenda

TIME AND DATE: 9:30 a.m., Tuesday, January 24, 2006.

PLACE: NTSB Board Room, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED: 7694A, Aircraft Accident Report—Collision with Trees and Crash Short of the Runway, Corporate Airlines Flight 5966, British Aerospace BAE–J3201, N875KX, Kirskville, Missouri, October 19, 2004.

NEWS MEDIA CONTACT: Telephone (202) 314–6100.

Individuals requesting specific accommodations should contact Mr. Chris Bisett at (202) 314–6305 by Friday, January 20, 2006.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *http://www.ntsb.gov*.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: January 13, 2006.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 06–486 Filed 1–13–06; 1:36 pm]

BILLING CODE 7533–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting; Agenda

TIME AND DATE: 9:30 a.m., Wednesday, January 25, 2006.

PLACE: NTSB Board Room, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED: 4402E, Special Investigation Report on Emergency Medical Services (EMS) Operations and Briefs of Seven EMS Accidents.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Mr. Chris Bisett at (202) 314–6305 by Friday, January 20, 2006.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *http://www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: January 13, 2006.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 06–487 Filed 1–13–06; 1:36 pm]

BILLING CODE 7533–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of CharterMac To Withdraw Its Common Shares, No Par Value, From Listing and Registration on the American Stock Exchange LLC File No. 1–13237

January 11, 2006.

On January 5, 2006, CharterMac, a Delaware statutory trust (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common shares, no par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'').

On December 5, 2005, the Board of Trustees (''Board'') of the Issuer unanimously approved a resolution to withdraw the Security from listing on Amex and to list the Security on the New York Stock Exchange, Inc. (''NYSE''). The Issuer stated that the following reason factored into the Board's decision to withdraw the Security from Amex and list the Security on NYSE: the majority of all real estate investment trust and financial services companies are traded on NYSE. The Issuer stated that the Board believes it is in the best interest of the Issuer to be traded on the same exchange as other market competitors. The Issuer expects the Security to begin trading on NYSE on January 10, 2006.

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and providing written notice of withdrawal to Amex.

The Issuer's application relates solely to the withdrawal of the Security from listing on Amex, and shall not affect its

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

continued listing on NYSE or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before February 6, 2006, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include the File Number 1–13237 or;

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–13237. This file number should be included on the subject line if e-mail is used. To help us 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/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Nancy M. Morris,

Secretary.

[FR Doc. E6–462 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Glacier Water Services, Inc. and Glacier Water Trust I To Withdraw Its Common Stock, $.01 Par Value, and Glacier Water Services, Inc. and Glacier Water & Trust I To Withdraw the 9¹⁄₁₆% Cumulative Trust Preferred Securities of Glacier Water Trust I, From Listing and Registration on the American Stock Exchange LLC File No. 1–11012

January 11, 2006.

On December 14, 2005, Glacier Water Services, Inc., a Delaware corporation (''Issuer''), the Issuer and Glacier Water Trust I, a Delaware business trust (''Trust'') filed an application with the Securities and Exchange Commission (''Commission''), to withdraw its common stock, $.01 par value, and to withdraw the 9¹⁄₁₆% cumulative trust preferred securities of the Trust (collectively ''Securities''), from listing and registration on the American Stock Exchange LLC (''Amex'') pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder.[2]

On November 30, 2005, the Board of Directors (''Board'') of the Issuer approved resolutions to withdraw the Securities from listing and registration on Amex.[3] The Issuer stated that on November 23, 2005, it received a notice from Amex regarding its non-compliance with certain continued listing standards. The Issuer decided that it is in the best interest of its shareholders to withdraw from listing voluntarily rather than to take steps that would be necessary to remedy the non-compliance. The Issuer stated that it expects the Securities to trade in the Pink Sheets over-the-counter market after the Securities are delisted from Amex.

The Issuer and the Trust stated that they have met the requirements of Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration by complying with all the applicable laws in effect in the state of Delaware, in which each is incorporated or organized, and by providing Amex with the required documents for withdrawal from Amex.

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] The Issuer owns all of the common securities of the Trust and controls the Trust. *See* telephone conversation between Steve L. Kuan, Special Counsel, Division of Market Regulation, Commission, and Howard F. Hart, Partner, Weissmann Wolff Bergman Coleman Grodin & Evall LLP, counsel to Issuer, on January 6, 2006.

The application relates solely to the withdrawal of the Securities from listing on Amex and from registration under Section 12(b) of the Act,[4] and shall not affect their obligation to be registered under Section 12(g) of the Act.[5]

Any interested person may, on or before February 6, 2006, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include the File Number 1–11012 or;

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–11012. This file number should be included on the subject line if e-mail is used. To help us 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/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Nancy M. Morris,

Secretary.

[FR Doc. E6–461 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78*l*(b).

[5] 15 U.S.C. 78*l*(g).

[6] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53092; File No. SR–CBOE–2005–105]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Proposed Rule Change Relating to the CBOE's Membership Rules for Foreign Member Organizations

January 10, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 7, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') 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 the CBOE. 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 Exchange proposes to amend its rule regarding the qualifications of foreign member organizations in relation to foreign organizations seeking to become members of the Exchange in a lessor-only capacity. The text of the proposed rule change appears below. Additions are *italicized.*

* * * * *

Rule 3.4. Qualifications of Foreign Member Organizations

(a) An organization that is not organized under the laws of one of the states of the United States must satisfy the following requirements in order to be a member organization:

(i) The organization must be a corporation or partnership organized under the laws of a country other than the United States with respect to which an information sharing agreement, memorandum of understanding, or treaty is in effect that provides the Securities and Exchange Commission with access to information concerning securities trading activity in that country;

(ii) The organization must disclose to the Exchange all persons associated with the organization and all parents of the organization, through all tiers of ownership, until the ultimate individual beneficial owners of the organization are disclosed;

(iii) The organization must maintain in English and at a location in the United States (A) the books and records of the organization that relate to its business on the Exchange, including, but not limited to, any trading records relating to trading activity on the Exchange and (B) any other books and records of the organization that an organization registered as a broker or dealer pursuant to Section 15 of the Exchange Act is required to maintain at a location in the United States;

(iv) The organization must maintain its financial records in accordance with United States accounting standards;

(v) The organization must agree to permit inspections by the Exchange and the Securities and Exchange Commission of the foreign operations of the organization related to its securities business;

(vi) The organization must waive any applicable secrecy laws and be exempted from any applicable blocking statutes in the domiciliary jurisdiction of the organization;

(vii) The organization must provide to the Exchange an opinion of legal counsel of the domiciliary jurisdiction of the organization which certifies that (A) there are no applicable secrecy laws or blocking statutes in that jurisdiction or (B) that the organization has effectively waived any applicable secrecy laws or is exempted from any applicable blocking statutes in that jurisdiction;

(viii) Any customer of the organization that utilizes the organization to execute orders on the Exchange must have waived any applicable secrecy laws and be exempted from any applicable blocking statutes in the domiciliary jurisdiction of the organization;

(ix) The organization must agree to submit to the jurisdiction of the Federal courts of the United States and the courts of Illinois and to irrevocably waive, to the fullest extent permitted by law, any objection which the organization may have based on venue or forum non conveniens with respect to any action initiated in such courts;

(x) The organization must appoint a process agent in Illinois to receive, on the behalf of the organization, process which may be served in any legal action or proceeding;

(xi) The organization must own its Exchange membership(s);

(xii) The organization must be registered as a broker or dealer pursuant to Section 15 of the Exchange Act;

(xiii) The organization must satisfy the foregoing requirements in a manner and form prescribed by the Exchange and must satisfy such additional requirements that the Exchange reasonably deems appropriate; and

(xiv) The organization must meet the other qualification requirements for membership under the Constitution and Rules.

*** * * Interpretations and Policies**

.01 For purposes of eligibility for membership, an entity organized as a limited liability company under the laws of a country other than the United States shall be deemed a corporation, its members shall be deemed principal shareholders, and its members with management responsibility and its managers shall be deemed executive officers.

.02 A foreign member organization that is approved to act solely as a lessor is not required to comply with Rules 3.4(a)(iii)(B) and 3.4(a)(xii).

* * * * *

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 CBOE 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 CBOE 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

Pursuant to CBOE Rule 3.4, ''Qualifications of Foreign Member Organizations,'' an organization that is not organized under the laws of one of the states of the United States (''foreign member organization'') must satisfy, among other things, the requirements set forth in CBOE Rule 3.4 in order to become a CBOE member. The purpose of this proposed rule change is to amend CBOE Rule 3.4 to exempt a foreign member organization that is approved by the Exchange to act solely as a lessor from the requirements set forth in: (i) CBOE Rule 3.4(a)(xii), which requires a foreign member organization to be registered as a broker or dealer pursuant to Section 15 of the Act; and (ii) CBOE Rule 3.4(a)(iii)(B), which requires a foreign member organization to maintain, in English and at a location in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the United States, any books and records of the foreign member organization that an organization registered as a broker or dealer pursuant to Section 15 of the Act is required to maintain at a location in the United States.

CBOE member organizations, whether organized under the laws of one of the states of the United States (''U.S. member organizations'') or otherwise, that are approved to act solely as lessors have no trading functions on the Exchange. In other words, the sole business function that may be performed by a U.S. member organization or a foreign member organization approved to act solely as a lessor is to lease the CBOE membership it owns to another Exchange member, which member would be required to be a registered broker-dealer that has been approved for membership under the CBOE's membership rules.

The foreign member organization application requirements set forth in CBOE Rule 3.4 apply equally to all foreign member organizations, whether or not the foreign member organization is applying to act solely as a lessor. In contrast, the application requirements for U.S. member organizations, as set forth in CBOE Rule 3.3, ''Qualifications and Membership Statuses of Member Organizations,'' distinguish, in certain cases, between organizations applying as lessor-only members and other member organizations. Specifically, CBOE Rule 3.3(a)(ii) requires U.S. member organizations to be registered as a broker or dealer pursuant to Section 15 of the Exchange Act, except that a U.S. member organization that is approved to act solely as a lessor is not required to comply with that requirement. The effect of the disparate treatment between foreign member organizations, as set forth in CBOE Rule 3.4, and U.S. member organizations, as set forth in CBOE Rule 3.3, is that a U.S. member organization that is approved by the Exchange to act solely as a lessor is not required to register as a broker or dealer, while a foreign member organization that is approved to act solely as a lessor is required to register as a broker or dealer pursuant to Section 15 of the Act.

The Exchange believes that a foreign member organization that is approved by the Exchange to act solely as a lessor should not be required to register as a broker or dealer. In this regard, the Exchange has received a no-action letter from the staff of the Commission that supports the notion that persons not engaging in securities activities for which broker or dealer registration is required (*i.e.*, a lessor) would not be required to register as a broker or dealer merely because that person has acquired and leased a membership on the Exchange.[3] Because foreign member organizations approved to act solely as lessors conduct no activities on the Exchange that would otherwise require them to register as a broker or dealer, the Exchange believes that it is appropriate not to require them to do so.

U.S. member organizations that are approved to act solely as lessors are generally subject to the same application requirements as other member organizations. The only distinctions that currently exist for these organizations are the exemptions set forth in CBOE Rule 3.3(a)(ii), as stated above, and the exemption from the Exchange's orientation and testing requirements.[4] Thus, for example, the Exchange would conduct an investigation of a foreign organization applying to be approved to act solely as a lessor in accordance with CBOE Rule 3.9, ''Application Procedures and Approval or Disapproval.'' Furthermore, the additional application requirements set forth in CBOE Rule 3.4 for foreign member organizations, other than those that are proposed to be revised in this filing, would ensure that the Exchange would have both access to the information it would need to review the foreign member organization's application for membership and, if necessary, the requisite jurisdiction to litigate matters related to the foreign member organization's business on the Exchange. The Exchange also notes that CBOE Rule 3.6(b) requires each associated person of a member organization that is required to be disclosed on Form BD as a direct owner or executive officer to submit an application to the Exchange for approval to become associated with the member organization in that capacity. CBOE Rule 3.6(b) also provides that if the member organization is not required to be a registered broker-dealer, an application to become associated with the member organization in the applicable capacity is required of each associated person of the organization that would be required to be disclosed on Form BD as a direct owner or executive officer in the event that the organization was a registered broker-dealer. Therefore, the Exchange would have the ability, through the associated person application process, to examine the senior persons in charge of the foreign member organization to ensure that those that are not qualified under the CBOE rules and the Act to be associated with a CBOE member are not associated with the foreign member organization.

Because the foreign member organization approved by the Exchange to act solely as a lessor would be conducting activities that would otherwise not require it to be registered as a broker or dealer, the Exchange also believes that the requirement set forth in CBOE Rule 3.4(a)(iii)(B) imposes obligations on the foreign member organization that do not reflect its activities on the Exchange. As noted above, CBOE Rule 3.4(a)(iii)(B) currently requires a foreign member organization approved solely as a lessor to maintain, in English and at a location in the United States, any books and records of the organization that an organization registered as a broker or dealer pursuant to Section 15 of the Act is required to maintain at a location in the United States. The Exchange believes that if the only activities conducted by the foreign member organization on the Exchange relate to its lease activities, the provisions set forth in CBOE Rule 3.4(a)(iii)(A), which require the foreign member organization to maintain, in English and at a location in the United States, the books and records of the organization that relate to its business on the Exchange, should ensure that the Exchange will have the ability to have access to adequate information with respect to the foreign member organization.

2. Statutory Basis

The proposed rule change implements certain application standards for foreign member organizations that are approved to act solely as lessors that currently exist for U.S. member organizations approved to act solely as lessors, while still allowing for the Exchange to obtain the information it needs to determine whether the Exchange's membership qualifications are satisfied. Therefore, the Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to

[3] *See* letter from Jeffrey L. Steele, Assistant Chief Counsel, Division of Market Regulation, Commission, to Arne R. Rode, Associate General Counsel, CBOE, dated Jan. 3, 1980.

[4] *See* CBOE Rule 3.9(g). The Exchange's testing and orientation requirements apply to members required to have authorized trading functions. Members approved to act solely as lessors are not permitted to have authorized trading functions.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

promote just and equitable principles of trade, to prevent fraudulent and manipulative acts 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 rule change does 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

No written comments were solicited or received with respect to the proposed rule change.

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 publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change 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 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–CBOE–2005–105 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–CBOE–2005–105. 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 Exchange. 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–CBOE–2005–105 and should be submitted on or before February 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Nancy M. Morris,

Secretary.

[FR Doc. E6–465 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53067; File No. SR–NASD–2005–153]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Procedures for Review of Listing Determinations

January 6, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 23, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), 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 Nasdaq. Nasdaq filed this proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder[4] as non-controversial, and therefore the proposed rule change is effective immediately upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to amend the rules governing delisting proceedings to permit delivery of documents by hand-delivery, overnight mail, facsimile, or e-mail in all instances. The text of the proposed rule change is below. Proposed new language is *italicized*; proposed deletions are in [brackets].[5]

* * * * *

4813. Delivery of Documents

Delivery of any document under this Rule 4800 Series [by an issuer, Nasdaq, or the NASD] may be made by *electronic delivery,* hand delivery [to the designated address], [by] facsimile [to the designated facsimile number]*, or* [and] overnight courier [to the designated address, to Nasdaq or the NASD by e-mail, or to an issuer by e-mail if the issuer consents to such method of delivery]. Delivery shall be considered timely if *the electronic delivery, hand delivery, fax, or overnight courier is received on or before the relevant deadline.* [hand delivered prior to the relevant deadline or upon being e-mailed or faxed and/or sent by overnight courier service prior to the relevant deadline.] If an issuer has not specified a facsimile number*, e-mail address,* or street address, delivery shall be made to the last known facsimile number*, e-mail address,* and street address. If an issuer is represented by counsel or a representative, delivery [shall] *may* be made to the counsel or representative.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The proposed rule change is marked to show changes from the rule as it appears in the electronic NASD Manual available at *http://www.nasdr.com.*

rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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

Nasdaq proposes to amend the rule governing delivery of documents in delisting proceedings to allow the electronic delivery of documents without specific consent to that delivery method. Nasdaq believes that this change reflects current prevailing practice and a preference for e-mail communication by Nasdaq issuers.[6] Nasdaq believes this would increase the efficiency, speed, and transparency of communication among hearing participants and would also reduce the administrative burden on Nasdaq created by the current requirement of overnight and facsimile delivery in some instances.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act[7] in general and with Section 15A(b)(6) of the Act[8] in particular in that the proposal is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. Nasdaq believes that the proposed change is designed to improve the procedures applicable to the review of listing determinations, as well as to provide greater transparency to these procedures.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would result in 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

At any time within 60 days of the filing of the 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–NASD–2005–153 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASD–2005–153. 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 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–2005–153 and should be submitted on or before February 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–434 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[6] Consistent with current practice related to delivery of documents, the parties will give a specific address for any delivery of documents involving electronic (or any other) means. Telephone conversation between Jeffrey Davis, Associate Vice President, NASD, and Florence E. Harmon, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, on January 5, 2006.

[7] 15 U.S.C. 78*o*–3.

[8] 15 U.S.C. 78*o*–3(b)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53093; File No. SR–NASD–2005–149]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to an Extension of the Short Sale Rule and Continued Suspension of Primary Market Maker Standards Set Forth in NASD Rule 4612

January 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 15, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

have been prepared by Nasdaq. On January 6, 2006, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] Nasdaq has filed the proposal as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6) thereunder,[5] which renders it effective upon filing with the Commission. 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

Nasdaq proposes to extend the pilot effectiveness of NASD Rule 3350 until December 15, 2006. Nasdaq is also seeking to continue the suspension of the effectiveness of the Primary Market Maker (''PMM'') standards currently set forth in NASD Rule 4162 until December 15, 2006. In addition, Nasdaq is seeking to extend the pilot effectiveness of the penny ($0.01) legal short sale standard contained in paragraph (b)(2) of NASD Interpretative Material 3350 (''IM–3350'').

The text of the proposed rule change, as amended, is available on the NASD's Web site (*http://www.nasd.com*), at the principal office of the NASD, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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

Background and Description of the NASD's Short Sale Rule. Section 10(a) of the Act[6] gives the Commission plenary authority to regulate short sales of securities registered on a national securities exchange, as needed to protect investors. In 1992, Nasdaq, believing that short sale regulation is important to the orderly operation of securities markets, proposed a short sale rule for trading of its National Market securities that incorporates the protections provided by Rule 10a–1 under the Act.[7] On June 29, 1994, the Commission approved the NASD's short sale rule (the ''Rule'') applicable to short sales[8] in Nasdaq National Market (''NNM'') securities on an eighteen-month pilot basis through March 5, 1996.[9] The NASD has proposed, and the Commission has approved, extensions of NASD Rule 3350 numerous times, most recently, until December 15, 2005.[10]

The Rule employs a ''bid'' test rather than a tick test because Nasdaq trades are not currently reported to the tape in chronological order. The Rule prohibits short sales at or below the inside bid when the current inside bid is below the previous inside bid. Nasdaq calculates the inside bid from all market makers in the security and disseminates symbols to denote whether the current inside bid is an ''up-bid'' or a ''down-bid.'' To effect a ''legal'' short sale on a down-bid, the short sale must be executed at a price at least $.01 above the current inside bid. The Rule is in effect from 9:30 a.m. EST until 4 p.m. EST each trading day.

In December of 2002, Nasdaq modified the method it uses to calculate the last bid by having it refer to the ''Nasdaq Inside'' which is comprised of quotations from all participants in Nasdaq execution systems (*e.g.*, SuperMontage), rather than referring to the National Best Bid and Offer (''NBBO''). Nasdaq currently calculates and applies the Nasdaq-based bid tick indicator to all SuperMontage trades. With respect to trades executed outside Nasdaq execution systems and reported to Nasdaq, Nasdaq participants have been permitted to transition from the NBBO-based bid tick to the Nasdaq-based bid tick, provided that each firm select and apply a single bid tick indicator for all such trades executed by that firm. That transition has not been completed and, as explained below, in light of the Commission's adoption of Regulation SHO,[11] Nasdaq has alerted members that it would not be prudent to transition from the NBBO bid tick to the Nasdaq bid tick at this time.

Background of the Primary Market Maker Standards. To ensure that market maker activities that provide liquidity and continuity to the market are not adversely constrained when the short sale rule is invoked, NASD Rule 3350 provides an exemption for ''qualified'' market makers (*i.e.*, market makers that meet the PMM standards). Presently, NASD Rule 4612 provides that a member registered as a market maker pursuant to NASD Rule 4611 may be deemed a PMM if that member meets certain threshold standards. On February 14, 1997, the PMM standards were waived for all NNM securities due to the impacts of the Commission's Order Handling Rules and corresponding NASD rule change and system modifications on the operation of the four quantitative standards.[12]

Proposal to Extend the Short Sale Rule and Suspend the PMM Standards. Nasdaq believes that it is in the best interest of investors to extend the short sale regulation pilot program. When the Commission approved the NASD's short sale rule on a pilot basis, it made specific findings that NASD Rule 3350 was consistent with Sections 11A, 15A(b)(6), 15A(b)(9), and 15A(b)(11) of the Act. Specifically, the Commission stated that, ''recognizing the potential for problems associated with short selling, the changing expectations of Nasdaq market participants and the competitive disparity between the exchange markets and the OTC market, the Commission believes that regulation of short selling of Nasdaq National Market securities is consistent with the Act.''[13] In addition, the Commission stated that it ''believes that the NASD's short sale bid-test, including the market maker exemptions, is a reasonable approach to short sale regulation of Nasdaq National Market securities and reflects the realities of its market structure.''[14] The benefits that the Commission recognized when it first approved NASD Rule 3350 applied with equal force today.

Similarly, the concerns that caused the Commission to waive the PMM standards in February 1997 continue to exist today. Nasdaq and the Commission

[3] In Amendment No. 1, Nasdaq made technical changes to the text of the proposed rule change.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] 15 U.S.C. 78j(a).

[7] 17 CFR 240.10a–1.

[8] A short sale is a sale of a security that the seller does not own or any sale that is consummated by the delivery of a security borrowed by, or for the account of, the seller. To determine whether a sale is a short sale members must adhere to the definition of a ''short sale'' contained in Rule 200 of Regulation SHO. 17 CFR 242.200.

[9] *See* Securities Exchange Act Release No. 34277 (June 29, 1994), 59 FR 26212 (July 7, 1994) (SR–NASD–92–12) (''Short Sale Rule Approval Order'').

[10] *See* Securities Exchange Act Release No. 50922 (Dec. 22, 2004), 69 FR 78079 (Dec. 29, 2004) (SR–NASD–2004–187).

[11] *See* Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004) (S7–23–03).

[12] *See* Securities Exchange Act Release No. 38294 (February 14, 1997), 62 FR 8289 (February 24, 1997) (SR–NASD–97–07).

[13] *See* Short Sale Rule Approval Order, *supra* note 9.

[14] *Id.*

agreed to waive the PMM standards for three reasons that were discovered only after the Order Handling Rules were implemented.[15] Through late 1999, Nasdaq worked diligently to address those concerns to the Commission's satisfaction, including convening a special subcommittee on PMM issues, proposing two different sets of PMM standards, and being continuously available and responsive to Commission staff to discuss this issue. Despite these efforts, the Commission and Nasdaq were unable to establish satisfactory PMM standards. Re-instating the PMM standards set forth in NASD Rule 4612 would be extremely disruptive to the market and harmful to investors.

Proposal to Extend Penny Short Sale Standard. On March 2, 2001, the Commission approved, on a pilot basis,[16] Nasdaq's proposal to establish a $0.01 above the bid standard for legal short sales in Nasdaq National Market securities as part of the Decimals Implementation Plan for the Equities and Options Markets. This pilot program has been continuously extended since that date.[17] Nasdaq now proposes to extend, through December 15, 2006, that pilot program. Extension until December 15, 2006 will allow Nasdaq and the Commission to continue to evaluate the impact of the penny short sale pilot. If the instant filing is approved, Nasdaq will continue during the pilot period to require NASD members seeking to effect ''legal'' short sales when the current best (inside) bid displayed by Nasdaq is lower that the previous bid, to execute those short sales at a price that is at least $0.01 above the current inside bid in that security. Nasdaq believes that continuation of this pilot standard appropriately takes into account the important investor protections provided by NASD Rule 3350 and NASD IM–3350 and the ongoing relationship of the valid short sale price amount to the minimum quotation increment of the Nasdaq market (currently also $0.01).

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[18] in general and with Section 15A(b)(6) of the Act,[19] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change is being made so that the pilot programs, which achieve these goals, may continue without interruption.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21] Nasdaq will implement this rule change immediately.

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[22] However, Rule 19b–4(f)(6)(iii)[23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. Nasdaq has requested that the Commission waive the five-day pre-filing notice requirement and the 30-day pre-operative delay. The Commission is exercising its authority to waive the five-day pre-filing requirement and believes that waiver of the 30-day pre-operative delay is consistent with the protection of investors and in the public interest. Waiving the five-day pre-filing requirement and 30-day pre-operative delay will allow the pilot programs to continue uninterrupted.[24]

At any time within 60 days of the filing of the 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 Act.[25]

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–2005–149 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASD–2005–149. 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

[15] Implementation of the Order Handling Rules created the following three issues: (1) Many market makers voluntarily chose to display customer limit orders in their quotes although the Limit Order Display Rule does not require it; (2) decrementation for all Nasdaq stocks significantly affected market makers' ability to meet several of the primary market maker standards; and (3) with the inability to meet the existing criteria for a larger number of securities, a market maker may be prevented from registering as a primary market maker in an initial public offering because it fails to meet the 80% primary market maker test contained in NASD Rule 4612(g)(2)(B).

[16] *See* Securities Exchange Act Release No. 44030 (March 2, 2001), 66 FR 14235 (March 9, 2001) (SR–NASD–01–09).

[17] *See* Securities Exchange Act Release No. 50922 (Dec. 22, 2004), 69 FR 78079 (December 29, 2004) (SR–NASD–2004–187).

[18] 15 U.S.C. 78*o*–3.

[19] 15 U.S.C. 78*o*–3(b)(6).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] *Id.*

[24] For the purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[25] The effective date of the original proposed rule change is December 15, 2005, and the effective date of Amendment No. 1 is January 6, 2006. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, as amended, under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on January 6, 2006, the date on which Nasdaq submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

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, 100 F Street, NE., Washington, DC 20549. Copies of such 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 No. SR–NASD–2005–149 and should be submitted on or before February 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Nancy M. Morris,

Secretary.

[FR Doc. E6–435 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53099; File No. SR–NSCC–2005–16]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise the Fee Structure of NSCC

January 11, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 22, 2005, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by NSCC. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act[2] and Rule 19b–4(f)(2) thereunder[3] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of changes to the fee structure of NSCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to update the fees of NSCC. The rule change makes the following changes to NSCC's fees.

- Change ACATS Transfer Initiation Form (''TIF'') input fees to realign fees with costs. The fee for standard TIF input will be reduced from $.85 to $.40 per TIF entered, and a new fee of $.40 will be imposed for non-standard TIF input.
- Increase the fee for ACATS account transfer rejects from $.25 to $1.00.
- Create a fee for ACATS insurance registrations of $.25 per insurance registration submitted, which is charged to the receiver and the deliverer.
- Implement fee reductions in trade comparison and recording services, including: (a) A reduction in the trade recording fee for each side of stock, warrant, or right item originally compared by an other party from $.0025 to $.0015 per 100 shares with the minimum fee reduced from $.0075 to $.0045 per 100 shares and the maximum fee reduced from $.15 to $.09 per 100 shares and (b) a reduction in the flip trade fee from $.025 to $.005 per side.
- Reduce the trade clearance netting fee from $0.015 per side to $.007 per side.
- Reduce the mutual fund Fund/SERV settling transaction fee from $.175 to $.110 per side.
- Restructure the mutual fund networking fees to eliminate the two account base fees and position record fees of $.02 per month/per side, $.01 per month/per side, and $1.50 per month/per thousand subaccount records, respectively, and replace them with an activity fee of $.0025 per transaction.[5]

In addition, the proposed rule change will increase settlement service fees for improved cost recovery as follows:

Service	Current fee	Revised fee
Envelope Settlement Service:		
Intra-city deliveries		
Night Zone	$1.00	$2.00
Early a.m. Zone	1.50	3.00
Late a.m. Zone	2.50	5.00
Reclamations	1.00	5.00
ESS Receives	1.00	2.00
Inter-City Deliveries and Receives (IESS)	2.50	5.00
Funds Only Settlement Service:		
Deliveries or Reclamations	1.00	5.00
Receives	1.00	5.00
Dividend Settlement Service	.30	1.00

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(ii).

[3] 17 CFR 240.19b–4(f)(2).

[4] The Commission has modified the text of the summaries prepared by NSCC.

[5] The new mutual fund networking fee will go into effect on February 1, 2006.

Except as otherwise noted, the proposed fee changes will become effective on January 1, 2006.

The proposed change is consistent with Section 17A of the Act[6] and the rules and regulations thereunder applicable to NSCC because it will enable NSCC to equitably allocate costs among its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[7] and Rule 19b–4(f)(2)[8] thereunder because it establishes or changes a due, fee, or other charge. At any time within sixty days of the filing of the 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–NSCC–2005–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NSCC–2005–16. 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 Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://www.nscc.com.* 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–NSCC–2005–16 and should be submitted on or before February 8, 2006.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Nancy M. Morris,

Secretary.

[FR Doc. E6–466 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53091; File No. SR–NSX–2005–10]

Self-Regulatory Organizations; National Stock Exchange; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change To Establish Certain Fees With Respect to Transactions Executed Through the Intermarket Trading System

January 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 30, 2005, the National Stock Exchange (''NSX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by the NSX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to enter into arrangements with other national securities exchanges to pass certain fees they have collected from members for transactions executed on another exchange through the Intermarket Trading System (''ITS''). This proposal does not require changes to NSX rule text.

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 III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 31 of the Act [3] requires each national securities exchange to pay the Commission a fee based on the aggregate dollar amount of certain sales of securities (''covered sales''). Rules 31 and 31T, adopted by the Commission in June 2004,[4] established procedures for the calculation and collection of Section 31 fees on such covered sales. Rule 31 requires each national securities exchange that owes Section 31 fees to submit a completed Form R31 to the Commission each month, beginning with July 2004. Rule 31T required each exchange to submit a completed Form R31 for each of the months September 2003 to June 2004, inclusive. Each national securities exchange must report its covered sales volume based on the data from a designated clearing agency, when available. The designated clearing agency for covered sales of equity securities is the National Securities Clearing Corporation (''NSCC''). These covered sales are reported in Part I of Form R31, and each exchange is required to ''provide in Part I only the data supplied to it by a designated clearing agency.'' [5] The data supplied by NSCC for the period September 2003 through August 2004 did not accurately reflect the aggregate dollar value of the covered sales occurring on each exchange to permit reports to be made in accordance with new Rules 31 and 31T. In particular, the data NSCC reported to each national securities exchange included non-covered sales data for sales originating on one exchange and executed on another exchange through the ITS.[6]

Section 31 requires that national securities exchanges pay a fee based on the aggregate dollar amount of sales of securities transacted on the exchange. Given the specific language of Section 31, the Commission in the Adopting Release for Rules 31 and 31T advised that the current methodology for treating sales of securities that occur through ITS [7] was no longer appropriate and that ''it would be simpler and more transparent for each covered [self-regulatory organization (''SRO'')] to report all covered sales that occur on its market.'' The Commission further stated:

> The Commission acknowledges that a covered SRO on which a covered sale occurs as a result of an incoming ITS order may not be able to collect funds to pay the Section 31 fee from one of its own members. However, Section 31 does not address the manner or extent to which covered SROs may seek to recover the amounts that they pay pursuant to Section 31 from their members. Covered SROs may wish to devise new arrangements for passing fees between themselves so that the funds are collected from the covered SRO that originated the ITS order.[8]

The Commission further noted that any such arrangements devised by the SROs would have to be established pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder.

A subcommittee of the ITS Operating Committee [9] (''Subcommittee'') has had discussions in order to devise new arrangements for passing fees between the ITS participants that (1) were collected from their members for the months of September 2003 through August 2004; and (2) are being collected from their members beginning in September 2004 and continuing. This proposed rule change is being submitted by the NSX with the understanding that the other exchanges participating in the proposed arrangement devised by the subcommittee will be submitting substantially similar rule change proposals.[10]

Pursuant to the new arrangement being proposed, each ITS participant exchange determines whether it has received and executed more in dollar value of covered sales than it has originated and sent to each other ITS participant exchange. For example, for the historical period, September 2003 through August 2004, SRO A sent ITS commitments for covered sales whose dollar value was $150 million to SRO B for execution. SRO A collected fees from its members to fund its Section 31 obligation for those covered sales executed on SRO B. SRO B, as the executing market center, is obligated to pay the Section 31 fee to the SEC. During the same period, SRO B sent ITS commitments for covered sales whose dollar value was $210 million to SRO A. SRO B collected fees from its members for those covered sales executed on SRO A. SRO A, as the executing market center, is obligated to pay the Section 31 fee to the SEC. Since SRO A executed a greater dollar value of covered sales from SRO B than it sent to SRO B, the proposed arrangement requires SRO A to determine the amount of the fees collected by SRO B from its members based on the aggregate dollar value of covered sales from SRO B and executed on SRO A through ITS commitments. When invoicing SRO B, SRO A will deduct the amount of the fee it owes to SRO B (*i.e.*, the fee amount based on SRO A's $210 million in aggregate covered sales less the fee amount based on SRO B's $150 million in aggregate covered sales) and will invoice only for the difference of $60 million.

Once the fees have been invoiced and paid for the historical period, the ITS participant exchanges plan to use the same arrangement for the period beginning September 2004 and continuing. It is anticipated that the invoicing process will occur twice yearly to coincide with the March 15 and September 30 payment schedule for Section 31 fees set forth in the Act.

To implement this proposed arrangement, an ITS participant exchange will require access to the aggregate dollar value of buy and sell transactions occurring through ITS. Under the proposed arrangement for fees collected for the months of September 2003 through August 2004, an ITS participant exchange may choose to use data obtained from the Inter-market Surveillance Information System (''ISIS'') or data that provides comparable information that includes aggregate dollar value of ITS

[3] 15 U.S.C. 78ee.

[4] *See* Securities Exchange Act Release No. 49928 (June 28, 2004), 69 FR 41060 (July 7, 2004) (''Adopting Release'').

[5] 17 CFR 240.31(b)(5).

[6] As a result of this and other inaccuracies in the data reported by NSCC, the national securities exchanges were unable to report accurate information on Form R31, unless they made adjustments to the NSCC data based on data other than that provided by NSCC. On October 6, 2004, the Commission's Division of Market Regulation (''Division'') issued a ''no-action'' letter advising exchanges for whom NSCC acts as a designated clearing agency under Rule 31, that the Division staff would not recommend that the Commission take enforcement action if a national securities exchange adjusts the data provided by NSCC to accurately reflect covered sales occurring on the national securities exchange. *See* letter from Robert L.D. Colby, Deputy Director, Division, Commission to Ellen J. Neely, Senior Vice President and General Counsel, Chicago Stock Exchange, Inc. (''CHX''), dated October 6, 2004.

[7] In the Adopting Release, the Commission described the current methodology: ''SRO A sends an ITS commitment to a member of SRO B to sell a security, and the commitment is executed on SRO B. Under existing arrangements, SRO A pays the Section 31 fee arising from this trade and passes the fee to its member that initiated the trade. * * * [T]he SROs devised this system because SRO B does not have the ability to require members of SRO A to reimburse it for the cost of its Section 31 fees.'' Adopting Release, 69 FR at 41067.

[8] *Id.*

[9] The ITS participants are American Stock Exchange LLC, Boston Stock Exchange (''BSE''), Chicago Board Options Exchange, CHX, National Association of Securities Dealers (''NASD''), NSX, New York Stock Exchange (''NYSE''), Pacific Exchange, and Philadelphia Stock Exchange.

[10] NASD has determined not to participate in the arrangement for passing fees between exchanges although they participated in many of the conference calls regarding the proposed arrangement.

transactions.[11] The ISIS data is sorted by originating market center (*i.e.*, the sender of an ITS commitment) and receiving market center (*i.e.*, the market center that executes the ITS commitment). Using this data, each ITS participant exchange can determine on a monthly basis the dollar value of all executed commitments sent to and received from another ITS participant exchange.

At its meeting on February 23, 2005, the Subcommittee asked the Securities Industry Automation Corporation (''SIAC'') to determine the time and expense involved for SIAC to use the ITS database that it maintains to provide reports of the aggregate dollar value of buy and sell transactions occurring through ITS to the ITS participants. On March 15, 2005, representatives of the Subcommittee authorized SIAC to develop new reports. SIAC is in the process of developing these reports and expects to complete testing by August 31, 2005. Once SIAC can provide this data, it will no longer be necessary for ISIS data to be used. The new reports provided by SIAC will be used by ITS participants in connection with determining which ITS participant exchange will pay the fee for transactions occurring through ITS and which ITS participant exchange has collected the fee from its members.

The NSX believes that the proposed arrangement is a fair and efficient means for passing fees collected at one ITS participant exchange based upon executions of covered sales occurring at another ITS participant exchange. The NSX acknowledges that the legal duty to report and pay the Section 31 fee remains with the ITS participant on which the sale was in fact transacted.

2. Statutory Basis

This proposal would establish a process for SROs to enter into arrangements to pass fees they have collected from members for transactions executed on another SRO through ITS. For these reasons, the Exchange believes that the proposed rule change is consistent with the Act and the rules and regulations thereunder that are applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[13] in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(4) of the Act,[14] which requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will 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

No written comments were solicited or received with respect to the proposed rule change.

III. 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–NSX–2005–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NSX–2005–10. 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 NSX. 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–NSX–2005–10 and should be submitted on or before February 8, 2006.

IV. Commission's Findings and Order Granting Accelerated Approval of a Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[15] In particular, the Commission believes that the proposal is consistent with Section 6(b)(4) of the Act,[16] which requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. National securities exchanges obtain funds to pay their Section 31 fees to the Commission by charging fees to broker-dealers who generate the covered sales on which Section 31 fees are based. An exchange can obtain most of these funds by imposing a fee on one of its members whenever the member is on the sell side of a transaction. However, when the exchange accepts an ITS commitment to buy, the ultimate seller is a party on another market. The exchange lacks the ability to pass a fee to that seller directly, because the seller may not be a member of the exchange. Under the proposed arrangement, which the Commission understands will be adopted by each of the ITS participant exchanges,[17] the exchange that routed

[11] The NYSE has made available to the ITS participants spreadsheets for each month in the period using the ISIS data.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(4).

[15] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(4).

[17] *See* letter from George W. Mann, Jr., Executive Vice President and General Counsel, BSE, and Chairman, Subcommittee, to Michael Gaw, Assistant Director, Division, Commission, dated September 29, 2005.

the ITS commitment away will continue to collect a fee from the broker-dealer that placed the sell order. Then, with respect to each ITS participant exchange, the exchange will determine whether it is a net sender or net receiver of ITS trades and send fees to or accept fees from each other exchange accordingly. The Commission believes this is an equitable manner for the exchanges to obtain funds to pay their Section 31 fees on covered sales resulting from ITS trades.

Under Section 19(b)(2) of the Act,[18] the Commission may not approve any proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, unless the Commission finds good cause for so doing. The Commission hereby finds good cause for approving the proposed rule change prior to the thirtieth day after publishing notice of filing thereof in the **Federal Register**. In this case, the Commission does not believe a comment period is necessary because all of the parties affected by the proposed fee—the other ITS participant exchanges—have already consented to and will adopt the same fee arrangement.[19]

For the reasons set forth above, the Commission finds good cause to accelerate approval of the proposed rule change pursuant to Section 19(b)(2) of the Act.[20]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NSX–2005–10) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Nancy M. Morris,

Secretary.

[FR Doc. E6–464 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[18] 15 U.S.C. 78s(b)(2).

[19] *See supra* note 17.

[20] *Id.*

[21] *Id.*

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53090; File No. SR–OCC–2005–19]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Submission of Exercise Notices for American Option Contracts Other Than at Expiration

January 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 12, 2005, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend OCC Rule 801, which applies to the submission of exercise notices for American-style option contracts other than at expiration, to delete specific references as to times when such exercise notices may be submitted and to instead provide OCC with the authority to prescribe the time frames for their submission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify OCC Rule 801, which applies to the submission of exercise notices for American-style option contracts other than at expiration, to delete specific references to the times when such exercise notices may be submitted, and to instead provide OCC with the authority to prescribe the timeframes for their submission. Implementing this change would require additional conforming changes to Rule 801 as described herein.

Rule 801

Rule 801(a) permits a clearing member desiring to exercise an American-style equity or non-equity option on a business day other than the business day prior to its expiration to submit an exercise notice to OCC between 9 a.m. and 7 p.m., provided that an exercise notice for an American-style currency option must be submitted by 2:30 p.m.[3] (All times are at Central Time.) Exercise instructions submitted with respect to equity and non-equity options become irrevocable at 7 p.m. and 2:30 p.m. in the case of currency options unless modified or revoked by a clearing member because of a bona fide error by the clearing member or its customer in accordance with the procedures prescribed by OCC.

Rule 801(b) allows the OCC Board of Directors to designate with not less than seven days' prior written notice to non-equity securities clearing members a cut-off time earlier than that specified in Rule 801(a) as the deadline for submitting exercise notices with respect to American-style non-equity option contracts and the time when such exercise notices become irrevocable.

Subject to specified exceptions and conditions, Rule 801(e) grants certain OCC employees[4] the discretion to permit a clearing member to file, revoke, or modify any exercise notice submitted in accordance with Rule 801(a) after the 7 p.m. deadline for the purpose of correcting a bona fide error. One condition is that the requesting clearing member is liable to OCC for a late filing fee in escalating increments and time segments. The late filing fee is as follows:

- $2,000 for any request accepted between 7 p.m. and 8 p.m.;
- $5,000 for any request accepted between 8:01 p.m. and the start of critical processing provided that the request does not materially affect the start of critical processing; and
- $20,000 per line item listed on any exercise notice accepted for filing after the start of critical processing with 50%

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] Except for short dated options, an American-style option may not be exercised on the business day prior to its expiration date.

[4] Those employees are OCC's Chairman, Management Vice Chairman, President, or a designee of such officer.

of the fee to be distributed to the assigned clearing member or clearing members on a pro rata basis if more than one clearing member is assigned.

Changes to Rule 801

The operational and processing efficiencies gained from real-time trade submission have prompted the OCC Roundtable [5] to propose that OCC advance the 7 p.m. cut-off time for submission of post-trade instructions, including exercise notices, by clearing members on regular business days. The Roundtable believes that an earlier deadline for filing such instructions would further straight-through processing goals by permitting OCC to move forward the times when it initiates nightly processing and distributes data to members.

Although current discussions have centered on a post-trade submission cut-off time of 6:30 p.m., the Roundtable has not yet reached a consensus on a recommended time.[6] Notwithstanding that additional discussions are required to determine a new deadline, the Roundtable has asked OCC to amend Rule 801 to eliminate the requirement that exercise notices with respect to most American-style options be submitted between 9 a.m. and 7 p.m. on a business day. In response to the Roundtable's request and consistent with other OCC rules, OCC proposes that Rule 801 be amended to permit OCC to specify the times when such exercise notices may be submitted.[7] (Such times would be specified in OCC's operations manual.) Such an amendment would allow OCC to implement the new deadline for post-trade instructions promptly, once it is determined, and would give OCC greater flexibility in responding to future operational and technology developments. OCC also proposes to make the following conforming changes to Rule 801:

- Amend Rule 801(a) to eliminate the mandated 2:30 p.m. deadline for filing exercise notices with respect to currency options. The deadline would instead be a time specified by OCC (in its operations manual). While there are no current plans to advance this deadline, the language of the rule would be changed for consistency and future flexibility.
- Amend Rule 801(a) to provide that the prescribed deadlines for submitting exercise notices may be changed with not less than 30 days' prior written notice to affected clearing members. This would ensure that clearing members have sufficient time to adjust their procedures for submitting exercise notices.
- Delete Rule 801(b) which authorizes the Board to advance the deadline for submitting exercise notices for American-style non-equity options. The subject matter of Rule 801(b) would be covered by the changes to Rule 801(a) described above.
- Amend Rule 801(e) to restructure portions of the fee schedule for submitting late requests to file, revoke, or modify exercise notices. The $2,000 filing fee would be eliminated. The $5,000 filing fee would be applied to all requests accepted after the deadline specified pursuant to Rule 801(a) but before the start of critical processing. No change would be made to the filing fee for requests accepted after the start of critical processing. These proposed changes would align the filing fee schedule under Rule 801 with the filing fee schedule for supplementary exercise notices filed under Rule 805 (which applies to expiration date processing).

* * * * *

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [8] and the rules and regulations thereunder applicable to OCC because it enhances the efficiency and effectiveness of OCC's procedures for accepting submissions of exercise notices otherwise than at expiration by giving OCC the flexibility to designate the applicable time frames and revise them in response to future operational and technological developments. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety days of such date if it finds such longer period to be appropriate and 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 or

(B) Institute proceedings to determine whether the proposed rule change 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 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–OCC–2005–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–OCC–2005–19. 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

[5] The OCC Roundtable is an OCC-sponsored advisory group comprised of representatives from OCC, a cross-section of clearing members, participant exchanges, and industry service bureaus. The Roundtable considers operational improvements that may be made to increase efficiencies and to lower costs in the options industry.

[6] A preliminary analysis by OCC staff suggests that fewer than five clearing members submit exercise notices after 6:30 p.m.

[7] Under Rule 805, OCC already has the authority to prescribe deadlines for the submission of exercise instructions for purposes of expiration date processing.

[8] 15 U.S.C. 78q–1.

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 Section, 100 F Street, NE., Washington, DC 20549. Copies of such filings also will be available for inspection and copying at the principal office of OCC and on OCC's Web site, *http://www.optionsclearing.com.* 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–OCC–2005–19 and should be submitted on or before February 8, 2006.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Nancy M. Morris,

Secretary.

[FR Doc. E6–463 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53068; File No. SR–Phlx–2005–87]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change, and Amendment No. 1 Thereto Relating to the Exchange's Covered Sale Fee and Exchange Rule 607

January 11, 2006.

Correction

The release number for File No. SR–Phlx–2005–87 issued on January 6, 2006 was incorrectly stated as Release No. 34–53088. The correct release number appears above.

Nancy M. Morris,

Secretary.

[FR Doc. E6–431 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53094; File No. SR–Phlx–2005–75]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendments No. 1 and 2 Thereto Relating to Dividend Spread and Merger Spread Strategy Rebate Request Forms

January 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 30, 2005, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or the ''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by Phlx. On December 21, 2005, the Exchange filed Amendment No. 1 to the proposal.[3] On January 10, 2006, the Exchange filed Amendment No. 2 to the proposal.[4] Phlx has designated the proposed rule change as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, pursuant to Section 19(b)(3)(A)(i) of the Act[5] and Rule 19b–4(f)(1) thereunder,[6] which renders the proposal effective upon filing with the Commission. 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

Phlx proposes to amend the timeframe in which dividend spread and merger spread strategy rebate request forms must be submitted to the Exchange. Rebate request forms will now be due three business days after the end of each month.

The text of the proposed rule change is available on the Phlx's Web site at *http://www.phlx.com*, at the Office of the Secretary at Phlx, and at the Commission's Public Reference Room.

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, as amended, and discussed any comments it received on the proposal. 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

Currently, the Exchange provides a rebate for certain contracts executed in connection with transactions occurring as part of a dividend spread strategy[7] or merger spread strategy.[8] Specifically, for those options contracts executed pursuant to a dividend spread strategy or merger spread strategy, the Exchange rebates $0.08 per contract side for Registered Options Trader (''ROT'') executions and $0.07 per contract side for specialist executions on the business day before the underlying stock's ex-date. The ex-date is the date on or after which a security is traded without a previously declared dividend or distribution.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, Phlx modified the statutory basis for the immediate effectiveness of the proposal from Section 19(b)(3)(A)(ii) of the Act and Rule 19b–4(f)(2) thereunder to Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(f)(3) thereunder, and also changed the implementation date for the proposal from the third business day of December 2005 to the third business day of January 2006.

[4] In Amendment No. 2, Phlx changed the statutory basis for the immediate effectiveness of the proposal from Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(f)(3) thereunder to Section 19(b)(3)(A)(i) of the Act and Rule 19b–4(f)(1) thereunder. Amendment No. 2 also provided a revised statutory basis for the proposal.

[5] 15 U.S.C. 78s(b)(3)(A)(i).

[6] 17 CFR 240.19b–4(f)(1).

[7] For purposes of this proposal, the Exchange defines a ''dividend spread'' transaction as any trade done within a defined time frame pursuant to a strategy in which a dividend arbitrage can be achieved between any two deep-in-the-money options.

[8] For purposes of this proposal, the Exchange defines a ''merger spread'' transaction as a transaction executed pursuant to a merger spread strategy involving the simultaneous purchase and sale of options of the same class and expiration date, but different strike prices, followed by the exercise of the resulting long options position, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock. *See* Securities Exchange Act Release No. 51596 (April 21, 2005), 70 FR 22381 (April 29, 2005).

[9] The Exchange also imposes a fee cap on equity option transaction and comparison charges on merger spread transactions and dividend spread

Continued

Currently, the Exchange uses a manual procedure to process rebate requests.[10] Specifically, to qualify a transaction for the rebate process, a written rebate request, along with supporting documentation, must be submitted to the Exchange within 30 calendar days of the billing period (*i.e.*, within thirty days from the issue date of the invoice).[11] After the appropriate verification and subsequent acceptance, the Exchange credits the member's account for the amount of the rebate (either $0.08 or $0.07 per contract side) on contracts executed in transactions occurring as part of a merger spread strategy or dividend spread strategy.

The Exchange now proposes to reduce the time period in which dividend spread strategy and merger spread strategy rebate request forms must be submitted to the Exchange from 30 calendar days to three business days following the end of the previous month, *e.g.*, for merger spread and dividend spread transactions settling in December 2005, rebate request forms for those transactions must be submitted by the third business day in January 2006.[12]

This proposal would be effective beginning with rebate request forms that will be due in January 2006, which reflect trades settling on or after December 1, 2005.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[13] in general, and furthers the objectives of Section 6(b)(5) of the Act[14] in particular, as the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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 does not believe that the proposed rule change, as amended, will 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

No written comments were solicited or received on the proposed rule change, as amended.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[15] and subparagraph (f)(1) of Rule 19b–4 thereunder[16] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of the 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.[17]

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–Phlx–2005–75 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–Phlx–2005–75. 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 Phlx. 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–Phlx–2005–75 and should be submitted on or before February 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Nancy M. Morris,

Secretary.

[FR Doc. E6–432 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

transactions executed on the same trading day in the same options class. These fee caps are implemented after any applicable rebates are applied to ROT and specialist equity option transaction and comparison charges. The fee caps are in effect as a pilot program that is currently set to expire on March 1, 2006. *See* Securities Exchange Act Release No. 52380 (September 2, 2005), 70 FR 53828 (September 12, 2005).

[10] *See* Securities Exchange Act Release Nos. 48983 (December 23, 2003), 68 FR 75703 (December 31, 2003); and 51596 (April 21, 2005), 70 FR 22381 (April 29, 2005).

[11] Members who wish to benefit from the fee cap submit to the Exchange the same written rebate request form with supporting documentation to receive the cap.

[12] No new fees are being proposed, nor are any fees being imposed retroactively. Rather, the rebate request form for January 2006, which covers transactions occurring in December 2005, is now due at an earlier date.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A)(i).

[16] 17 CFR 240.19b–4(f)(1).

[17] The effective date of the original proposed rule change is November 30, 2005, the date of the original filing, and the effective dates of Amendments No. 1 and 2 are, respectively, December 21, 2005 and January 10, 2006, the filing dates of the amendments. For purposes of calculating the 60-day abrogation period within which the Commission may summarily abrogate the proposed rule change, as amended, under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on January 10, 2006, the date on which the Exchange submitted Amendment No. 2. *See* 15 U.S.C. 78s(b)(3)(C).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53095; File No. SR–Phlx–2005–84]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Rule 1009 To Reference the Exchange's ''designated staff'' or ''designated department'' Instead of Its ''Department of Securities''

January 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 28, 2005, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Phlx. The Phlx filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission.[5] 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 Phlx proposes to amend Phlx Rule 1009 to change the reference from Department of Securities (''DOS'') to the Exchange's ''designated staff'' or ''designated department'' to conform the rule to a recent internal departmental name change. The text of the proposed rule change is below. Proposed new text is in *italic,* and proposed deletions are in [brackets].

Rule 1009. Criteria for Underlying Securities

(a), (b) and (c)—No Change.

Commentary:

.01—No Change.

.02 (a) Members, member organizations or any person proposing to list any option not currently listed on the Exchange shall submit a form of request (a ''Request to List an Option''), available from the Exchange's [Department of Securities (''DOS''), to DOS staff *''designated staff'' or ''designated department'' (together ''the designated department'').*

(b) As soon as practicable, but not later than three (3) business days following receipt of the Request to List an Option, [DOS staff] *the designated department* shall review the proposed option's eligibility for listing, using the objective listing criteria set forth in Commentary .01 of this Rule. If [DOS staff] *the designated department* determines that the proposed option does not meet the objective listing criteria set forth in Commentary .01 of this Rule, [DOS staff] *the designated department* shall prepare a responsive form (a ''Notification Memorandum'') stating the reason(s) why the proposed option is not eligible for listing. [DOS staff] *The designated department* shall forward the Notification Memorandum to the member or member organization that submitted the Request to List an Option within three (3) business days of its determination that the proposed option does not meet objective listing criteria. [DOS staff] *The designated department* shall maintain all Requests to List an Option and Notification Memoranda in a central file for a period of not less than five (5) years.

(c) If [DOS staff] *the designated department* determines that the proposed option meets the objective listing criteria set forth in Commentary .01 of this Rule, [DOS staff] *the designated department* shall present the initial Request to List an Option and the subsequent review to the Chairman of the Board of Governors or his designee, who shall, within ten (10) business days of receipt of the Request to List an Option, instruct [DOS staff] *the designated department* to:

(i) Solicit options specialists to submit applications for specialist privileges in the option; or

(ii) Within three (3) business days, prepare and forward a letter to the member or member organization that submitted the Request to List an Option, setting forth in reasonable detail the basis on which the decision not to list, or to place limitations or conditions upon, the proposed option was made.

.02 (d)–(e)—No Change.

.03–.07—No Change.

* * * * *

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 Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The Phlx 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

Currently, Commentary .01 to Phlx Rule 1009 states that the Department of Securities (''DOS'') receives and processes a ''Request to List an Option'' form. Due to the recent renaming of DOS at the Exchange, references to DOS in Phlx Rule 1009 need to be changed. To allow adequate flexibility in the event that further changes are necessary in the future, the Exchange proposes to replace in Phlx Rule 1009, the term ''DOS'' with the terms ''designated staff'' or ''designated department.''[6]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is 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, by eliminating obsolete references in Phlx Rule 1009.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] As required by Rule 19b–4(f)(6)(iii), 17 CFR 240.19b–4(f)(6)(iii), the Phlx submitted written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing.

[6] Promptly after publication by the Commission of this filing, the Exchange will announce the designated staff or designated department that will receive and process the ''Request to List an Option'' form by way of a memorandum to Exchange membership. Thereafter, change in the designated staff or designated department, which change may be made by an officer of the Exchange, and the effective date thereof will be announced by way of a memorandum to Exchange membership.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Phlx 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

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx has asked the Commission to waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change corrects references that are now obsolete.[9] For this reason, the Commission designates that the proposal has become effective and operative immediately upon filing with the Commission.

At any time within 60 days of the filing of the 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.[10]

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–Phlx–2005–84 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–Phlx–2005–84. 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 Phlx.

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–Phlx–2005–84 and should be submitted on or before February 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–433 Filed 1–17–06; 8:45 am]

BILLING CODE 8010–01–P

[9] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] *See* Rule 19b–4(f)(6)(iii), 17 CFR 240.19b–4(f)(6)(iii).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0432]

Telesoft Partners II SBIC, LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Telesoft Partners II SBIC, LP, 1450 Fashion Island Blvd., Suite 610, San Mateo, CA 94404, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Telesoft Partners II SBIC, LP proposes to provide equity/debt security financing to LogLogic, Inc. The financing is contemplated for working capital and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Telesoft Partners II QP, LP, Telesoft Partners II, LP and Telesoft NP Employee Fund, LLC, all Associates of Telesoft Partners II SBIC, L.P., own more than ten percent of LogLogic, Inc.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: November 30, 2005.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

[FR Doc. E6–439 Filed 1–17–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10131]

Maine Disaster # ME–00002 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of an Economic Injury Disaster Loan (EIDL) declaration for the State of Maine, dated 01/06/2006.

Incident: Outbreak of red tide in the waters off Maine.

Incident Period: May 24, 2005 and continuing.

DATES: *Effective Date:* January 6, 2006.

EIDL Loan Application Deadline Date: March 23, 2006.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of an Economic Injury declaration for the State of Maine dated June 23, 2005, is hereby amended to include the following areas as adversely affected by the disaster.

Primary County: Piscataquis.

All other counties contiguous to the above named primary county have previously been declared.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: January 6, 2006.

Hector V. Barreto,

Administrator.

[FR Doc. E6–441 Filed 1–17–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Water Treatment Chemicals.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Water Treatment Chemicals. The basis for waivers is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses or SBA's 8(a) Business Development Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

DATES: Comments and source information must be submitted on or before February 3, 2006.

ADDRESSES: You may submit comments and source information to Edith Butler, Program Analyst, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Edith Butler, Program Analyst, by telephone at (202) 619–0422; by FAX at 481–1788; or by e-mail at *edith.butler@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule.

The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines ''class of products'' based on six-digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS).

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Water Treatment Chemicals, North American Industry Classification System (NAICS) 325188, and 325199. The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for these NAICS codes.

Dated: January 9, 2006.

Karen C. Hontz,

Associate Administrator for Government Contracting.

Attachment A: Product Listing

SIN 524–2 FUEL OIL TREATMENT CHEMICALS

FuelSolv FS915
FuelSolv FS916
FuelSolv FS917
FuelSolv MGP3275
FuelSolv OMG8500
FuelSolv PB901

SIN 524–2 BOILER TREATMENT CHEMICALS

Aquamax IEC2
Aquamax IEC800
CorTrol IS100
CorTrol IS102
CorTrol IS103
CorTrol IS104
CorTrol IS3000
CorTrol OS131
CorTrol OS133
CorTrol OS5300
CorTrol OS7780
OptiGuard MCA624
RediFeed OptiGuard MCA630
OptiGuard MCM610
RediFeed OptiGuard MCM955
OptiGuard MCP600
OptiGuard MCP601
RediFeed OptiGuard MCP953
Optisperse ADJ560
Optisperse ADJ561
Optisperse APO200
Optisperse APO520
Optisperse AP301
Optisperse AP302
Optisperse CL361
Optisperse CL362
Optisperse CL363
Optisperse CPS500
Optisperse CPS501
Optisperse CPS502
Optisperse CPS503
Optisperse CPS504
Optisperse PO400
Optisperse PO423
Optisperse PO424
Optisperse SP530
Optisperse SP531
Optisperse SP532
Steamate FM760
Steamate FM761
Steamate FM1000
Steamate NA0240
Steamate NA0540
Steamate NA2140
Steamate NA2260
Steamate NA700
Steamate NA701
Steamate NA720
Steamate NA703
Steamate NA707
Steamate NA711
Steamate NA713
Steamate NA715

SIN 524–2 COOLING WATER TREATMENT CHEMICALS

Continuum AEC213
Continuum AEC216
Continuum AEC217
Continuum AEC218
Continuum AEC223
Continuum AEC225
Continuum AEC230
Continuum AEC231

Continuum AEC232
Continuum AT201
Continuum AT202
Continuum AT203
Continuum AT205
Continuum AT209
Continuum AT220
Depositrol PY505
Depositrol PY5200
Depositrol SF502
Depositrol SF504
Dianodic DN300
Dianodic DN302
Dianodic DN310
Ferroquest LP7200
Ferroquest LP7202
FloGard POT802
FloGard POT807
FoamTrol AF2290
FoamTrol AF706
FoamTrol AF724
FoamTrol AF1440
Inhibitor AZ604
Inhibitor AZ660
Inhibitor AZ8101
Inhibitor PM508
Inhibitor PM608
Inhibitor PM609
Inhibitor PM610
Kleen AC9507
RediFeed Continuum AT901
RediFeed Continuum AT902
RediFeed Spectrus OX903
Spectrus BD152
Spectrus BD1550
Spectrus NX102
Spectrus NX104
Spectrus NX106
Spectrus NX108
Spectrus NX110
Spectrus NX1104
Spectrus NX112
Spectrus NX114
Spectrus NX122
Spectrus OX101
Spectrus OX103
Spectrus OX105
Spectrus OX903
Spectrus OX909
Spectrus OX1201
Spectrus OX1240

SIN 524–2 CLOSED SYSTEM TREATMENT CHEMICALS

Corrshield MD400
Corrshield MD407
Corrshield NT402
Corrshield NT403
Corrshield NT411
Corrshield OR404
Ferroquest FQ7101
Ferroquest FQ7102
Ferroquest FQ7103

SIN 524–2 MULTI FUNCTION PRODUCTS

AE 1128P
BioPlus BA900
BioPlus BA2920
BioPlus BA2921
Pot 804
KlarAid CDP 1339P
KlarAid IC 1172P
KlarAid PC 1192P
KlarAid PC 1195P
PolyFloc AE 1115
PolyFloc AP 1100
PolyFloc AP 1120P
ProSweet OC2532
ProSweet OC2533
ProSweet OC2534
ProSweet OC2543

[FR Doc. E6–440 Filed 1–17–06; 8:45 am]
BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5274]

60-Day Notice of Proposed Information Collection: DS–3077, Request for Entry Into Children's Passport Issuance Alert Program, OMB 1405–XXXX

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Request for Entry into Children's Passport Issuance Alert Program.
- OMB Control Number: None.
- Type of Request: New collection.
- Originating Office: CA/OCS/CI.
- Form Number: DS–3077.
- Respondents: Concerned parents or their agents, institutions, or courts.
- Estimated Number of Respondents: 2400/year.
- Estimated Number of Responses: 2400/year.
- Average Hours Per Response: 50 minutes.
- Total Estimated Burden: 1992 hours/year.
- Frequency: On occasion.
- Obligation to Respond: Voluntary.

DATES: The Department will accept comments from the public up to 60 days from March 20, 2006.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *ferbercm@state.gov.*
- Mail (paper, disk, or CD–ROM submissions): Corrin Ferber, Attorney Adviser, CA/OCS/PRI, U.S. Department of State, Washington, DC 20520–4818.
- Fax: 202–736–9111.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection should be made to Corrin Ferber, Attorney Adviser, CA/OCS/PRI, U.S. Department of State, Washington, DC 20520–4818, who may be reached on 202–736–9172 or *ferbercm@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

Abstract of proposed collection:

The information requested will be used to support entry of a minor's (an unmarried person under 18) name into the Children's Passport Issuance Alert Program (CPIAP). CPIAP provides a mechanism for parents or other persons with legal custody of a minor to obtain information regarding whether the Department has received a passport application for the minor. This program was developed as a means to prevent international abduction of a minor or to help prevent other travel of a minor without the consent of a parent or legal guardian. If a minor's name and other identifying information has been entered into the CPIAP, when the Department receives an application for a new, replacement, or renewed passport for the minor, the application will be placed on hold for up to 60 days and the Office of Children's Issues will attempt to notify the requestor of receipt of the application. Form DS–3077 will be primarily submitted by a parents or legal guardians of a minor.

Methodology:

The completed form DS–3077 may be submitted to the Office of Children's Issues by mail, by fax, or electronically through *http://www.travel.state.gov.*

Dated: December 5, 2005.

Catherine Barry,

Deputy Assistant Secretary Consular Affairs, Overseas Citizens Services, Department of State.

[FR Doc. E6–459 Filed 1–17–06; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 5275]

Culturally Significant Objects Imported for Exhibition Determinations: ''Courbet and the Modern Landscape''

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 to be included in the exhibition ''Courbet and the Modern Landscape,'' 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 at the J. Paul Getty Museum, Los Angeles, CA, from on or about February 21, 2006, until on or about May 14, 2006, the Museum of Fine Arts, Houston, TX, from on or about June 18, 2006, until on or about September 10, 2006, the Walters Art Museum, Baltimore, MD, from on or about October 15, 2006, until on or about January 7, 2007, 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 Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8049). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: January 10, 2006.

C. Miller Crouch,

Principal Deputy Assistant, Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E6–460 Filed 1–17–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) 23–13A, Fatigue, Fail-Safe, and Damage Tolerance Evaluation of Metallic Structure for Normal, Utility, Acrobatic, and Commuter Category Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 23–13A, Fatigue, Fail-Safe, and Damage Tolerance Evaluation of Metallic Structure for Normal, Utility, Acrobatic, and Commuter Category Airplanes. The AC sets forth an acceptable means, but not the only means, to show compliance with applicable fatigue, fail-safe, and damage tolerance evaluations required for metallic structure in normal, utility, acrobatic, and commuter category airplanes. The AC provides information on approval of continued operational flight with known cracks in the structure of small airplanes, regardless of certification basis. The AC also clarifies the use of AC 20–128A in the evaluation of rotorburst structural hazards in small airplanes. Finally, the AC consolidates existing policy documents and certain technical reports into one document.

DATES: Advisory Circular 23–13A was issued by the Manager of the Small Airplane Directorate on September 29, 2005.

How to Obtain Copies: A paper copy of AC 23–13A may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, M–30, Ardmore East Business Center, 3341Q 75th Avenue, Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394.

The AC will also be available on the Internet at: *http://www.airweb.faa.gov/ac.*

Issued in Kansas City, Missouri, on January 10, 2006.

John Colomy,

Acting Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. E6–450 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review, Request for Comments; Renewal of an Approved Information Collection Activity, Part 93, Subpart U—Special Flight Rules in the Vicinity of Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The National Parks Overflights Act mandates that the recommendations provide for ''substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight.'' The FAA will use the information to monitor compliance with the regulations. These respondents are Grand Canyon National Park (GCNP) air tour operators. A notice for public comment was published in the **Federal Register** on 9/6/2005, vol. 70, #171, pages 53039–53040.

DATES: Please submit comments by February 17, 2006.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Part 93, Subpart U—Special Flight Rules in the Vicinity of Grand Canyon National Park.

Type of Request: Renewal of an approved collection.

OMB Control Number: 2120–0653.

Forms(s): None.

Affected Public: A total of 15 air tour operators.

Frequency: Conducted on an as-needed basis.

Estimated Average Burden Per Response: Approximately 1 hour.

Estimated Annual Burden Hours: An estimated 94 hours annually.

Abstract: The National Parks Overflights Act mandates that the recommendations provide for ''substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight.'' The FAA will use the information to monitor compliance with the regulations. These respondents are GCNP air tour operators.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: 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; the accuracy of the Department's estimates of the burden of the proposed information collection; 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 on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 10, 2006.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 06–411 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Operating Requirements: Commuter and On-Demand Operation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: Title 49 U.S.C. 44702, authorizes the issuance of air carrier operating certificates. 14 CFR part 135 prescribes requirements forAir Carrier/Commercial Operators. The information collected shows compliance and applicant eligibility.

DATES: Please submit comments by March 20, 2006.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895, or be e-mail at: *Judy.Street@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Operating Requirements: Commuter and On-Demand Operation.

Type of Request: Renewal of an approved collection.

OMB Control Number: 2120–0039.

Form(s): FAA Form 8070–1.

Affected Public: A total of 2,765 respondents.

Frequency: The information is collected as needed.

Estimated Average Burden per Response: Approximately 1 minute per response.

Estimated Annual Burden Hours: An estimated 1,164,091 hours annually.

Abstract: Title 49 U.S.C. 44702, authorizes the issuance of air carrier operating certificates. 14 CFR part 135 prescribes requirements for Air Carrier/Commercial Operators. The information collected shows compliance and applicant eligibility.

ADDRESSES: Send comments to the FAA at the following address: Ms. Judy Street, Room 612, Federal Aviation Administration, Information Systems and Technology Services Staff, ABA–20,800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: 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; the accuracy of the Department's estimates of the burden of the proposed information collection; 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 on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 11, 2006.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 06–414 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Commercial Space Transportation Licensing Regulations

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of request for comments.

SUMMARY: The required information will be used to determine if applicant proposals for conducting commercial space launches can be accomplished in a safe manner according to regulations and license orders issued by the Office of the Associate Administrator for Commercial Space Transportation. Respondents are applying for licenses to authorized licensed launch activities.

DATES: Please submit comments by March 20, 2006.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895, or by e-mail at *Judy.Street@faa.gov.*

SUPPLEMENTARY INFORMATION: Federal Aviation Administration (FAA).

Title: Commercial Space Transportation Licensing Regulations.

Type of Request: Renewal of an approved collection.

OMB Control Number: 2120–0608.

Forms(s): FAA Form 8800–1.

Affected Public: A total of 3 respondents.

Frequency: The information is collected as needed.

Estimated Average Burden per Response: Approximately 378 hours per response.

Estimated Annual Burden Hours: An estimated 1,138 hours annually.

Abstract: The required information will be used to determine if applicant proposed for conducting commercial space launches can be accomplished in a safe manner according to regulations and license orders issued by the Office of the Associate Administrator for Commercial Space Transportation. Respondents are applying for licenses to authorize licensed launch activities.

ADDRESSES: Send comments to the FAA of the following address: Ms. Judy Street, Room 612, Federal Aviation Administration, Information Systems and Technology Services Staff, ABA–20, 800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: 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; the accuracy of the Department's estimates of the burden of the proposed information collection; 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 on respondents, including the uses of automated collection technique or other forms of information technology.

Issued in Washington, DC, on January 11, 2006.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 06–415 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Changes in Permissible Stage 2 Airplane Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This information will be used to issue special flight authorizations for non-revenue operations of Stage 2 airplanes at U.S. airports. Only a minimal amount of data is requested to identify the affected parties and determine whether the purpose for the flight is one of those enumerated by law.

DATES: Please submit comments by March 20, 2006.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895, or by e-mail at: *Judy.Street@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Changes in Permissible Stage 2 Airplane Operations.

Type of Request: Renewal of an approved collection.

OMB Control Number: 2120–0652.

Forms(s): NA.

Affected Public: A total of 100 respondents.

Frequency: The information is collected as needed.

Estimated Average Burden per Response: Approximately 15 minutes per response.

Estimated Annual Burden Hours: An estimated 25 hours annually.

Abstract: This information will be used to issue special flight authorizations for non-revenue operations of Stage 2 airplanes at U.S. airports. Only a minimal amount of data is requested to identify the affected parties and determine whether the purpose for the flight is one of those enumerated by law.

ADDRESSES: Send comments to the FAA at the following address: Ms. Judy Street, Room 612, Federal Aviation Administration, Information Systems and Technology Services Staff, ABA–20, 800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: 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; the accuracy of the Department's estimates of the burden of the proposed information collection; 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 on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 11, 2006.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 06–416 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice; Addison Airport, Addison, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the town of Addison under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On September 22, 2004, the FAA determined that the noise exposure maps submitted by the town of Addison under part 150 were in compliance with applicable requirements. On December 22, 2005, the FAA approved the Addison Airport noise compatibility program. Most of the recommendations of the program were approved.

DATES: *Effective Date:* The effective date of the FAA's approval of the Addison Airport noise compatibility program is December 22, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Blackford, Environmental Specialist, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0650. Telephone (617) 222–5607. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Addison Airport, effective December 22, 2005.

Under section 47504 of the Act, an Airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or

approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA regional office in Fort Worth, Texas.

The town of Addison submitted to FAA on September 1, 2004, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from October 2001 through September 2004. The Addison Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on September 22, 2004. Notice of this determination was published in the **Federal Register** on September 29, 2004.

The Addison Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on July 1, 2005, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained nineteen (19) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective December 22, 2005.

Outright approval was granted for twelve (12) of the specific program elements. One (1) element was disapproved, one (1) element was disapproved pending submittal of additional information, two (2) elements were partially approved, and three (3) elements required no action. Disapproved element proposed to create a departure procedure for runway 15 that incorporates maintaining runway heading for 1.5 distance measuring equipment (DME) prior to turning on course for business jets and turboprop aircraft. In addition to impacts on airspace operational efficiency, the element did not meet Part 150 approval criteria of reducing non-compatible land uses exposed to 65 DNL. Element disapproved pending submittal of additional information proposed acquisition of a 6.98-acre section of land, which borders airport property to the northwest and is contained within the 2007 70 and 75 DNL noise contours. The 6.98-acre section of land is zoned for compatible industrial and transportation land uses and is located within the jurisdiction of the Town of Addison. Supporting information is required to demonstrate that noncompatible development is highly likely, and that existing and proposed new local land use controls are inadequate to prevent that development. Approved measures included sound insulation of fifteen (15) single-family homes and 368 apartment units within the 2007 65 DNL contour; one (1) measure contained in the Noise Abatement Element; nine (9) measures, two (2) approved in part, contained in the Land Use Management Element; and four (4) measures included in the Program Management Element.

These determinations are set forth in detail in a Record of Approval signed by the Associate Administrator for Airports, ARP–1, on December 22, 2005. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Addison Airport. The Record of Approval also will be available on-line at *http://www.faa.gov/arp/environmental/14cfr150/index14.cfm.*

Issued in Fort Worth, Texas, January 10, 2006.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 06–409 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Revision Number 2 To Approved Noise Compatibility Program and Request for Review for the Scottsdale Airport, Scottsdale, AZ

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed second revision to the approved noise compatibility program that was submitted for Scottsdale Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150 by the City of Scottsdale. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Scottsdale Airport were in compliance with applicable requirements, effective February 14, 1986. The Noise Compatibility Program for Scottsdale Airport was approved by the FAA on December 19, 1986. The proposed Revision No. 2 to the noise compatibility program will be approved or disapproved on or before May 31, 2006.

DATES: *Effective Date:* The effective date of the start of FAA's review of the revision to the approved noise compatibility program is December 2, 2005. The public comment period ends January 31, 2006.

FOR FURTHER INFORMATION CONTACT: Michelle Simmons, Environmental Protection Specialist, Airports Division, AWP–623.4, Federal Aviation Administration, Western Pacific Region. Mailing Address: P.O. Box 92007, Los Angeles, California, 90009–2007; Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261; Telephone Number (310) 725–3614. Comments on the proposed Revision No. 2 to the approved noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Revision No. 2 to the approved noise compatibility program for Scottsdale Airport, which will be approved or disapproved on or before May 31, 2006. This notice also announces the availability of Revision No. 2 for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the Revision No. 2 to the approved noise

compatibility program for Scottsdale Airport, effective on May 5, 2005. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. On December 19, 1986, the FAA approved the Noise Compatibility Program for the Scottsdale Airport. Preliminary review of the submitted material for the proposed Revision No. 2 indicates that it conforms to FAR part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before May 31, 2006.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measure may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether it is reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program Revision No. 2 to the approved noise compatibility program, with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the approved noise compatibility program, and the proposed revision No. 2 are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, Community Environmental Needs Division, 800 Independence Avenue, SW., Room 621, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, Room 3012, Hawthorne, CA 90261.

City of Scottsdale, 15000 N. Airport Drive Suite 200, Scottsdale, Arizona 85260.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on December 2, 2005.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 06–412 Filed 1–17–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Extension of Public Scoping Period for the Preparation of an Environmental Impact Statement for the Proposed Relocation of Runway 11R/29L and Associated Development at the Tucson International Airport in Tucson, AZ

AGENCY: Federal Aviation Administration.

ACTION: Extension of public scoping comment period for an Environmental Impact Statement.

SUMMARY: The FAA is extending the public scoping comment period for an additional 90 days to allow further participation in the scoping process. For additional information, the original announcement regarding the notice of intent to prepare an Environmental Impact Statement and to conduct scoping meetings was published in the **Federal Register** on October 13, 2005 (Volume 70, Number 197), Page 59800–59801. As a result of the meeting held on November 15, 2005, the FAA decided to extend the comment period to accommodate comments from potentially affected parties. Written comments on the scope of the EIS must be received no later than 5 p.m. Pacific Standard Time, March 15, 2006.

FOR FURTHER INFORMATION CONTACT: Michelle Simmons, Environmental Protection Specialist, Federal Aviation Administration, Western-Pacific Region, Airports Division, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: (310) 725–3614.

Issued in Hawthorne, California, on Wednesday, January 4, 2006.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific, Region AWP–600.

[FR Doc. 06–410 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–23032]

Agency Information Collection Activities; Request for Comments; Renewed Approval of Information Collections: OMB Control Numbers 2126–0032 and 2126–0033 (Financial and Operating Statistics for Motor Carriers of Property)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FMCSA invites public comment on its intent to request approval from the Office of Management and Budget (OMB) to renew two information collections entitled, ''The Annual Report of Class I and Class II Motor Carriers of Property (Form M)'' and ''The Quarterly Report of Class I Motor Carriers of Property (Form QFR).'' These information collections are necessary to ensure that motor carriers comply with FMCSA's financial and operating statistics (F&OS) program requirements. This notice is required by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before March 20, 2006.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493–2251; or submit electronically at *http://dms.dot.gov.* Comments should reference Docket No. FMCSA–2005–23032. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you desire your comment to be acknowledged, you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Proctor, Office of Research and Analysis, phone (202) 366–2998, FAX (202) 366–3518, e-mail *toni.proctor@fmcsa.dot.gov,* Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Suite 8214, Washington, DC 20590. Office hours are from 8 a.m. to 4 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

(1) *Title:* Annual Report of Class I and Class II Motor Carriers of Property (former OMB Control Number 2139–

0004 information collection transferred from Bureau of Transportation Statistics (BTS) to FMCSA on November 8, 2004).

OMB Control No: 2126–0032.

Form No.: Form M.

Type of Review: Extension of a currently approved collection.

Respondents: Class I and Class II Motor Carriers of Property.

Number of Respondents: 3,000 (per year).

Estimated Time per Response: 9 hours.

Expiration Date: January 31, 2006.

Frequency: Annually.

Total Annual Burden: 27,000 hours.

(2) *Title:* Quarterly Report of Class I and Class II Motor Carriers of Property (former OMB Control Number 2139–0002 information collection transferred from BTS to FMCSA on November 8, 2004).

OMB Control No: 2126–0033.

Form No.: Form QFR.

Type of Review: Extension of a currently approved collection.

Respondents: Class I Motor Carriers of Property.

Number of Respondents: 1,000 (per quarter).

Estimated Time per Response: 1.8 hours (27 minutes per quarter).

Expiration Date: January 31, 2006.

Frequency: Quarterly.

Total Annual Burden: 1,800 hours.

Background

The Annual Report of Class I and Class II Motor Carriers of Property (Form M) and the Quarterly Report of Class I Motor Carriers of Property (Form QFR) are mandated reporting requirements for for-hire motor carriers. Motor carriers subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues (including interstate and intrastate).[1] Under the F&OS program, FMCSA collects balance sheet and income statement data along with information on safety needs, tonnage, mileage, employees, transportation equipment, and other related data. FMCSA may also ask carriers to respond to surveys concerning their operations. The data and information collected will be made publicly available and used by FMCSA to determine a motor carrier's compliance with the F&OS program requirements prescribed at subchapter B of 49 CFR part 1420.

The regulations were formerly administered by the Interstate Commerce Commission and later transferred to the U.S. Department of Transportation on January 1, 1996 by section 103 of the Interstate Commerce Commission Termination Act of 1995 (Pub. L. 104–88, December 29, 1995, 109 Stat. 803) codified at 49 U.S.C. 14123. The Secretary of Transportation (Secretary) transferred the authority to administer the F&OS program to BTS on September 30, 1998 (63 FR 52192). Pursuant to this authority, BTS, now part of the Research and Innovative Technology Administration (RITA), became the responsible DOT modal administration for implementing the F&OS program and requirements in 49 CFR 1420. On September 29, 2004, the Secretary transferred the responsibility for the F&OS program from BTS to FMCSA (69 FR 51009). The latter agency plans to publish a final rule in the future to transfer and redesignate the F&OS reporting requirements from BTS (now RITA) to FMCSA.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued on January 11, 2006.

Annette M. Sandberg,

Administrator.

[FR Doc. E6–453 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–EX–P

[1] For purposes of the F&OS program, carriers are classified into the following three groups; (1) Class I carriers are those having annual carrier operating revenues (including interstate and intrastate) of $10 million or more after applying the revenue deflator formula in Note A of 49 CFR 1420; (2) Class II carriers are those having annual carrier operating revenues (including interstate and intrastate) of at least $3 million but less than $10 million after applying the revenue deflator formula in Note A of 49 CFR 1420; and (3) Class III carriers are those having annual carrier operating revenues (including interstate and intrastate) of less than $3 million after applying the revenue deflator formula in Note A of 49 CFR 1420.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Association of American Railroads

(Waiver Petition Docket Number FRA–2005–23107)

The Association of American Railroads (AAR), on behalf of its member railroads, seeks a waiver from certain provisions of 49 CFR part 229 regarding movement of locomotives with a burned out 350-watt headlamp. The specific section from which relief is requested and the justifications for such relief is as follows: Title 49 CFR 229.125 requires that lead locomotives be equipped with a headlight which produces a minimum intensity of 200,000 candela. In the case of the 350-watt lamp currently in use by the railroads, two lamps burning together are needed to reliably meet this requirement. A lead locomotive with only one 350-watt lamp illuminated would be considered a non-complying locomotive and could only be moved under the provisions of 49 CFR 229.9. AAR seeks a waiver permitting such a locomotive to continue in service as a lead locomotive, with both auxiliary lights burning steadily, until its next calendar day inspection. The proposed relief would not apply to a lead locomotive on a train required to have an initial terminal inspection. In that case, the locomotive would be repaired or switched to a trailing position prior to departure. In support of its petition, AAR contends that ''Since no scientific study has been done showing the minimum amount of light needed for safety purposes, no adverse safety conclusions can be drawn about either lamp.'' They also point out that when the headlight intensity was set at 200,000 candela in 1980, there was not yet any requirement for auxiliary lights, which now supplement the headlight. Further, they point out that the relief requested for a locomotive with one 350-watt headlight lamp out is similar to the provisions already in effect for auxiliary lights (see 49 CFR 229.125(g)).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number 2005–23107) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on January 9, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–454 Filed 1–17–06; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34801]

Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company

Western New York & Pennsylvania Railroad, LLC (WNYP), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from the Norfolk Southern Railway Company (NSR) and operate approximately 45.25 miles of rail lines located between Meadville and Rouseville, in Crawford and Venango Counties, PA. The rail lines are as follows: (1) The Meadville Industrial Track between milepost 102.3 and milepost 105.5; (2) the Franklin Secondary Track between milepost 0.0 (which connects with the Meadville Industrial Track at milepost 105.42) and milepost 23.0; (3) the Franklin Industrial Track between milepost 23.0 and milepost 33.6; (4) the Titus Industrial Track between milepost 137.32 and milepost 133.8, and between milepost 137.32 and milepost 137.5; and (5) the Oil City Industrial Track between milepost 0.0 and milepost 2.0, and between milepost 132.25 and milepost 129.5 at the end of the track. NSR will retain overhead trackage rights over the Meadville Industrial Track between milepost 102.3 and milepost 105.5.

WNYP certifies that its projected annual revenues as a result of the transaction will not result in its becoming a Class I or Class II rail carrier and will not exceed $5 million.

WNYP states that the parties intended to consummate the transaction on or soon after December 26, 2005, the effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34801, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart Nicholson Graham LLP, 1800 Massachusetts Avenue, 2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: January 10, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06–393 Filed 1–17–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34796]

Iowa Interstate Railroad, Ltd.—Sublease Exemption—CSX Transportation, Inc.

AGENCY: Surface Transportation Board.

ACTION: Petition for exemption.

SUMMARY: The Board grants an exemption, under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 10902 for Iowa Interstate Railroad, Ltd. (IAIS), a Class II carrier, to sublease from CSX Transportation, Inc. (CSXT), and operate a line of railroad totaling approximately 31.9 miles. The rail line, presently leased and operated by CSXT extends from milepost BIF 95, in Utica, IL, to milepost BIF 126.9, in Henry, IL.

DATES: This exemption will be effective on February 3, 2006. Petitions to stay must be filed by January 25, 2006. Petitions to reopen must be filed by February 7, 2006.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to STB Finance Docket No. 34796, to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Edward J. Krug, Krug Law Firm, P.L.C., 401 First Street, SE., P.O. Box 186, Cedar Rapids, IA 52406–0186.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 565–1608 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail *asapdc@verizon.net;* telephone (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339].

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 10, 2006.

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. E6–421 Filed 1–17–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–105606–99; REG–161424–01]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning REG–161424–01 (Final), Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns, and REG–105316–98 (Final), Information Reporting for Payments of Interest on Qualified Education Loans; Magnetic Media Filing Requirements for Information (TD 8992).

DATES: Written comments should be received on or before March 20, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulations should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: REG–161424–01 (Final), Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns, and REG–105316–98 (Final), Information Reporting for Payments of Interest on Qualified Education Loans; Magnetic Media Filing Requirements for Information.

OMB Number: 1545–1678.

Regulation Project Numbers: REG–105316–98 and REG–161424–01.

Abstract: These regulations relate to the information reporting requirements in section 6050S of the Internal Revenue Code for payments of qualified tuition and related expenses and interest on qualified education loans. These regulations provide guidance to eligible education institutions, insurers, and payees required to file information returns and to furnish information statements under section 6050S.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

The burden is reflected in the burdens for Form 1098–T and Form 1098–E.

Estimated total annual reporting burden for 2005 for Form 1098–T: 4,848,090 hours.

Estimated average annual burden hours per response for Form 1098–T: 13 minutes.

Estimated number of responses for 2002 for Form 1098–T: 21,078,651.

Estimated total annual reporting burden for 2005 for Form 1098–E: 1,051,357 hours.

Estimated average annual burden hours per response for Form 1098–E: 7 minutes.

Estimated number of responses for 2005 for Form 1098–E: 8,761,303.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 15, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–428 Filed 1–17–06; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Announcement of the Spring 2006 Solicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency Announces its Upcoming Spring 2006 Solicited Grant Competition. The Solicited Grant competition is restricted to projects that fit specific themes and topics identified in advance by the Institute of Peace.

The themes and topics for the Spring 2006 Solicited competition are:

- Solicitation A: Promoting Private Sector Economic Recovery in Countries Emerging from Violent Conflict
- Solicitation B: Electoral Politics and Islamic Political Parties and Groups in Muslim Majority Countries

Deadline: March 1, 2006. Application Material Available on Request and at *http://www.usip.org/grants.*

DATES: Receipt of Application: March 1, 2006. Notification Date: September 30, 2006.

ADDRESSES: For more information and an application package: United States Institute of Peace, Grant Program—Solicited Grants, 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone), (202) 833–1018 (fax), (202) 457–1719 (TTY), e-mail *grants@usip.org.*

FOR FURTHER INFORMATION CONTACT: The Grant Program. Phone (202)–429–3842. e-mail: *grants@usip.org.*

Dated: January 12, 2006.

Michael Graham,

Vice President for Administration.

[FR Doc. 06–408 Filed 1–17–06; 8:45 am]

BILLING CODE 6820–AR–M

UNITED STATES INSTITUTE OF PEACE

Announcement of the Spring 2006 Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Upcoming Unsolicited Grant Program, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution. The Unsolicited competition is open to any project that falls within the Institute's broad mandate of international conflict resolution.

Deadline: March 1, 2006. Application Material Available on Request at *http://www.usip.org/grants*.

DATES: Receipt of Application: March 1, 2006. Notification Date: September 30, 2006.

ADDRESSES: For Application Package: United States Institute of Peace, Grant Program, 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone), (202) 833–1018 (fax), (202) 457–1719 (TTY), E-mail: *grants@usip.org*.

FOR FURTHER INFORMATION CONTACT: The Grant Program—Unsolicited Grants. Phone (202)–429–3842. E-mail: *grants@usip.org*.

Dated: January 12, 2006.

Michael Graham,

Vice President for Administration.

[FR Doc. 06–407 Filed 1–17–06; 8:45 am]

BILLING CODE 6820–AR–M

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LIST OF PUBLIC LAWS

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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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